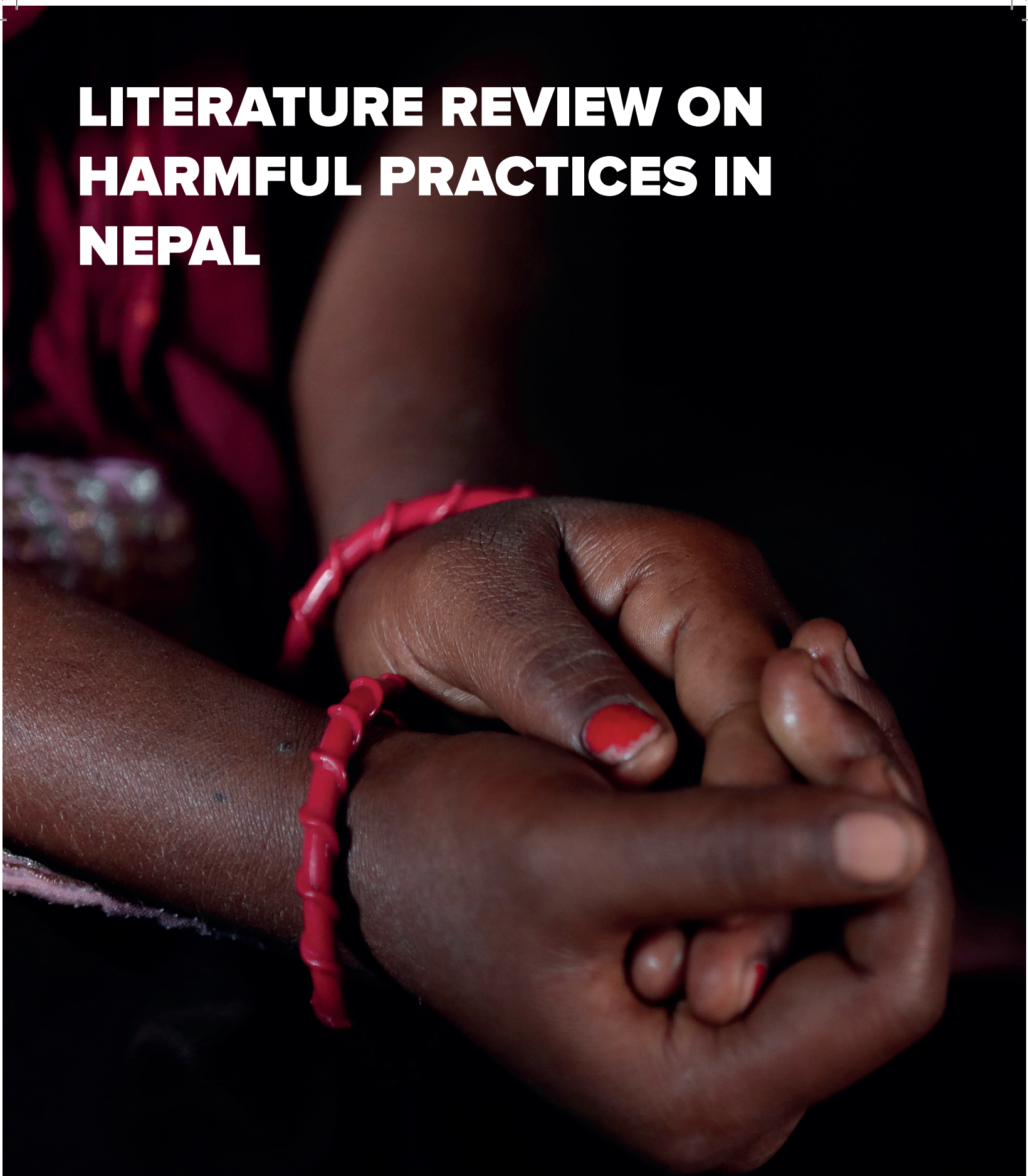


LITERATURE REVIEW ON HARMFUL PRACTICES IN NEPAL



UNITED
NATIONS
NEPAL



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LIST OF ACRONYMS

ARC	Assessment of Results and Competencies
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CEDAW Convention	Convention on the Elimination of All Forms of Discrimination against Women
CFP	Common Feedback Project
CRC	Committee on the Rights of the Child
NDHS	Nepal Demographic Health Survey
FCHV	Female Community Health Volunteer
GBV	Gender-based Violence
GBVAWG	Gender-based Violence against Women and Girls
HCT	Humanitarian Country Team
HPWG	Harmful Practices Working Group
ICPD	International Conference on Population and Development
INSEC	Informal Sector Service Centre
MCH	Maternal and Child Health
MHM	Menstrual Hygiene Management
MICS	Multiple Indicator Cluster Survey
NFCC	Nepal Fertility Care Center
OCMC	One Stop Crisis Management Center
ODF	Open Defecation Free
SGBV	Sexual and Gender Based Violence
STIs	Sexually Transmitted Infections
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNFPA	United Nations Population Fund
UNRCO	United Nations Resident Coordinator's Office
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAW	Violence Against Women
VDC	Village Development Committee
WAP	Witchcraft Accusations and Persecution
WASH	Water, Sanitation and Hygiene
WOREC	Women's Rehabilitation Center
WCS	Women and Children Service Centers
WHRIN	Witchcraft and Human Rights Information Network





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PREFACE

Every year, people across Nepal are subjected to violence, poor health outcomes, and death as a result of harmful practices. These practices stem from deeply embedded patriarchal norms and unequal power relations and are a significant barrier to the realization of human rights and equality in development outcomes, particularly for women and persons from excluded groups. Despite significant advancements in legislative and policy frameworks, harmful practices continue to pervade in Nepal.

In 2018, in recognition of harmful practices being barriers to realizing our commitments to Agenda 2030 and the principle of Leaving No One Behind, the Harmful Practices Working Group (HPWG) was established by the United Nations Country Team to support an informed, coordinated and coherent approach to addressing harmful practices across outcome areas of the UN Development Assistance Framework 2018-2022.

This literature review will act as a resource across sectors to better understand five harmful practices and their impact, namely:

- caste-based discrimination
- menstrual restrictions including chhaupadi
- child marriage
- dowry and dowry-related violence
- witchcraft accusations and persecution

While these practices are distinct, placing particular excluded groups at risk, they are interconnected and can have compounded effects on individuals. They are also related and are often perpetuated by one another. Thus, individuals, in particular women and excluded groups, may experience several harmful practices throughout their life.

Harmful practices are deeply embedded within social, cultural and religious norms and are often perceived as traditional in communities in which they are practiced. It is essential that research and strategies are informed and developed jointly with those who practice and experience these harmful practices in their day-to-day lives. The HPWG is committed to researching and untangling the complexities of these practices within social, political, economic and religious structures. This report is dedicated to exploring key harmful practices in Nepal, based on both rigorous and in some cases smaller bodies of evidence, to set the foundation for future research and action.

The impact of harmful practices cut across all development sectors, by for example limiting meaningful participation in decision making (caste-based discrimination, menstrual restrictions, accusations of witchcraft) or restricting livelihoods and economic opportunities (dowry, caste-based discrimination, child marriage, menstrual restrictions, accusations of witchcraft).

Harmful practices cannot be addressed by one sector alone but require a multi-sectoral approach. Our goal is to ensure that those working across different areas of development have the necessary information to address harmful practices in their programming to ensure that everyone realizes their right to a life of dignity, free from physical, sexual, social, and emotional violence and discrimination.

Harmful Practices Working Group, Kathmandu Nepal 2020

EXECUTIVE SUMMARY

Harmful practices can be defined as persistent behaviors that discriminate on the basis of sex, gender, age, caste/ethnicity, language, religion, and more.[1] They leave women and people from excluded groups at risk of violence, poorer physical and psychological health, educational and economic outcomes, injury, and even death.[1][2]

Individuals and groups are kept from reaching their full potential and are denied dignity and freedoms as a result of harmful practices. Notably, harmful practices are not isolated nor random; they stem from deeply-rooted patriarchal, social, cultural and religious norms perpetuated throughout centuries that view women, as well as lower caste groups, as inferior. Furthermore, harmful practices are barriers to governance and political participation, economic development, education, agricultural development, health, and more. Ending harmful practices requires a systematic, multi-sectoral, and multi-level approach, and must address structural inequality and gender discriminatory social norms.

Based on the results of the 2017 Community Perception Survey, the United Nations Country Team (UNCT) recognized harmful practices as a serious barrier to development outcomes, particularly for women and girls. The Harmful Practices Working Group (HPWG) decided to carry out an initial literature review of five harmful practices including caste-based discrimination, menstrual restrictions including chhaupadi, child marriage, dowry, and witchcraft accusation and persecution. Considering that there is little data on a number of harmful practices in Nepal, further research is imperative.

Caste-based discrimination

While caste-based discrimination continues to be widespread in Nepal, an accurate understanding of the scope of the issue is still unknown.[3][4] The numbers that are available likely grossly underestimate the true prevalence of caste-based discrimination, as incidents often go unreported.[3][5] These mostly include the prohibition of Dalit persons carrying out everyday activities, such as entering temples or going to schools, as well as discrimination toward inter-caste marriage. [3] In 2018, the Caste Based Discrimination and Untouchability Act criminalized untouchability, exclusion,

and restriction on the basis of caste with imprisonment of up to three years and a fine of up to 200,000 rupees (USD 2,000) for perpetrators.[3][5]-[7] Those most likely to face caste-based discrimination include middle and low castes, especially Dalits, those living in the least-developed regions of the country, and those living in the Tarai and hills.

Menstrual restrictions, including Chhaupadi

While chhaupadi is perhaps one of the most well-known form of restriction in Nepal, 89 percent of women and girls throughout the country reported they experience some form of restriction or exclusion during menstruation (e.g., banned from visiting temple, entering kitchens, using communal water tap).[9][10] Considered the most extreme form of menstrual restrictions, Chhaupadi is as high as 71 percent in the mid-western mountains of Nepal and involves sleeping in sheds, which are typically unhygienic, exposed, unsafe, and lacking basic necessities.8 Women and girls face numerous adversities as a result of practicing menstrual restrictions including physical and psychological impacts, lack of access to services, and increased exposure to violence. The Penal Code (2017) criminalized any type of menstrual discrimination, including Chhaupadi, with a fine of 3,000 rupees (USD 30) and/or a three-month jail sentence.[11]-[18] Those who practice chhaupadi are often Hindu, from high (Brahman, Chhetri) and low castes (Dalit), living in the hills or mountains, and living in mid or far-west Nepal.

Child marriage

While the prevalence of child marriage in Nepal is on a declining path, according to 2014 data, of women aged 20–49 years, 18 percent were married before the age of 15 and 48.5 percent were married before their 18th birthday.[8] Dowry has also been linked to perpetuating the practice of child marriage in Nepal. Younger girls require lower dowries, which incentivizes early marriage. While child marriage is still common, cases are rarely reported. Growing evidence points to a developing type of child marriage, which is self-initiated marriage, or elopement. The Civil (Code) Act, 2074 (2017) outlines that parties must be 20 years of age for solemnizing a marriage, and eliminates the clause that enabled girls

to marry younger if their parents have consented.[19] Any person involved in solemnizing a child marriage can be punished by law, with more severe sentencing and fines the younger the child. Those who experience child marriage are often girls from lower socio-economic groups, uneducated, from families that practice dowry, Madheshi, or low caste, follow Hindu or Muslim religions, live in rural areas, and are concentrated in the western mountains, mid-western hills, or central Tarai.

Dowry

An accurate understanding of the prevalence of dowry practices and dowry-related violence in Nepal is unknown.[20] The numbers available likely underestimate the scale of dowry and dowry-related violence. In 2017, under the Penal Code (Act) 2074, the government has strengthened the laws against dowry payments for marriage.[21] The new code states a three-year jail term and a 30,000 rupee fine (USD 300) for taking a dowry payment.[22]-[23] Dowry is practiced across socio-economic groups and is most prevalent in eastern tarai, especially the east among Hindu or Muslim communities. The practice is predicted to be a key contributor to domestic violence in Nepal and a key driver in child marriage.

Witchcraft accusations and persecution

Prevalence data on witchcraft accusations and persecution (WAP) in Nepal is limited. Data from 2018/2019 found 33 extra-judicial responses on basis of witchcraft accusation and persecution, and three cases of extra-judicial killings on the basis of witchcraft accusation. Other sources logged a total of 103 cases of violence against women sparked by accusations of witchcraft in 2011.[24] While helpful, these statistics only scratch the very surface of the issue and do not likely represent the full scale, severity and complexity of WAP in Nepal. Those most vulnerable to WAP include women, especially widowed or single women, Dalits, rural dwellers, those living in the Tarai, young adults between 21-40 years old, and those who are illiterate.

BACKGROUND

THE COMMON FEEDBACK PROJECT

During the response to the April 2015 earthquake in Nepal, the Common Feedback Project (CFP) was established as an innovative community engagement project funded by UK Aid and based in the UN Resident Coordinator's Office (UNRCO).[39]

The objective of the CFP was to ensure that the voices of affected people systematically feed into humanitarian response and recovery, to contribute to a more effective and responsive recovery effort. It provided support to the entire UNCT and Humanitarian Coordination Team (HCT), including all clusters and organizations, government (federal, state and local), donors, development partners, as well as civil society and other actors. The objective was to help them understand the issues of affected communities in real time, and consequently adapt policies and programs to strengthen the effectiveness of recovery work to the specific circumstances and concerns of communities. It also allows for improved communications with affected communities. The project's model has since been incorporated into Emergency Response Preparedness planning endorsed by the Government of Nepal and the UN system. CFP also expanded into the flood affected districts, and in 2017, the project received funding from the UN Development Group to pilot its innovative approach to systematic community engagement in the least developed regions of Nepal on key development priorities. As such, the CFP's mandate has expanded, and now encompasses the entire humanitarian-development cycle: response, recovery, development, and preparedness.

HARMFUL PRACTICES AND THE UNDAF 2018-2022

In 2017, 1,800 households from the least developed areas of Nepal participated in a community perception survey around the thematic areas of the new UNDAF. Results from the survey revealed interesting findings on harmful practices, where harmful practices were shown to be a serious barrier to development outcomes, particularly for women and girls. As a result, the UNCT took a decision to support and prioritise research to inform joint programming initiatives in addressing harmful practices. Furthermore, the UNCT established the HPWG, co-chaired by UNFPA and UN Women to lead this work in collaboration with UNRCO. To ensure an informed approach to joint programming, the HPWG carried out this literature review to complement the data collected under the CFP. Few studies have been conducted on harmful practices in Nepal, and this literature review aimed to consolidate the literature and determine gaps in knowledge and identify suggested areas for future action to ensure that addressing harmful practices are a key part of development strategies.

This literature review will serve as a guiding document for those working on a wide range of development issues in Nepal, to provide background, context, and suggestions for considering harmful practices and their effects within their programs.

METHODOLOGY

STUDY DESIGN

Literature reviews are commonly used for initial explorations of a topic, to clarify definitions, and understand the conceptual boundaries and gaps in a particular field.[40]-[43] Literature reviews can be particularly useful when “a body of literature has not yet been comprehensively reviewed or exhibits a complex or heterogeneous nature not amenable to a more precise systematic review of the evidence.”[43](p.1) Given that no known comprehensive literature reviews have been conducted to date on harmful practices in Nepal, and considering the exploratory nature of the study objectives, a literature review is an appropriate method to begin researching harmful practices. The review brings together a variety of studies and reports, both qualitative and quantitative, to understand the range and volume of evidence on the topic.[41][43]

The following steps were followed to identify key literature included in this review:

PILOT SEARCHING

An initial pilot search was conducted using keywords related to the five harmful practices selected, and relevant synonyms, as well as relevant keywords as noted in journals and reports and relevant references in works cited of relevant reports. Searches were initially conducted in Google and Google Scholar to determine a set of key related works for a rigorous search in the academic and gray literature.

LITERATURE SEARCHES

Once keywords and acronyms were identified, searches were carried out on a number of different databases to ensure that a wide range of sources were included. These included both academic (peer-reviewed journals and books) and grey literature (program reports, evaluations, news articles, etc.). To be included in the review, the study had to discuss a form of the five key harmful practices of interest in this review. The review aimed to capture the variety of ways in which harmful practices have been applied across multiple disciplines, therefore anthropological, sociological, development, policy, and gender-related journals and databases were reviewed.

ACADEMIC LITERATURE

Searches were conducted in the following academic databases to identify literature: Academic Search Premiere, ProQuest Dissertations and Thesis, PsycINFO, PubMed, Scopus, HIMALAYA (The Journal of the

Association for Nepal and Himalayan Studies), and eHRAF World Cultures. These databases were selected based on their inclusion of key journals and authors related to harmful practices based on initial pilot searching

GREY LITERATURE

Reports, news articles and other studies were identified through many different methods. First, inputs were gathered from key agencies and experts working on harmful practices in Nepal, including UN Women, UNFPA, UNICEF, and experts who have extensive experience in Nepal (see acknowledgements). Next, Google and Google scholar were searched using the list of keywords, to identify reports or articles that may be relevant but have not been published in the peer-reviewed literature or previously identified by other agencies. Additionally, other relevant databases for related reports and studies were searched, including the UNICEF Innocenti Research Database, World Bank Group Open Knowledge Repository, United Nations Information Center Kathmandu, and UN Women’s Virtual Knowledge Centre to End Violence against Women and Girls. Bibliographies of related studies and reports were reviewed for key authors working on harmful practices in Nepal, and related articles and reports were reviewed for relevance. Finally, for the latest statistics related to harmful practices, data was exported from NepalMonitor.org where applicable.

DATA MANAGEMENT AND ANALYSIS

A standardized Microsoft Excel sheet was used for reviewing the articles and a mixed method analysis was conducted. Data was extracted and entered into the spreadsheet based on a set of key questions, ranging from prevalence of the practice, geographic location of the practice, policy context, recommendations, and more.

LIMITATIONS OF THE REVIEW

The review was limited to articles published in English, as it was beyond the scope of the research team’s ability to review relevant articles in other languages. Additionally, since the review was not systematic, there may be articles that have not been included in this review. However, we are confident that we have captured key literature related to harmful practices in Nepal considering the rigorous approach applied to a number of different data bases and feedback provided by technical experts. Additionally, as the main goal of this review was to identify as much relevant literature on the five key harmful practices as possible, an assessment of the quality of the research studies was not the primary goal. Thus, studies were not excluded for poor/inappropriate methodology, however, the author aimed to identify limitations throughout the review as appropriate.

INTERNATIONAL DEFINITIONS ON HARMFUL PRACTICES

Harmful practices are defined, according to the 2014 Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and No. 18 of the Committee on the Rights of the Child (CRC Committee) on harmful practices, as:

*“persistent practices and forms of behavior that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering. The harm that such practices cause to the victims surpasses the immediate physical and mental consequences and often has the purpose or effect of impairing the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and children. There is also a negative impact on their dignity, physical, psychosocial and moral integrity and development, participation, health, education and economic and social status”*¹

Harmful practices leave women and people from excluded groups at risk of violence, poor physical and psychological health, educational and economic outcomes. [1][2] Individuals and groups are kept from reaching their full potential and are denied dignity and freedoms as a result of harmful practices. Efforts to end harmful practices “must address underlying systemic and structural causes of traditional, re-emerging and emerging harmful practices” [1](p.6) to fully transform attitudes of communities and societies, which will result in sustainable changes.

It is important to address harmful practices as they are not only a violation of human rights, but also stifle development outcomes and put lives at risk.[2] Under the Convention on the Rights of the Child (CRC), States are obligated to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”[25] (p.7) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention) also calls for modifying or abolishing customs and practices which constitute discrimination against women.[26]

HARMFUL PRACTICES IN NEPAL

There are numerous examples of harmful practices in Nepal. These can be religious in nature, such as *jhuma*, the Buddhist tradition of offering a daughter to a monastery to bring good fortune upon the family,[29] or *deuki*, the Hindu offering of a young girl to a temple for ceremonial purposes where the girl is generally forced into sex work for a living.[29][30] Other harmful practices in Nepal include *dhan-khaane*, parents receiving money for the solemnization of the marriage of their children,[34] bonded labor, son preference, sex selective abortion and polygamy which can be a trigger for intimate partner violence[36] (see Nepal Harmful Practices Glossary for more information).

Harmful practices raise concerns as they perpetuate violence and abuse, especially against women and the excluded groups. Notably, these cases are not isolated nor random; these practices stem from patriarchal, social, cultural and religious norms perpetuated throughout centuries that view women, as well as lower caste groups, as inferior. To address these deeply-rooted practices that bring about harm, a systematic, multi-sectoral and multi-level approach is required.

Notably, a study on perceptions of harmful practices among men in Nepal found staggering rates of acceptance of harmful practices, for example 34 percent of men accepted restrictive practices such as isolating women during menstruation, 16 percent perceived accusing a woman of witchcraft was acceptable, and nearly 8 percent expressed that forced marriages were acceptable.[37] Furthermore, 27 percent supported restrictions on women and girls in general. These attitudes call for urgent programming to address discriminatory social norms, especially among men and boys.

In the 2015 Constitution of Nepal the Government of Nepal committed to ending all forms of discrimination and oppression against all people of Nepal as well as violence against women and girls.[38] In addition, for all five key harmful practices discussed in this report, national legislative frameworks and policies have set the tone and commitment for eliminating these practices. However, effective implementation remains a challenge.[38] In addition to highlighting the persistence of harmful practices in spite of their criminalization (including chhaupadi, child marriage, dowry, witchcraft accusation and persecution and caste-based discrimination), the CEDAW Committee expressed in its 2018 Concluding Observations strong concerns regarding the inconsistencies on marriage provisions between the Penal and Civil Codes that undermine efforts to stop in particular child marriage, the underreporting of harmful practices and insufficient short- and long-term support for victims/survivors.[39] Upholding the Conclusions of the CEDAW Committee, the Special Rapporteur on violence against women, its

causes and consequences also expressed concerns on the persistence of discriminatory harmful practices, highlighting implementation gaps with respect to new laws on harmful practices, and stressing on the need for these laws to prevent traditional harmful practices.

The CEDAW Committee and Special Rapporteur on violence against women, its causes and consequences thus called for accelerated efforts to eliminate all harmful practices in Nepal, including by a) expediting the adoption of legislation, investigating and prosecuting perpetrators, imposing adequate sanctions and provide adequate compensation; b) expediting the development of a comprehensive strategy with concrete goals and resources to raise awareness among all stakeholders of legislation on harmful practices; c) prioritizing legal efforts to align provisions of the Penal and Civil Codes; d) conducting comprehensive awareness-raising campaigns at all levels particularly challenging cultural attitudes legitimizing harmful practices with the support of local religious leaders; e) ensure the availability and accessibility of adequate access to justice and support to women and girls who are at risk or have been victims of harmful practices. Based on the results of the 2017 Community Perception Survey, the UNCT recognized harmful practices as a serious barrier to development outcomes, particularly for women and girls. The HPWG decided to carry out an initial literature review of five harmful practices including caste-based discrimination, menstrual restrictions including chhaupadi, child marriage, dowry, and witchcraft accusation and persecution. Considering that there are numerous examples of harmful practices in Nepal for which there is little data, further research is needed.

Though the five harmful practices outlined in this report are distinct, each putting specific geographical, gender, age, and caste/ethnic groups at risk, they are interconnected and some individuals may experience several forms of harmful practices throughout their lives. For example, child marriage is strongly influenced by dowry practice, and Dalit women are more at risk of witchcraft accusations. Also, caste-based discrimination is distinct from the other harmful practices considered here, as the caste system hinders persons irrespective of gender from realizing their human rights, though it impacts different gender differently.

CROSS-CUTTING ISSUES

Harmful practices in Nepal are causes, manifestations and consequences of broader issues, including gender inequalities, embedded discrimination, gender-based violence, patriarchy, and unequal power relations.

In this review, four of the harmful practices discussed are considered a form of gender-based violence against women and girls (GBVAWG).

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GBVAWG is described as violence directed at an individual based on sex, gender identity, or perceived adherence to socially defined norms of masculinity and femininity. It can take physical, sexual, economic, and/or psychological forms, and can occur in both public and private spheres.[35]

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Women in Nepal are particularly at risk of physical, sexual and/or spousal violence. The Nepal Demographic Health Survey (NDHS), conducted every five years by the Ministry of Health, constitutes to date the most comprehensive data available on GBVAWG. The NDHS of 2016 reveals that 22 per cent of women aged 15-49 have experienced physical violence since the age of 15. Seven per cent of women aged 15-49 have experienced sexual violence, and divorced, separated and widowed women are more at risk. Among ever-married women, 26 per cent have experienced spousal violence, physical violence being the most common form (23%), followed by emotional (12%) and sexual (7%), and 34 percent have sustained injuries. GBVAWG in Nepal is widespread and occurs with impunity. The NDHS, assessing help-seeking behaviour of victims/survivors of violence, reveals that 66 per cent of women who have experienced any type of physical or sexual violence have not sought help or talked to anyone about resisting or stopping the violence they experience. Among the 44 per cent seeking help, the most common source of help is the woman's own family (65%), followed by neighbours (31%), friends (22%), the police (8%), social work organisation (2%) and a lawyer (1%). Harmful practices in Nepal are causes, manifestations and consequences of GBVAWG. For example, the practice of chhaupadi, isolating women outside their house, put them under an increased risk of violence. Further, with the practice of dowry, brides may be physically punished and tortured if the dowry does not meet their in-laws' expectations.

The Government of Nepal has increasingly taken measures to address GBVAWG. Among others, with the aim to enhance the provision of comprehensive services to victims/survivors of GBVAWG, 55 hospital-based One Stop Crisis Management Centers (OCMC) have been set up, providing access to medical and other support services, including shelters. Within the OCMCs, victims can be treated for injuries, and are provided shelter, psychological counselling, and gain support

with rehabilitation or negotiation with the family, legal advice and protection.[108] There is also a government Sexual and Gender Based Violence Relief Fund to support delivery of relief services to victims of GBVAWG. [108] Women and Children Services Directorates have been established at police headquarters, and Women and Children Service Centers (WCS - commonly known as women's cells) at district police offices, allowing victims/survivors to lodge complaints and initiate police investigations. These centers have also been offering public education and psychosocial services, and operating hotlines and shelters in 35 districts to address all forms of GBVAWG.[108] The National Women Commission has established a

24-hour helpline (number '1145') and an online Case Management System that received 47,968 calls between November 2017 and August 2018. The Government of Nepal reiterated its commitment to end all forms of GBVAWG and announced its zero-tolerance policy during the Sixth Periodic Report of Nepal to the CEDAW Committee in October 2018.

Family dynamics is another cross-cutting issue that is not necessarily in itself considered a harmful practice but can influence the way in which harmful practices are adopted and play out. Within joint families, which are common in Nepal, there are stereotypes about gender roles that keep women and girls limited to certain roles and responsibilities, driven by patriarchal norms.

CASTE-BASED DISCRIMINATION

DEFINITIONS, CONTEXT AND CURRENT EVIDENCE

Discrimination is an unfair or unequal treatment of others on the basis of their group membership or possession of some arbitrary traits, which puts them at a disadvantage.^{31,58} The term caste-based discrimination is used to describe discrimination perpetuated by high caste groups on lower caste groups on the basis of caste, which leads to oppression and exploitation.^{[47][58]}

The caste system is a social stratification system based on perceived ritual impurity.^[46] According to Sinha, “caste is a hierarchy of endogamous groups, organized in a characteristic hereditary division of labour.”^{[47](p.135)} Occupation, endogamy, social class and political power are important components of the definition.^[48] Caste is hierarchical, persistent, hereditary, rooted in concepts of ritual pollution and impurity, and it segregates society by putting restrictions, such as on occupation and who one can marry. The caste system affects everyday life for Nepalis in a variety of ways. Depending on one’s caste, there are rules in terms of the foods people can eat, the places they can enter, and their occupations.^[56]

Nepal has a long history of hegemonic authority by high caste Hindus (Brahman and Chhetri) over other ethnic groups (Janajati) and low caste groups (Dalit).^[49] In 1854, the National Code, Muluki Ain, 1854, was enacted and stood as the guiding document for Nepali society where the caste system was used as a way to organize the diverse groups of people in Nepal under one guiding Hindu authority.^[50] Throughout history, the caste system has been used to limit certain people from acquiring land, attaining an education, or taking leadership roles in the government.^[51] In fact, the decade-long armed conflict of 1996-2006 was largely to demand a republic, to end the monarchy, and to push for more inclusion of women, ethnic minorities, and low caste Hindus in the government after centuries of discrimination.^[49] This resulted in Nepal’s transition into a secular federal democratic republic.

According to the census, eighty-one percent of Nepal’s population is Hindu, nine percent Buddhist, four percent Muslim, three percent Kiratist and one percent Christian.^[27] Generally, the caste/ethnic groups can be classified into a few broad categories. At the top of the caste

system are two high caste groups, Brahman (historically priests) and Chhetri (historically warriors and rulers).^[52] In the middle ranking of the caste system are indigenous ethnic groups, or Janajatis, who are generally Tibeto-Burman speaking and follow Buddhist and animist religious and spiritual beliefs.^{[44][49]} At the very bottom are those who once were considered the “untouchables,” or Dalit castes,^[52] who are generally considered inferior/impure.^[47] These, that include Dalit, the ethnic groups or Janajatis, Muslims or Madheshis, have been subjugated to social, economic and political exclusion and have seen their human rights violated.^[53] (See Figure 1 for Caste/Ethnic Pyramid in Nepal). In particular, while throughout the country high caste Brahman and Chhetri groups have dominated politics, education, and business, low caste groups have been excluded and banned from positions of power.^[52]

In terms of population, Chhetri is the largest caste/ethnic group (16.6%) followed by Brahman-Hill (12.2%), Magar (7.1%), Tharu (6.6%), Tamang (5.8%), Newar (5.0%), Kami (4.8%), Muslim (4.4%), Yadav (4.0%) and Rai (2.3%).^[27] Together, Brahmins and Chhetris represent nearly 29 percent of population, indigenous peoples represent 35.8 percent (placed in the middle of the caste system),^[54] and Dalits are placed at the bottom of the caste system and make up 13 percent of the population.^[55] Those at the top (29%) are in positions of decision making power, and tend to be socioeconomically advantaged.^{[55][56]} As an example, high-caste Brahmins have a literacy rate of 81.9%, compared to 52.4 percent for Dalits.^[57]

While caste-based discrimination and untouchability affect both men and women, women may face multiple forms of discrimination through intersection of gender and caste. Thus, Dalit women are at particular risk of experiencing both caste- and gender-based discrimination. Dalit women are perceived to be at the bottom of the caste, gender and class hierarchy in Nepal. They face the most severe forms of deprivation compounded by violence, sexual assault and humiliation.

SCOPE OF THE PROBLEM

Some scholars mention over 200 specific ways of discriminating against Dalits,^[59] which can take many different forms and affects nearly all aspects of life.^[58] Incidents recorded in 2017 include Dalits being prohibited from entering temples or from buying milk from a particular place.^[3] There have been reported cases of Dalits being beaten for entering homes of

SNAPSHOT OF THE ISSUES

LEGAL STATUS

- Officially abolished in 1963[44]
- Criminalization of any act of untouchability, exclusion, restriction, expulsion or any other act on the basis of caste through the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) as amended by the Caste Based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act (2018).
- Criminalization through the Penal Code implemented since 2018 (Section 166(2)).
- There remains discrepancy in the level of sentencing between the Act and the Penal Code. The Act imposes a sanction of up to three years a fine of up to 200,000 rupees (USD 2,000), while the Penal Code Section 166 (2) imposes a sanction of three-year imprisonment and/or NRs 30,000 fine (with the additional provision that if the crime has been committed by a civil servant, three months prison are added to the sentence).

REPORTED CASES OF CASTE-BASED DISCRIMINATION (AGAINST DALITS, 04/2018-04/2019)

21 victims in the past year[4]

REPORTED INCIDENTS OF ETHNIC OR CASTE-BASED COLLECTIVE TENSIONS (04/2018-04/2019)

7 victims in the past year[4]

TYPES OF CASTE-BASED DISCRIMINATION INCIDENTS RECORDED (2018)

Beating
Rape
Murder[45]

REPORTED DEATHS DUE TO CASTE-BASED DISCRIMINATION (IN 2017)

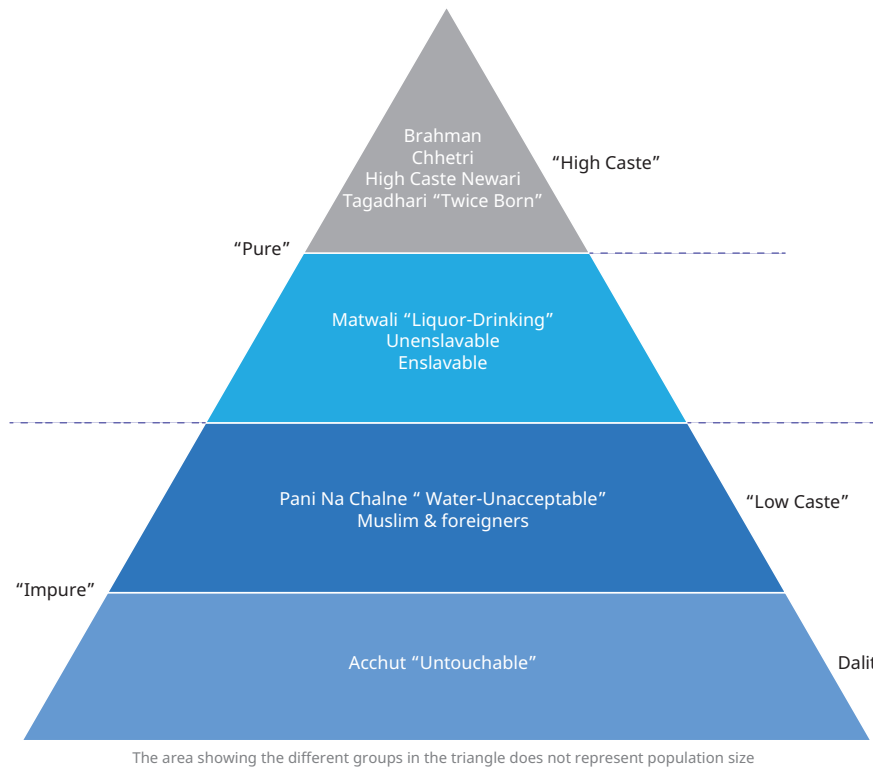
2[3]

non-Dalits, for not cleaning their dishes at a hotel where they had a meal, fined for touching the cowshed of a non-Dalit, or being banned from using community water taps.[3][53] Children in schools are often bullied due to their family background.[3] In urban areas, Dalits also reported frequent discrimination.[53] In other cases, people have been injured or killed because of their caste status. Furthermore, suicide has also been reported as a result of caste-based discrimination. In one case of an inter-caste marriage, a couple was distressed by the attacks from society when they refused to accept their inter-caste love affair. As a result they both committed suicide.[60] In the housing market, landlords have refused to rent to people from low caste groups. Higher caste groups often adopt violence, either physically or structurally, to strengthen their existing monopoly and high power status.[58] Moreover, Dalit women are more at risk of sexual harassment and violence linked to witchcraft, displaying caste-based discrimination as a root cause of witchcraft accusations and persecution(see section on witchcraft accusations and persecution).[31]

According to the Asian Development Bank, the complex caste and ethnic structure in Nepal is viewed as one of the greatest impediments to development.[66] The National Human Rights Commission also recognizes that because of caste-based discrimination and human rights violations, human development is stifled, in physical, economic, social and psychological ways.[58] When Dalits and other lower caste groups are discriminated against in the marketplace, education and government, the entire economy suffers.[67] Moreover, caste-based discrimination prevents those from lower castes from living lives of dignity and realizing their human rights.[59]

The discourse of caste-based discrimination in Nepal has focused on discrimination against Dalits and other lower castes. While this has constituted the most visible forms of discrimination, caste-based discrimination affects all layers of society. Moreover, caste-based discrimination does not solely happen between castes, but there have been reports of cases of discrimination and violence where both the perpetrator and the victims were Dalits.

FIGURE I | CASTE/ETHNIC GROUP PYRAMID[190]



GEOGRAPHICAL LOCATION AND DEMOGRAPHICS

Those most vulnerable to caste-based discrimination include:

- Middle and low castes, especially Dalits
- Those living in the least-developed regions of the country
- Those living in the Tarai and hills

Caste-based discrimination affects those living in all parts of the country, however, there are some places that have higher incidents of discrimination and violence based on caste/ethnicity. Some reports suggest that discrimination is more entrenched in the country's less-developed areas, especially in mid- and far -western Nepal.[44] Additionally, more cases of caste-based discrimination have been reported in the Tarai and hills, as compared to the mountains.[5] Surkhet and Gulmi had the highest reported incidents of caste-based discrimination against Dalits according to 2017 data.[5] However, data is limited, and more nationally-representative studies are needed to further explore the geographic dimensions of caste-based discrimination.

POLICY CONTEXT

Although caste-based discrimination in Nepal has been abolished since 1963,[26][44][46] disparities across castes persist.[50][51][62]-[64] The Government of Nepal has taken numerous steps to eliminate caste-based discrimination, such as the inclusion in the Constitution of provisions prohibiting all forms of caste-based discrimination, criminalizing untouchability or any other discriminatory treatment through the 2018 Penal Code, and ratifying the International Convention on Elimination of all Forms of Racial Discrimination in 1969. Furthermore, in 2006, the Parliament declared Nepal 'untouchability-free'.[53] Despite these commitments, untouchability remains deeply entrenched in society.[3]

In 2011, the Government adopted the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011).[65] The Act aims at (a) protecting each person's freedom, human dignity and right to equality, by creating an environment where no untouchability and discrimination prevails on the ground of caste, race, descent, community or occupation in the name of custom, tradition, religion, culture, ritual or any other name. The Act also aims at (b) making punishable any act of untouchability, exclusion, restriction expulsion, contempt or any other discriminatory act that is against humanity, (c) providing restitution (compensation) to the victim of such acts, (d) keeping intact the national unity by strengthening the relationship subsisting among general public and (e) creating an egalitarian society.[65] The Act of 2011 was amended in 2018 by the Caste Based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act (implementation in

2018). Beyond increasing the scope of acts falling under caste-based discrimination and untouchability, the 2017 amendment also increased liability of perpetrators and ensured the provision of compensation to victims (Section 7(b)). This compensation may reach up to 200,000 rupees (USD 2,000). Additionally, in cases where the offender has inflicted any harm or loss to the victim/survivor, the court may order the offender to cover medical treatment costs or any other costs consequential to the harm or loss (Section 9).



Acts falling under the scope of the Caste-based Discrimination and the Untouchability Act, 2011, as amended by the Caste Based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act, 2017

According to Section 4 of the Act, is punishable anyone who, either in the public or private sphere:

- a. prevents, controls or restricts anyone from entering a place;
- b. expels anyone individually or collectively from public place or public occasion;
- c. commits social exclusion or discrimination of any kind;
- d. deprives a person of using or enjoying public service
- e. prohibits or compels anyone to carry on profession or business;
- f. deprives anyone of performing any religious act;
- g. excludes any family member or prevents him/her from entering in to the house or evicts him/her from the house or village, or compels him/her to leave the house or village,
- h. prevents a person of marriageable age from getting inter-caste marriage;
- i. compels anyone to divorce;
- j. denies the provision of employment to anyone or discriminates in the remuneration;
- k. disseminate, publishes or exhibits any materials (audiovisual, articles, pictures, posters, books, cartoons, etc.) that represents or justifies caste hierarchy, or encourages caste-based discrimination, untouchability or hatred in any manner.



Despite the progressive normative framework, its implementation has been weak and caste-based discrimination remains widespread in Nepal.[44] This is partly due to the non- or underreporting of cases of caste-based discrimination.[3] According to the Nepal Peace Monitor Database, the number of reported cases of caste-based discrimination (against Dalits, 04/2018-04/2019) was 21, and reported incidents of ethnic or caste-based collective tensions (04/2018-04/2019) was seven.[4] These incidents mostly include the prohibition of Dalit’s doing everyday activities, such as entering temples or going to schools, as well as discrimination towards inter-caste marriages.[3] During these incidents, 27 people were injured and two were killed.[3] Between July and September 2018, 12 incidents of discrimination against Dalits were recorded, four of which were incidents of rape and one was a murder of a Dalit woman.[45] These numbers of reported cases cannot be interpreted as providing an estimated prevalence of cases-based discrimination in Nepal. Considering the widespread nature of caste-based discrimination, these numbers rather point out to the fact that most cases go unreported, as reflected by the numerous reports and anecdotal evidence that point to numerous discriminatory practices.[3][5] This underreporting is the consequence of various factors, one of which being the pressure experienced by victims of caste-based discrimination and violence grounded on caste status. This pressure leads to numerous cases being withdrawn from the justice systems or being settled outside of any court. While many of these out-of-courts settlements and withdrawals of cases are the result of intimidation, violence, or threat thereof, they are also the result of financial (or other) promise of gain. Recognizing these barriers, the 2011 Caste-based Discrimination and Untouchability (Offence and Punishment) Act provides additional guarantees for complaints as amended by the Caste Based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act (2017), whereby in case the police office refuses to register a complaint and does not initiate action, the complaint may be filed at the National Dalit Commission or the concerned local level.

The recent transition to federalism and its related elections have also shown that issues in implementation of discrimination-related governmental policies go beyond the underreporting of cases. For example, while the Constitution and elections-related acts provided for quotas and obligations to the electoral parties, results of the elections have shown that parties fulfilled only to the minimum extent their legal obligations. At the local level, due to a mandatory Dalit women quota, out of 7,737 Dalit elected representatives, 88 percent are women and only 12 percent are men.[5] Because there was no provision to nominate candidates from excluded communities for positions of Mayors or Deputy Mayors, Dalit represent only 1.9 percent of Mayor and 4.1 per cent of Deputy Mayors.[5]



GAPS IN KNOWLEDGE – OPPORTUNITIES FOR FUTURE RESEARCH

More studies are needed to better understand caste-based discrimination within the context of Nepal. Many studies have been conducted in the context of India when it comes to differences between caste/ethnic groups and health and development outcomes, as well as different forms of caste-based discrimination. Furthermore, a better understanding of gender dimensions of caste-based discrimination is required, to understand unique vulnerabilities not only by caste/ethnic group but also by gender, and key reasons for perpetuation of caste-based violence. Finally, more research on evidence-based programs that address deeply-rooted social norms around caste are needed. A richer understanding of barriers for reporting incidents of caste-based violence should also be explored in future studies.

EXAMPLES OF PREVENTION AND RESPONSE

This literature review has also looked at initiatives that have been key in addressing caste-based discrimination and providing additional information on the scope and its manifestation. As such, NepalDalitInfo.org is a programmatic intervention that has received attention since its introduction in 2003. It is a network specifically targeted to empower Dalits in Nepal through dissemination of accurate information and resources to all stakeholders of the country's Dalit movement. The network has offered a way to bring all its members to a platform for making strides towards empowering Dalit communities and their liberation by providing them with a functioning network through which to exchange information.[59]

Additionally, The Nepal Monitor is a useful database for collecting data on cases of caste-based discrimination, armed conflict, political conflict, GBVAVG and more. It is a system designed to alert local organizations of human rights and security incidents happening in their area, as well allow anyone to easily share incidents they see with local, national, and international organizations. The database collects disaggregated data on caste-related violence which is extremely useful for targeting and informing efforts that aim to address caste-based discrimination in the country.

Possible health impacts

There are a number of health outcomes that differ depending on one's caste/ethnic background and are a result of deeply-embedded acts of discrimination, often stemming back centuries. In India, also highly impacted by the caste system, a study found more discriminatory practices towards women of lower castes during pregnancy and also found that lower-caste women were more likely to accept unfair treatment.[61] More studies are required to understand if this is the case in Nepal, and if so, efforts are needed to sensitize healthcare providers. Another study found that Dalits, especially those from the Tarai, as well as Muslims and Tarai/Madheshi, have consistently low indicators across most dimensions covered by the 2006 NDHS. Janajati groups also perform poorly on many indicators such as anemia among women, and high levels of women and children being underweight. Additionally, nutrition outcomes for both women and children are particularly poor among Tarai/Madheshi Other Castes, Dalits and Muslims. Muslims have the highest fertility rate and also the highest level of unmet need for family planning (37%).[50] These results demonstrate that there are significant differences between caste/ethnic groups that need to be considered in the design of interventions and messaging to improve health and development outcomes.

When it comes to mental health, another study in India revealed some important findings that may also be relevant to Nepal. The study explored implications of caste-based discrimination in schools (e.g., separate seating, verbal abuse, name calling, discouragement, neglect, bullying), and found that caste-based discrimination led to humiliation and shame among lower caste children in school, and psychological suffering.[58] Other studies have found that reactions to discrimination and exclusion include social withdrawal, reduced self-confidence, low self-esteem, feeling of despair, increase in self-defeating behaviors.[58] Additionally, because of the feeling of constantly being threatened, discriminated people may resort to either "fighting" or "fleeing" in the presence of stressful situations.[58] These behaviors can lead victims to experience feelings of helplessness, constant fear, low self-esteem associated with feeling of shame and depression are more frequent outcomes.[58] Furthermore, Nepali Dalit castes have demonstrated considerably greater prevalence of depression and anxiety when compared with high castes.[52] Another study conducted in Nepal found that caste-based disparities in mental health in rural Nepal are mediated by poverty, lack of social support, and stressful life events. Much of the caste disparity in depression can be explained by the processes of poverty and livelihood insecurity, as measured by low income and lack of livestock, and greater exposure to stressful life events.[52] These results help guide those working on this issue, highlighting the importance of these intervention areas.

MENSTRUAL RESTRICTIONS, INCLUDING CHHAUPADI

DEFINITIONS, CONTEXT AND CURRENT EVIDENCE

In Nepal, attitudes and beliefs about menstruation place restrictions on menstruating women and girls. During this time, women and girls are viewed as impure^{[72][73]} which stems from Hindu religious beliefs of menstrual blood as a source of pollution.^{[46][74]} Chhaupadi, a form of menstrual exile practiced in Nepal,^{[13][70]} is an ancient Hindu tradition where women and girls sleep in small huts or animal sheds during menstruation and immediately after child birth.^{[68][71]} The word chhaupadi comes from the Raute dialect in the far west,^[75] and is comprised of two different root words. Chhau means “untouchable or unclean” and padi refers to “being or becoming.”^[76] Hence chhaupadi refers to a “state of being untouchable/unclean.”^[77] The colloquial term often used to describe menstrual periods is “na chhune,” which literally translates to “no touching.”^[78]

ROOT CAUSES AND DRIVERS

The impurity sentiment of menstruation stems from the story from the Hindu story of the Rishi Panchami Fast, where Indra, the king of the gods, sought to purify himself after killing a Brahman. According to the story, his sin was divided into four parts, one of which fell into menstrual blood. Therefore, it is said that women must be set apart at this time, as they are viewed as sinful, linked to the previous sins of Indra.^[78] Thus, any objects touched by women and girls during menstruation are believed to be impure.^{[11][13][14][68]} Under the centuries-old, culturally and religiously-rooted practice,^[79] women and girls are forbidden from touching other people and objects, entering the kitchen or worshipping.^[11] The practice has been criticized for violating basic human rights of women and for its associated physical and mental health impacts.^[75]

Motivations for following menstrual restrictions and chhaupadi are deeply-held. If a woman does not adhere to these practices, there could be any number of negative consequences on her, her family or community.^{[13][73][83]} It is believed that she could become sick or die, her bones could break, or she could become infertile. ^[73] Some have expressed that if a menstruating woman touches a pregnant woman, the child will be miscarried or be born with malformations.^[80] It is thought that a natural disaster, such as an earthquake or epidemic,

could occur.^[73] Other motivations for practicing chhaupadi and other menstrual restrictions include family tradition,^{[11][83]} social pressure or guilt,^{[12][83]} the belief that god will become angry (religious/spiritual beliefs),^{[80][83][101][102]} which can result in a curse on individuals, family members and livestock,^{[11][68][71]} and crop failure.^{[101][102]} Due to illiteracy, superstitious beliefs, gender disparity and community endorsement of practice, menstrual restrictions, including chhaupadi, endure. One study that explored the association of chhaupadi with different demographic factors found that chhaupadi was associated with ethnicity, educational status of father and mother, education of mother, and household level food security.^[101]

There is a belief that not following these restrictions is sinful. To purify themselves from sins conducted during menstruation, women practice Rishi Panchami every year. This ritual is observed one day a year by menstruating women and girls, who purify themselves with water, prayer, and fasting for the “sins” they committed while menstruating.^[11]

FORMS AND MANIFESTATIONS

While chhaupadi is perhaps one of the most serious and well-known form of restriction in Nepal, across Nepal, women and girls follow many other menstrual restrictions. During menstruation women are often unable to visit temples,^{[12][13][84][87]} cannot attend religious functions,^[88] and if there is a road shared with a temple, menstruating women have to take different paths.^[13] Women face restrictions from entering the kitchen,^{[84][87]} and using communal water taps to bath or wash clothes during menstruation due to the fear that as a polluted woman the well will dry up.^{[12]-[14][73][83]} In some villages, separate water taps, called *chhaupadi dhara* are built for women to use during menstruation.^{[13][73][77]} Some women have reported not being able to enter the courtyard of their house, ^{[68][83]} being banned from touching male relatives^[84], and some cannot touch anyone depending on how severely they practice the tradition. Restrictions are also applied to touching fruit trees,^[87] because of the belief that if a menstruating woman or girl does, the fruits will fall before they are ripe or the fruits/tree will die.^{[73][83][88]}

It is also important to note that the capital is not unaffected by issues of menstrual restrictions and discrimination. A study by Nepal Fertility Care Center (NFCC) is exploring menstrual restrictions among those

SNAPSHOT OF THE ISSUES	
LEGAL STATUS	Illegal as of 2005,68 criminalized in August 2017 (implemented in 2018) with fines up to 3,000 rupees (USD 30) and/or jail time up to three months[11][18]
PREVALENCE OF CHHAUPADI PRACTICE	<ul style="list-style-type: none"> • 71.2 percent in the mid-western mountains • 15.5 percent in the far-western hills • 15.1 percent in the far-western mountains[8]
REPORTED DEATHS DUE TO CHHAUPADI SINCE NEW LAW ENACTED	7[15]
COMMONLY REPORTED CAUSES OF CHHAUPADI-RELATED DEATHS	<ul style="list-style-type: none"> • Snake bites • Smoke inhalation/asphyxiation as a result of building fires to keep warm in the sheds[12]
PERCENTAGE PRACTICING MENSTRUAL RESTRICTIONS	89%[69]

living in the capital, and preliminary evidence shows high rates of menstrual restrictions, especially related to not entering the kitchen and going to the temple or worship room (Personal Communication with NFCC, 2019).

Of the different forms of menstruation-based restriction in Nepal, chhaupadi is thought to be the most extreme form of menstrual restrictions,[86]

One of the key aspects of chhaupadi is sleeping in a small shed outside of the home called a chhaupadi goth. The sheds have been described as being unhygienic,[68] exposed, unsafe, and lacking basic necessities.[11] They often lack windows or ventilation,[68][71] or a mattress/blanket for sleeping.[11][30] The dimensions of the sheds are approximately six feet wide by four feet high,[80] and are made of wood, mud, straw, or stone.[14] The sheds lack any kind of security from intruders, insects or attacks by wild animals, such as snakes, nor do they offer appropriate shelter from the harsh and cold Himalayan climate.[75]-[77][80][81] The distance of the shed from the house varies from house to house and village to village. In some cases they are built near the home (20–25 meters away),[75] but in other cases they are built nearly a mile away from the village.[80]

Chhaupadi is practiced differently depending on the context. Sometimes women share the chhaupadi goth with livestock or other menstruating women and girls. In some cases, sheds are built specifically for menstruating women (either separate structures, or a small room above an animal shed), and in other cases women are sent to adjoining barns, where they sleep among livestock such as cows, goats, and buffalo.[12][14] For example, one study in Achham found that 4 percent were exiled to traditional goths specifically for menstruating women, 82 percent were exiled to livestock sheds, and 14 percent to courtyards outside their home.[11] In parts of Dailekh and Achham, three or four families may share a common shed, but in other districts, such as Kalikot, many women stay in animal sheds connected to their

home, typically on the first floor under the main living area of the house, and they stay there alone or only with those in their household who are menstruating. The decision to build a separate shed for menstruating women is often made depending on the resources available – highly impoverished communities may not have extra resources to build separate sheds and hence women sleep among animals.[71]

Typically women and girls sleep in the shed for a minimum of four consecutive days,[11][68] but some stay up to seven days.[30][77] Some sources have reported that unmarried girls have to sleep in the shed for six days, whereas married women having both a son and a daughter have to stay five days, and women who have only daughters have to stay in the shed for seven days.[13] During this time, women are not allowed to eat dairy products such as butter, milk, yogurt[82] as well as other nutritious food.[80][81] Most exiled girls (97.4%) were restricted from eating dairy products according to a study conducted in far-west Nepal.[11] One study reported that in Jumla, some Brahmin women were not allowed to consume rice for seven days.[68] Before returning home on the last day and transitioning back into their daily routines, women take a bath, wash their clothes and bedding, and many undergo a ritual cleansing practice of sipping and sprinkling cow urine, which is considered holy, to regain purity before returning home.[75][83]

The monthly practice of banishment is sometimes referred to as minor chhau (monthly menstruation), in contrast to major chhau which refers to the banishment after the first menarche (lasts between 10/11[68] to 14/15 days) [11][81] and the period after childbirth (up to 11 days). [75] Additionally, some Hindu groups within Nepal mark menarche with the custom of *gupha basne* (staying in a cave), where a young girl who just had her first period must stay in a darkened room for up to 12 days.[84] Though women are isolated from their homes and from social activities during menstruation, they are still responsible for agricultural work, collecting firewood,

as well as other heavy work like carrying stones, and working on the land.[68][73][77][82][85] They are also responsible for washing their clothes during menstruation,[80] but often use a separate water source as to not pollute the family or community water tap.[83] As such, women are often denied rest during their menstrual cycles, as they are busy with different kinds of work during their periods.[30]

The practice of chhaupadi is not limited to menstruation but it is also practiced before, during and/or after childbirth. After delivery, women are considered impure, whereby women and their fragile newborns are obliged to stay in exile for 10–14 days post-delivery.[11][68] Generally, 11 days after birth, rituals of purification are performed, women receive new clothes, and they are then allowed to return home.[71] Some have expressed that the woman is not even allowed to use a warm blanket, but uses only a small rug while staying in the shed post-childbirth.[80] This practice raises concerns as the mother and infant are at risk of negative health outcomes. Relatively normal complications that are not resolved due to lack of access to health care can escalate quickly when women are staying alone in sheds for many days.[11][14] There are other risks due to the environment, for example, one mother left her newborn alone in a shed for a few minutes, and a jackal snatched her baby.[14] Another baby reportedly died after sleeping in a shed with her mother. The baby developed a respiratory infection, that worsened and resulted in death.[71] Cold, cough, fever, diarrhea, and pneumonia were the most commonly reported problems among infants staying in the sheds with their mothers.[81]

IMPACTS

Women and girls face numerous physical adversities as a result of practicing chhaupadi and other menstrual restrictions.[30][71][73] These practices can leave women and girls to live in an unsafe environment, where they are at risk of diseases, poor mental health outcomes, and violence, injuries or rape.[89] Growing evidence reveals that chhaupadi and other menstrual restrictions leave women at risk to poisonous snake bites or other animal attacks,[11] excessive cold conditions,[68] hypothermia,[11] dehydration,[90] pneumonia,[91] asphyxiation from lighting fires in the sheds,[12] uterine prolapse,[68] increased rates of anemia and emaciation, infections, rape,[92] and in some cases, death.[9][70][93][94] One study found nine girls reporting abuse while staying in chhaupadi goths.[11] Another found chhaupadi to be associated with reproductive health problems, including urinary tract infections,[11] burning micturition, abnormal discharge, itching in genital region, pain and foul-smelling menstruation, which were all significantly higher among women who practiced chhaupadi compared to those who did not.[93] Though some suggest that chhaupadi is responsible for higher rates of uterine prolapse,[56] perpetuated by the expectation for women to continue doing heavy work and carrying heavy loads,[75] rigorous studies are needed to better understand this relationship. In some cases, women and

girls are denied nutritious food during menstruation and hence malnutrition and higher rates of anemia have been found.[79][95][96]

Women and girls are also often psychologically affected during their stay in the sheds as it provides limited security and protection from attacks from people and animals, nor from the natural elements. An ongoing state of fear,[68][98] loneliness,[11] stress,[81] feeling isolated and ignored, 81 humiliation,[95] and low self-esteem are common among women who sleep in the sheds.[75] One study found that 31.4 percent have experienced sadness or depression.[95] However, more studies are needed to understand the magnitude and severity of this issue and how these feelings affect their day to day lives.

.....
One woman explained in a study, just how bad the situation can get: “My husband deserted me after a man raped me in the shed. What was my fault? How am I going to raise my three year old son now?”[96]
.....

Menstrual restrictions also impact women’s and girls’ access to health care services. Some have reported that if women and girls encounter any health issues during menstruation, they are expected to wait until their menstruation is over before seeking medical care;[11] as nobody can touch women during their period even if she becomes ill.[72] However, more rigorous studies on this issue are needed to understand the scope of the issue. Studies found that due to perceived impurity,[97] some women avoided health checkups because there was a temple nearby or on the way to the health facility.[73] Another study suggests that chhaupadi practice influences maternal and child health care services utilization by women.[81]

It is difficult to understand the magnitude of cases of assault and rape on women and girls practicing chhaupadi, as many go unreported due to various factors, including fears of social retaliation.

An issue raised in a study in Humla was the tradition of forced marriage in which it was reported that young boys/young men waits for the opportunity for a girl being alone in a shed without family protection. He comes with friends and takes the girl forcefully to his house to marry under a practice called *rakchi line*. [68] Systematic reporting and investigations into on chhaupadi-related forced marriage, violence, and deaths are urgently needed.

There is a belief in Hinduism that the goddess of education, Saraswati, will become angry if a girl or woman reads, writes or touches books during her menstrual cycle.[11] According to the Nepal Multiple Indicator Cluster Survey (2014), in the mid-western mountains, 11.3 percent of girls reported missing school/work during their periods.9 Notably, though missing school/work was also a problem in the western mountains (11%), it was lower in other districts.[99] One

study in Achham found that the majority of participants were still allowed to attend school and read books while menstruating,[11] and another study found only 6.8 percent were not allowed to regularly attend school during their menstruation in the last three months.[95] This evidence suggests that chhaupadi and menstrual restrictions may not be keeping girls from attending school in Nepal as much as previously thought, or the beliefs about menstruation and education may be changing over time. Of those missing school, one study found that the main reasons for missing school during menstruation were pain, discomfort and leakage.[100] The study by UNICEF analyzing menstrual hygiene practices in Nepal also found that the lack of gender-separated and adequately maintained toilet facilities prevented menstruating girls from attending school.[3]

Studies have found that mothers-in-law and older members of the household retain a vital role in preserving practices of menstrual-based restrictions and chhaupadi.[81] Elderly village members, faith healers and religious leaders are also key in perpetuating the practice.[79] In fact, one study found that fathers and brothers are becoming increasingly lenient in whether girls observe menstrual restrictions, and there are cases where girls even turned to their father for support. Therefore, interventions should consider the importance of engaging men and boys in decisions relating to women’s menstrual hygiene needs, and research should explore the more effective methods to engage them in the issue.[103]

Fortunately, some evidence points to menstrual restrictions, including chhaupadi, changing slowly over time, and society has become softer in terms of enforcing the practice. For example, some have reported that compared to past decades, changes have occurred such as decreased distance between the community and the shed, and girls often attend school while menstruating. [11]

SCOPE OF THE PROBLEM

Over 70 percent of women in parts of the mid-western districts still practice chhaupadi.[99] The percentage of those who sleep in a separate shed during menstruation is highest in the mid-western mountains (71.2%), followed by the far-western hills (15.5%), and far-western mountains (15.1%).[99] When it comes to other harmful menstrual restrictions, 89 percent of girls throughout the country reported they experience some form of restriction or exclusion during menstruation.[69] One study across nine districts in Nepal found that the most common rules women and girls experience in their homes during menstruation are restrictions on involvement in religious activities (89%), touching the kitchen (60%), sleeping separately (34%), touching plants or animals (27%), touching men (27%) and touching water sources (24%).

Only nine percent of the sample expressed that there were no rules or restrictions during menstruation. [10] Even in one study conducted in the Tarai, where

menstrual restrictions are not considered to be the severe, nearly three out of four women (72.3%) reported experiencing at least two or more types of menstrual restrictions.[98]

Though some programs have successfully declared Village Development Committees (VDCs) chhaupadi free, much anecdotal evidence suggests that many of these communities go back to practicing chhaupadi after the declaration. Additionally, even if the community has transitioned from forcing women to sleep in a shed to allowing women to sleep in the home, women are still restricted from entering the kitchen and temples, participating in community and religious activities, and consuming milk and dairy products.[76] One example is from Achham where 21 out of 56 VDCs have been declared chhaupadi-free. Locals say the declaration has remained a mere announcement and has not resulted in any behavioral change, and some explain that the situation has deteriorated; instead of sleeping in shed, women are now sleeping in shelters made from flimsy plastic material.[15] Those working to address chhaupadi should consider unintended negative consequences and additional vulnerabilities that can occur when sheds are destroyed without a holistic approach to addressing deeply-embedded beliefs about purity and pollution. Long-term behavior change interventions are necessary to ensure that harmful norms do not resurface.

GEOGRAPHICAL LOCATION AND DEMOGRAPHICS

Those who practice chhaupadi are often

- Hindu
- From high (Brahman, Chhetri) and low castes (Dalit)
- Living in the hills or mountains
- Living in mid or far-west Nepal

Menstrual restrictions are prevalent across all of Nepal, but chhaupadi is practiced largely in the mid and far western regions.[11][71][75][76][98] The practice is concentrated in the hills and mountains. It should also be noted that the mid-western and far-western regions lag behind the rest of the country in terms of overall development and gender equality, which may explain part of the reason chhaupadi practices are higher in these regions.[75]

Chhaupadi is commonly practiced by Brahmins, Chhetris and Dalits.[105] One study in Bajhang suggests that women belonging to Dalit castes are more vulnerable and face more issues when it comes to menstruation,[72] and another study also suggested that practices are more rigid among lower caste Dalits, but also upper caste Thakuris.[73] Janajatis do not typically practice chhaupadi, and follow fewer menstrual restrictions as compared to Brahmin, Chhetri and Newars.[106] However, a study across nine districts of Nepal found

that Janajatis have the poorest menstrual practice outcomes as compared to Brahmins, Chhetris, Tarai/Madheshi/Other, Dalits and Muslims,[10] highlighting the importance of not overlooking their unique menstrual health needs even if they have fewer restrictions.

Additionally, another study found that menstrual restrictions were more severe in locations where Hindu castes dominate (e.g. Mugu and Achham). On the other hand, in settlements that were diverse or heavily populated by Janajati, menstrual restrictions were flexible and less demanding.[107]

While it is well known that Hindus follow numerous menstrual restrictions, including chhaupadi,[77][87] in the Buddhist tradition, menstruation is seen as a natural bodily process, and while no general restrictions are placed on menstruating women, some Buddhist temples forbid them to enter.[11] In one qualitative study that included Christian perspectives on menstrual restrictions in Nepal found that Christian girls do not follow any restrictions during menstruation, though they do still experience feelings of embarrassment, especially when they are expected to attend places of worship while menstruating.[83]

POLICY CONTEXT

Chhaupadi has been illegal since 2005.[11][15][68][75][82] The Penal Code (2017) criminalized any form of discrimination, untouchability or inhuman treatment based on menstruations or after delivery. The Code imposes a fine of 3,000 rupees (USD 30) or a three-month jail sentence for anyone subjecting a woman or girl to follow the restrictions.[17] While this is widely viewed as a positive step toward ensuring the safety and well-being of Nepali women and girls,[98] strategies for enforcement are missing,[14][15] Other limitations include a lack of a clear definition of chhaupadi and “other discriminatory behavior” that are mentioned in the code, as well as the requirement that a complaint against such an incident has to be lodged within six months.[104]

There is also an urgent need to inform the public, especially those in chhaupadi-practicing districts, about the new law. A new program in all districts of Province 7, where chhaupadi is widely practiced, seeks to increase knowledge and awareness about the new code through radio programming and a telephone hotline.

Others suggest that measures to prohibit the practice and the fear of punishment are not likely to be very effective in persuading people to give up the practice because of the fact that menstrual taboos are deeply rooted and have become social norms. Thus, the stigma of being a deviant within the community and fear of ostracization is stronger than the fear of breaking the law.[56] There are also raised concerns about the ability for people to report cases of chhaupadi. Not only do women have a hard time going against their family to report due to fear of ostracization, but it is also

challenging for political leaders who fear public backlash, worrying that standing up for chhaupadi criminalization will affect election outcomes.[15]

GAPS IN KNOWLEDGE – OPPORTUNITIES FOR FUTURE RESEARCH

There is a need to carry out more studies to understand the impacts of chhaupadi and menstrual restrictions on women’s political and economic participation, access to education and health outcomes. When it comes to mental health, more studies are needed to understand chhaupadi and menstrual restrictions’ effects on confidence, self-esteem, anxiety, and depression. Many of the studies conducted to date have focused on school-going girls experiences, but more research is required to understand the experiences and outcomes among adolescent girls who are not attending school.[11] Recent studies suggest the importance of understanding nuanced differences between caste/ethnic groups and their menstrual practices and beliefs, as menstrual practices have been found to be significantly different between caste/ethnic group.[10] Additionally, a better understanding of the role and men and boys in changing menstrual behaviors is needed.[10][11] Further quantitative studies are needed to better understand the relationship between chhaupadi practice and ailments such as infections and uterine prolapse and infant health.[71] Additionally, chhaupadi has been a key focus of menstrual health research and interventions, but measuring the impacts of other menstrual restrictions on the lives of women and girls in Nepal is also needed.

EXAMPLES OF PREVENTION AND RESPONSE

Since 2008, many public and private sector organizations have implemented numerous chhaupadi programs. Under these programs, many village district councils (VDC) have been declared ‘chhaupadi free’. The people in these VDCs, generally, perceive menstruation as a normal physiological cycle and women are now staying inside their home and feeling secure during menstruation. However, women are still restricted from entering the kitchen, temples, from participating in community and religious activities, and consuming milk and milk products. As such interventions need to aim at behavioral change. Younger generations should be reached through school curricula so that both boys and girls are sensitized and empowered; intervening through priests/religious leaders and other non-formal would also be beneficial.

CHILD MARRIAGE

DEFINITIONS, CONTEXT AND CURRENT EVIDENCE

Generally, child marriage is defined as a formal or informal union where one or both parties are under the age of 18.[35] In the context of Nepal, however, the legal age is 20 years for both girls and boys to enter marriage.[110] The 1992 Children's Act has been superseded by the Act Relating to Children, 2018 which provides that a child is defined as a person under the age of 18. Likewise, the Child Labour legislation has also been amended which now covers all children below the age of 18.

Child marriage and early marriage largely refer to the same thing: marriages in which one or both spouses are under 18 years old. Although the legal age for marriage in Nepal is 20 years, the definition of child marriage applies for children up to 18 years of age. Persons marrying between the age of 18-20 are categorized as "under age marriage" but they are not considered children.

The Supreme Court of Nepal, in the case of *Lok Bahadur Sarki et.al. vs. "Kha" Kumari* in 2014, held that sexual intercourse with a 14-year old girl, even after marrying her, would amount to the offence of rape. In other words, every case of child marriage could be a potential offence of rape; and marriage with a child cannot be a defense to the charge of rape.

Child marriage is closely linked to the practice of dowry, which increases with girls' age and education (see section on dowry). Child marriage has been associated with lower educational attainment, economic opportunities, and health outcomes among young girls. [111] The practice and its consequences violate human-rights and are a barrier to sustainable development.[35]

Typically, marriages in Nepal are arranged by the respective families and communities,[113] which includes parents[114] and local leaders,[115] where typically neither the bride nor groom have significant choice in the final decision.[114]-[116] One investigation about decision making power in Nepal found that though mothers make day-to-day decisions in the household, fathers make decisions on marriage and education.[105] Before arranging a marriage, families consider a range

of factors such as caste, religion, ethnicity and economic status, as well as the ties between the families.[116]

Beyond families and communities arranging marriages for children, growing evidence points to another type of child marriage, which is self-initiated marriage, or elopement. One study in 2018 found that of 50 cases of child marriage recorded, 54 percent were self-initiated. [117] An increasing number of girls in Nepal are marrying spouses that they choose, often by eloping. [19] This is sometimes used as an escape from abusive circumstances and forced marriages.[118] In some cases parents have expressed concern about their daughter eloping, and as a preventative measure for this, a suitable match is arranged. A qualitative study in Nepal found that parents believe that once a girl reaches adolescence and is attracted to the opposite sex, she is at risk of eloping. The parents find this situation stressful, as elopement would negatively impact the family's honor, and try to prevent this by getting her married to a person of their choosing.[105] However, another form of elopement is parent-initiated elopement, where parents encourage their daughters to initiate their own wedding to avoid the associated high costs.[119]

ROOT CAUSES AND DRIVERS

In terms of factors that are most important for predicting child marriage, the evidence is mixed. One quantitative study of predictors of age at first marriage found that education, occupation, and age at menarche were the most powerful factors in deciding the timing of first marriage in Nepal.[139] Another longitudinal study found that childhood poverty was a driving force behind early marriage.[125]

Child marriages are arranged for a wide range of complex factors (see Appendix 2 for conceptual models of risk factors for child marriage and developmental and health outcomes). Poverty[30] and economic pressure[111] often lead families, especially impoverished ones, to arrange marriages for their daughters as early as possible to minimize the economic burden.[137] Poor families often have to make a choice between investing in their daughter's education or in her marriage,[105] and to most, marriage appears to be the obvious choice because a later marriage as a result of staying in school longer would result in a higher dowry payment (see section on dowry). The later the marriage, typically the larger the dowry and hence the larger the financial burden on families.[113][133] Even fluctuations

SNAPSHOT OF THE ISSUES

LEGAL STATUS	Marriage below the age of 20 for both boys and girls is illegal under Civil Code 2074 (2017) (implemented in 2018) is a punishable offense[108]
PREVALENCE OF CHILD MARRIAGE AMONG WOMEN AGED 20-49 YEARS (2014 DATA)	18 percent were married before age 15 48.5 percent were married before age 18[8]
MEDIAN AGE OF MARRIAGE IN NEPAL	17.9 years[109]
CASES OF CHILD MARRIAGE REPORTED TO POLICE (1996-2018)	400 cases[93][110]
PERCENTAGE OF CHILD MARRIAGE CASES THAT ARE SELF-INITIATED (I.E. ELOPEMENT)	Unknown

in income from national crises or individual losses such as a bad harvest or the illness or death of a primary income earner can lead households to decide to marry their daughters early.[114]

In some cases, parents fear that delaying marriage may increase their daughters' risks for premarital sex, which is viewed as tainting the honor of the entire family. [140] Additionally, marriage is considered a means of protection[141] not only from economic instability but is believed to be protection from rape due to perceptions of sexual availability of unmarried girls and women. [127] Additionally, child marriage in some cases may be perpetuated by the lack of information about sexuality and contraception, and shame surrounding pre-marital sex, though more research on the levels of knowledge of contraception and its role in child marriage is needed. [118] There is still stigma around late marriage for daughters, and many families do not feel they are in position to go against these social norms.[105] Family honor is extremely important in communities, and marrying girls young is valued. Therefore, pressure is high to follow these social norms and protect family status.[110]

In other cases, there is a pressure to marry girls early as child brides are believed to adjust to the husband's family more easily than adult brides marriage.[113] As researcher Lynn Bennett describes, "emotional malleability" comes with pre-pubescent girls and makes them more preferred as brides.[142] According to a literature review and regional consultations conducted in Nepal, patriarchy,[119] son preference, and consequent discrimination against girls are at the root of harmful practices.[30] Other studies discuss the deep-rooted nature of unequal gender norms that affect power relations and devalue contributions of women and girls. [143]

Additionally, poverty, food insecurity, conflict and crisis, cultural traditions, and low value of girls often drive child marriage.[35]

IMPACTS

Child marriage has a large number of negative impacts on a variety of health and development outcomes. Child brides often drop out of school, experience poor health outcomes, are less economically and agriculturally productive, thus detracting from many other efforts within key sectors development programming. It has the potential to bring about negative physical, mental, and emotional effects. Child brides are more likely to experience domestic violence,[114] as well as emotional and sexual violence compared to their peers who marry later.[112][120] They are also less likely to take action against their perpetrators.[110] Perceived incompatibility can cause tensions and escalate into domestic violence. When girls marry early, they often enter into a servitude-like relationship with their husband and in-laws, which in some severe cases, can result in bonded labor, enslavement, or commercial sexual exploitation.[35]

Child marriages mark the end of childhood for Nepali girls,[112] where once a girl is married, she is expected to transition unto her new role as a wife and mother. Girls who marry as children are more likely to have more children and likely have them earlier. Shortly after marriage, girls are expected to bear a child, putting both herself and the baby at significant health risk. [112] This is partly explained by the fact that men hold the decision-making power in households of child marriage, particularly when it comes to contraception and pregnancy.[123] Adolescent pregnancy can have serious effects on a girl's health, as early pregnancy increases risk of pregnancy complications, including hypertension, obstructed labor and fistula,[115] and maternal mortality.[113][124][125] In fact, the leading cause of death among girls aged 15-19 in the developing world relate to complications from early pregnancy.[30] [35] UNFPA suggests that when girl aged 15-19 years becomes pregnant, they are twice as likely to die during pregnancy or childbirth compared to woman over 20 years. Another study across four countries in South Asia found women who married in early adolescence or childhood show a higher propensity toward poor fertility control and fertility-related outcomes, and low maternal

health care use. Specifically, Nepali women who married between 15-17 years of age had lower odds of delivering in a health care facility.[126] Another study across 97 countries found that that nations with higher rates of girl child marriage are at increased risk for poor maternal and child health (MCH) concerns, including higher rates of infant and maternal mortality, higher fertility rates, and lower use of skilled birth attendants, but not HIV, which some studies have suggested.[35][112][115] [127][128] Pregnant adolescents are likely to result in premature infant deaths, unhealthy children and more children in a shorter period of time.

Child brides are also more likely to suffer from mental health challenges, including anxiety, depression and suicide contemplation.[19][35][113][115]

Child marriage is also thought to result in smaller social networks for married girls as compared to unmarried

The relationship between child marriage and education is complex. Child marriage can be both a cause and consequence of school dropout. Child marriage may lead to dropouts and lower education attainment overall. A study among Muslims and Tharus showed that boys continued their education after marriage, while their wives dropped out of school and were secluded in the home.[36] Additionally, a recent study of 2017 data in Nepal found early marriage to be the most common reason given for leaving school, which heightens after girls complete the fifth or sixth grade.[121] The relationship between child marriage and education is bi-directional, where higher levels of education may delay child marriage.[136] Education status was found to be a very strong predictor for marriage after the age of 16. Specifically, women with primary education were 29 percent more likely to marry after attaining age 16 than those without any education. Those with secondary education were almost three times as likely to marry after attaining age 16, and if they were educated above grade ten, they were 38 times more likely to marry after attaining age 16 compared to their counterparts without any education.[113] The husband's education also correlated with women's age at marriage, where women with husbands beyond a 10th grade education were 45 percent more likely to marry after attaining age 16 .[113]

Increasing educational attainment has been discussed throughout the literature as the key factor in delaying child marriage,[125] however, recent studies in Nepal and other countries in South Asia[131] have started to uncover complexities in this relationship, which is likely bi-directional and may not contribute to as much of the relationship as previously thought. For example, substantial improvements in girl's education have not corresponded to equivalent reductions in child marriage. [131] In fact, in Nepal, despite the rise in female literacy and parity in education achieved, child marriage has not significantly reduced.[138] These findings suggest that primary education is likely insufficient to reduce

girls.[122] This is concerning as social networks can be useful in gathering information and as a social support system. Such isolation and lack of voice and agency can have negative effects on girls' mental, emotional, and social well-being.[35]

While child marriage is experienced directly by child brides themselves, it also impacts their future children's health and well-being. Research suggests that child brides are more likely to be undernourished, which in turn affects the health of their children.[35][129] Other studies show that infants born to adolescent mothers are more likely to encounter health complications or to die than infants born to mothers older than 20, including neonatal and under five-child mortality, and child malnutrition.[30][113][124][130] Reducing child marriage is thought to reduce child morbidities and mortality.[131]

girl child marriage, and emphasis on girl participation in secondary education (not just primary education) is required to further reduce girl child marriage. Some suggest that universal high quality secondary education, while likely to achieve reductions in early marriage among girls, will be insufficient to achieve the global goal of elimination of girl child marriage by 2030.[131] While this requires more investigation, these findings also suggest that education is slow to reform marriage beliefs and to address deep-rooted patriarchy.[138]

Food insecurity and malnutrition can be both causes and consequences of child marriage. Discriminatory gender norms that undervalue girls' roles in the family and community can intersect with food insecurity and poverty to create drivers of child marriage. Faced with limited food resources, families may marry their daughters in an attempt to lessen the burden on their constrained food allocations. Girls who are married young experience higher rates of anemia and malnutrition than those who marry later in life, where their children also suffer the consequences, being born with low birth weight, suffer from poor nutritional status, and experience stunting. [135]

An economic analysis on the cost of child marriage in Nepal found that child marriage is a barrier to economic development due to loss in productivity, economic hardship, and health service costs.[124] Additionally, child marriage increases total fertility for women by between 17-26 per cent, which leads to larger families with less money available to meet basic needs. Governments must provide more basic services, such as education and health care to keep up with growing numbers of children and youth over time. Ending child marriage could help governments to increase national earnings and productivity.[130] Addressing child marriage will help in the fight against poverty and increase the pace of development in Southern Asia, as child marriage is both a symptom and driver of poverty.[133]

SCOPE OF THE PROBLEM

While the prevalence of child marriage in Nepal is on a declining path, Nepal has the seventeenth highest prevalence rate of child marriage in the world and the seventeenth highest number of child brides. According to the 2014 Nepal Multiple Indicator Cluster Survey (MICS) data, of women aged 20–49 years, 18 percent were married before age 15 and 48.5 percent were married before their 18th birthday.⁸ On average Nepalese women were married by age 17 and gave birth before age 20. [105][113] While child marriage is still common in Nepal, cases are rarely reported. In the last 18 years (1996–2014), only 93 cases of child marriage have been reported to the police.[110] Additionally, an accurate understanding of the percentage of child marriages due to elopement is unknown.

Furthermore, CARE Nepal reported an increase in the incidence of child marriage after the 2015 earthquakes. [118] This finding is consistent with other contexts of conflict and disaster, where marrying off girls represents a coping mechanism where families' perceived economic burden is reduced and is thought to protect girls from risk of sexual violence caused by societal instability and devastation.[110][111][132] More research is needed in Nepal to understand how child marriage is influenced by natural disasters and other forms of instability in the country.

GEOGRAPHICAL LOCATION AND DEMOGRAPHICS

Those who experience child marriage are often

- Girls/Boys
- Living in rural areas
- Living in the western mountains, mid-western hills, or central Tarai
- From lower socio-economic groups
- Practicing dowry
- Madheshi or low caste
- Hindu or Muslim
- Least educated

One's risk for child marriage varies across Nepal depending on gender, level of education, relative wealth, geographic location, religion and caste/ethnicity.[133] Those most at risk for child marriage are girls who are often the hardest to reach, and the least educated, which make programs and effective policy implementation challenging.[134]

While child marriage in Nepal impacts both girls and boys, there are significantly more women being married as children compared to men.[135] There is also a significantly higher prevalence of child marriage in rural areas.[115][136] This may be linked to the lack of resources and fewer opportunities for education, health services,[129] and productive earning activities for girls to partake in, making child marriage one of few options

for girls.[35][129] Child marriage is also more common among poorer socio-economic groups.[105][115][125][131][136][137] Marrying off a girl child young is seen as a way to reduce the economic burden on the family, as it would allow them to secure a lower dowry price which is associated with younger brides. A survey in Nepal found that 72 percent of families cited poverty as the main reason for marrying their daughters at a young age.[133] According to a sub-regional level analysis of child marriage in Nepal, there was variability among different regions of Nepal, with a higher percentage of child marriage occurring in the western mountains, mid-western hills, and central Tarai.[137] Other studies cite dowry as the most common factor in the Tarai regions of Nepal for child marriage.

Child marriage occurs across a range of caste/ethnic groups in Nepal,[116] however, a 2017 study in Nepal that analyzed 2011 DHS data found the odds of marrying before age 16 was significantly higher for Madheshi and low caste Hindu women as compared to high caste Hindu women.[113] According to a qualitative study, it was Muslims, as well as Madheshi and Tharu girls in particular that faced pressure to marry early.[105]

POLICY CONTEXT

Over the years, the Government of Nepal has demonstrated its commitment to women's and children's rights through progressive international treaties and agreements, and has updated legal provisions to address child marriage.[30] However, challenges with enforcement and addressing deeply-rooted social norms prevail, signaling that legislation against child marriage is not enough to curb the practice.

In addition, the Constitution of Nepal explicitly prohibits child marriage, calling it a punishable offense and establishes victims' right to compensation for violations from perpetrators. Women have the right to be free from all forms of violence and are guaranteed reproductive health rights as fundamental rights. The Constitution also helps to protect children from child marriage by guaranteeing their right to identity and birth registration; right to education and health care; right to protection from hazardous work; and protection from neglect, immoral use, or any form of physical, mental, or sexual abuse or exploitation in the name of religious or cultural practices.[110]

Under the new set laws endorsed by Parliament in 2017 to replace the one-and-a-half centuries old Muluki Ain (Civil Code), the Muluki Civil (Code) Act, 2074 (2017) (implemented in 2018) outlines in the chapter on marriage that both parties must be 20 years of age for solemnizing a marriage, and eliminates the clause that enabled girls to marry younger if their parents have consented.[19] Any person involved in solemnizing a child marriage can be punished by law, with more severe sentencing and fines the younger the child (e.g. six months to three years imprisonment and a fine of 1,000-10,000 rupees [USD 10-100] if the child is below

10 years). However, the period to file a claim related to child marriage is only three months from the date of the marriage. This short time period for reporting is concerning, especially considering that if a child is forced to marry, they are likely young, uneducated, and living in a remote area, and they also are not likely aware of their rights or that the marriage is unlawful.[108] The Special Rapporteur on violence against women, its causes and consequences also expressed concerns on existing gaps and inconsistencies between the laws prohibiting child marriage are hindering progress in this regard, and on the lack of action by the police to prevent child marriage or bring charges.

While numerous legal measures are in place, challenges persist. Marriage laws are not appropriately enforced which is likely due to the overarching belief that marriage is viewed as a family matter, rather than a matter of the state.[131] There is also a lack of consistent registration of marriages which makes the issue harder to tackle. [113] Finally, the widespread lack of birth registration makes age verification impossible. This issue underscores the importance of developing the capacity of local and national governments to collect and store vital statistics records for births and marriages.[114]

The Government of Nepal has also adopted the National Strategy to End Child Marriage in Nepal, 2016 with support from UNICEF and UNFPA and Girls Not Brides Nepal, which provides an overarching policy framework to combat child marriage and promote legal accountability to end child marriage by 2030. Adopting a multi-sectoral approach to end child marriage, the strategy incorporates six pillars, namely: empowerment of girls and adolescents; quality education for girls and adolescents; engaging boys, and men; mobilizing families and communities; access to services; and strengthening and implementing laws and policies.[110][118]

GAPS IN KNOWLEDGE – OPPORTUNITIES FOR FUTURE RESEARCH

There is extensive literature available on child marriage – from the harmful health effects associated with child marriage, to education and its links. There have been large studies conducted across multiple countries, and qualitative studies that provide nuanced contextual information. There is a large library of global evidence, as well as a handful of rigorously conducted studies from the context of Nepal, which is encouraging.

What is missing from the literature is evidence on the impacts of programs and policies that reduce child marriage. Though some studies suggest that programs that move beyond just education, but also target gender inequalities and economic independence of women and girls are showing positive outcomes, rigorous evaluations that assess different approaches are still required. Furthermore, Nepal is a disaster-prone country, and thus more research is needed to understand the most appropriate services and interventions to ensure that child marriages do not spike in the wake of disasters.

Elopement, or self-initiated marriages, are emerging in the child marriage literature in Nepal. More concrete evidence regarding the practice is needed in terms of prevalence, the mechanisms in which it is occurring, a better understanding of why it is occurring from girls' perspectives, and appropriate interventions to address the practice. Some have pointed to the rise of mobile phone technology and increased interaction between boys and girls in school,[144] however, future studies should explore this issue in detail.

Research on reactive measures to child marriage are also needed. Studies should explore how to keep girls in school after marriage,[144] and for girls that are already married, what works to mitigate the negative health outcomes that they are at risk for?[145] Additionally, many child marriage prevention programs are only beginning to explore possibilities of scale-up, but there are encouraging signs that large-scale structural efforts aimed at other goals such as education, health and poverty reduction, are beginning to make a connection with child marriage prevention. More research on scalability and associated challenges is needed.[146]

EXAMPLES OF PREVENTION AND RESPONSE

School and incentive-based programs should be considered, such as cash or in-kind benefit in return for school attendance and/or delayed marriage. These programs are already part of government ministries and other platforms designed for scale. However, there is limited understanding of and commitment to delaying marriage, per se. Several programs identified child marriage as an incidental outcome or as one of many measurable outcomes.[146] One program in Ethiopia demonstrated significant reductions in marriage for girls younger than 15 years. The project used a combination of support for girls' school supplies to encourage school attendance, the promise of a goat to girls and their families who kept their girls unmarried and in school, and discussions among community members to change attitudes. After just two years of implementation, girls aged 10 to 14 in the project site were one tenth as likely to be married and three times more likely to be in school compared with girls in the control site.[112] In South Asia, India and Bangladesh have piloted such models to promote girl child's education, and the potential of similar programs in increasing the enrollment and retention of girls from disadvantaged communities in Nepal should be explored.[113]

The Global Programme implemented by UNICEF and UNFPA, works to achieve results for girls by bringing together the sectors for education, child protection, communication for development, gender, and health (including sexual and reproductive health and water and sanitation). Creating partnerships to produce scalable and meaningful change, the Global Programme builds the capacities of governments and NGOs while engaging with civil society – including faith-based organizations,

academia, the private sector and members of the global network Girls Not Brides – for more harmonized action and accountability.[134]

UNICEF and UNFPA Nepal are working to empower adolescent girls to resist early marriage and stay in school by delivering a comprehensive life skills package to girls both in and out of school. The program helps to increase their access to information on issues that are relevant to them, such as health, gender issues, leaderships skills, and basic finance and accounting skills. Parents, community members and religious leaders are also targeted through the program to help create an encouraging environment.[35]

A number of Nepalese government child protection and welfare schemes, including a scholarship program, are attempting to encourage girls to continue on to secondary school and complete their studies. These are promising approaches that could help delay marriage as well as keep girls in school.[133]

DOWRY

DEFINITIONS, CONTEXT AND CURRENT EVIDENCE

Dowry (or the dowry system) is defined as the practice of a bride's family giving cash, property and/or other gifts to the bridegroom's family as a requirement for marriage of their daughter.[148][149] Historically it was intended to provide newlyweds security and support for meeting basic needs, but overtime the meaning and use of dowry gifts have changed.[150] In Nepal today, dowry is a forced financial and/or material arrangement to be given by the parents of the bride to the parents of the groom as an essential condition of the marriage.[20]

Examples of dowry gifts, or dahej/tilak, include land, vehicles, gold, cash, jewelry, furniture, household items, electronics, clothes, and/or animals.[20][108][150]-[153] One study that explored the determinants of dowry price among Tharu found the highest percentage of respondents (98%) viewed "education and occupation" as the major determinants of dowry demand.[149] Another study found that dowry price was based on several factors and attributes of the groom and bride and their families, such as the education level of the groom and parents, economic and social status of the groom and parents, hypergamy, and imbalance in the marriage market.[154] If a bride's family is not in a position to provide dowry, they take loans or sell property, perpetuating a cycle of debt and dependency.²⁰ One reason that the deeply-rooted practice continues in Nepal is because dowry is associated with social status and prestige, where both families who receive and give large dowries boost their social status.[20]

Dowry has also been linked to perpetuating the practice of child marriage in Nepal. Younger girls require lower dowries, which incentivizes early marriage.[155] Child brides have less agency, education, and consequently, less access to resources and protective measures that can guarantee security. The family of a bride may plan over the course of her life[156] and make sacrifices elsewhere, keeping girls out of school to avoid school fees to save money for her dowry, but also to save money on the dowry as an undereducated and younger bride comes with a lower dowry price. In case of girls who receive higher education, the family has to pay a higher dowry as they will get married at an older age where higher dowry is requested by the groom's family. [20] Therefore, parents are pressured to pull their

daughters out of school early to keep the costs of dowry low.[157] On the other hand, for sons, the higher the level of education of the groom, the higher the dowry demand. For example, doctors, engineers and bankers can demand a large dowry, and thus parents will invest in the best education for their sons for a return on their investment through dowry payment when their sons get married. Some families will even request a dowry amount to meet the expenses they have incurred in educating their sons.[20] Therefore, educating sons is viewed as an investment, whereas educating daughters is a hinderance. Female infanticide and sex selective abortion, are other negative consequences of the dowry system as girls are viewed as a financial burden.[149]

Concerns have also been raised on the impact of dowry on women and young girls who are frequently subjected to physical and psychological abuse for failing to present the expected dowry upon marriage. If the groom's family's demands are not fulfilled, brides can be mentally or physically tortured, or even killed by their in-laws.[20][149] Even after a dowry demand has been met, and the girl has been married, there are reported cases where the groom's family demands a higher dowry after the wedding. If these demands are not met, sometimes women are faced with violence. In one case from south-central Nepal,²⁰ after her wedding, a young girl's husband started to demand a water buffalo and cash to add to the small dowry her father provided for her wedding. She was unable to provide the additional dowry and was beaten repeatedly by her husband for four months. When the girl was seven months pregnant, her husband came home late one night, drunk; he beat her, tied her up and, with the help of his mother, poured kerosene on her and lit her on fire. Fortunately, the neighbors rushed to put out the fire and she survived, but her baby did not.[6]

Dowry is predicted to be a key contributor to domestic violence in Nepal and a key driver of child marriage.[20] [158] Though the percentage of domestic violence and gender-based violence attributable to dowry-related violence is unknown, it is estimated by activists and other gender experts to be a large contributing factor, where many of the cases go unreported. Dowry-related violence, which is emotional, psychological, physical, sexual, or economic violence that occurs as a result of families unable to meet dowry demands, is a growing concern that is hard to measure, and where more research on prevalence and perpetrators is required. The consequences of dowry-related violence can be physical

SNAPSHOT OF THE ISSUES

LEGAL STATUS

- Illegal as of 1976.[147]
- Under the Penal Code (Act), 2017 (implemented in 2018), dowry is criminalized with a three-year jail sentence and a 30,000 rupee (USD 300) fine for taking a dowry payment.[21]-[23]

NUMBER OF REPORTED DOWRY-RELATED DISPUTES (04/2018-04/2019)

15 (all in Tarai districts)[4]

DEATHS REPORTED DUE TO DOWRY (04/2018-04/2019)

7[4]

or psychological injury or illness, suicide, death by injury, and eviction from the home amongst others.[20] Across different parts of Nepal, cases of burning, hanging, poisoning, and torture as a result of dowry-related conflict have been reported.[149][159]-[162] Perpetrators of dowry-related violence are typically husbands or in-laws.[159]

Suicide and apparent suicide are also major concerns associated with dowry. Due to the mounting pressure of brides and their families to provide steep dowry payments, there have been reported cases of women committing suicide.[152] In one case, a young woman committed suicide after learning that her parents had mortgaged their house to arrange for the dowry demanded by the family of the man she was to marry. The 22-year-old mentioned in her suicide note that she could not see her parents lose their house at the cost of her marriage.[20] Additionally, apparent suicide under the guise of a practice called “bride burning,” where a husband or in-laws set the wife on fire,[153] is also a practice where families of the groom reportedly kill the daughter-in-law and claim it as a suicide or accident.[20] [152]

Anecdotal evidence suggests that practicing dowry may also be associated with increased rates of polygamy, which in turn is a major contributor to domestic violence,[163] where families bring in additional wives to attain more dowry payments, but more research on this association is needed.[148] Another study conducted with Muslim women in the Tarai found that women who had followed the dowry system were less likely to have used contraceptives than those who had not followed dowry system.[151]

SCOPE OF THE PROBLEM

An accurate understanding of the prevalence of dowry practices and dowry-related violence in Nepal is unknown.[20] However, police reports of specific cases are available, but they grossly underrepresent the true number of cases. Informal Sector Service Centre (INSEC) documented 12 victims of dowry in 2012, and 26 in 2013.[20] They also recorded five cases of dowry-related deaths each in 2012 and 2013.[20] In 2012, all five dowry-related deaths occurred in central Nepal,

whereas the coverage of dowry deaths in 2013 spread to the eastern and mid-western regions, but all recorded deaths occurred in the Tarai.[20] Another study found a total of 825 GBVAWG cases recorded in the media, of which the highest number of cases were related to sexual violence (23.7%), followed by domestic violence (16.2%), murder (12.2%), trafficking (11%), witchcraft accusation (9.9%), dowry-related violence (5.2%). [29]According to the Women’s Cell, 693 cases have been registered in the current fiscal year (2018/2019).[164] One of the police personnel explained that most of the cases of violence against women were related to insufficient dowry, and they were subjected to physical and mental torture for failing bring in enough dowry.[164] Although the practice of seeking dowry is widespread, cases are rarely recorded. It is thought that dowry is the underlying cause in most cases of murder, suicide, assaults and violence against women, but more evidence is needed for effective program and policy interventions.[164]

Dowry-related violence has the ability to affect the fabric of communities as it keeps societies from reaching their full potential through economic empowerment and educational gains and may also perpetuate negative health issues such as poor health seeking behaviors, or sex selective abortion.

As it is the case for other types of GBVAWG, reporting of dowry-related cases is very low in general as there is social stigma attached to reporting,[36] and this is also likely to be the case with dowry-related violence. Additionally, women may be hesitant to report threats and abuse to the police due to fear of retaliation against themselves and their families.[152][165] Even if cases are registered, most of the cases are mediated between the victim and accused instead of going through the formal legal system.[20] More research on these types of cases are required. Women who die or do not seek medical care are unaccounted for, and survivors often do not admit what happened.[153]

GEOGRAPHICAL LOCATION AND DEMOGRAPHICS

Those who practice dowry,

- Likely live in the Tarai, especially the east
- All social strata
- Are likely Hindu or Muslim

All five development regions, except the far-west, have been affected by dowry according to one Informal Sector Service Centre (INSEC) study. Dowry-related violence is widely reported in Tarai districts,[20][21][166] and the eastern region has the highest number of dowry victims according to 2012 data.[20] Dowry is practiced by all sections of society, irrespective of educational or economic status.[20][150][167] Studies demonstrate that dowry is practiced among both Hindus and Muslims. [150]

POLICY CONTEXT

Though dowry has officially been illegal in Nepal since 1976 under the Social Practices Reform Act 2033, the practice remains widespread.[147] The Act prohibited tilak (property to be given by the bride side to the bride groom side for the reason that the bridegroom accepted for marriage in the form of cash, goods, donation, gift, fare-well gift for the bride or groom). In 2017, the Penal Code (Act) 2074 (2017) (implemented in 2018) was passed in Nepal's parliament to address a number of issues related to women's safety and discrimination against women. Under the new set of codes, the Government has strengthened the laws against dowry payments for marriage.[21] The new Penal Code states a three-year jail term and a 30,000 rupee fine (USD 300) for taking a dowry payment.[22][23]

GAPS IN KNOWLEDGE – OPPORTUNITIES FOR FUTURE RESEARCH

There is little evidence around dowry in Nepal. Future studies are needed to explore the role that dowry plays in child marriage, and standardized indicators and reporting on dowry are needed to better understand the extent of the issue, as much of the collected data is currently anecdotal. Systematic documentation and a research are necessary to understand the full picture of dowry and dowry-related violence in Nepal, which are needed for appropriate program and policy development and implementation.[20]

WITCHCRAFT ACCUSATIONS AND PERSECUTION

DEFINITIONS, CONTEXT AND CURRENT EVIDENCE

Witchcraft is generally defined as a supernatural power possessed by a person who is known as the witch or wizard. In Nepal, witchcraft is commonly referred to as *boksipratha*, a witch is called a *boksi* and a wizard *bokso*. The Witchcraft and Human Rights Information Network (WHRIN) classifies human rights abuses caused by these beliefs as witchcraft accusations and persecution (WAP). [171]

A large part of Nepali population hold deeply-rooted, socially and culturally constructed beliefs on witchcraft. Beliefs in witchcraft exist among people, regardless of their individual religion or faith.[175]

While men in Nepal can be accused of committing witchcraft, the vast majority of persons accused of witchcraft are women. There is a general belief that witches have the power to cause ill-fate or misfortune to others, including health issues (e.g. illness, drowning, injuries from accidents, premature death in the family, mental illness, infertility, and impotence), negative natural events (e.g. earthquake, drought, crop failure, and death of livestock), or negative social events (e.g., unemployment, divorce, failure to find a spouse, unemployment, and inability to save money). [169][175] Witchcraft accusations usually occur when people experience loss, illnesses, financial troubles and a range of other misfortunes.[172] Thus, witchcraft accusations have been used as an attempt to rationalize the misfortunes occurring in communities. Belief in witchcraft provides answers when misfortune strikes,[204] and opens up the possibility of combatting the causes of unexpected hardship.[205]

Local traditional healers, called Dhami/Jhakris, have a significant role in WAP and in perpetuating the belief in witchcraft,[172][181][182] as they are believed to have the power to identify witches and conduct the healing rituals. [175] This role especially relates to diagnosing illnesses and providing answers for understanding negative events in the lives of community members. Dhami/Jhakri, are highly respected and trusted within the society, and are powerful actors in both urban and rural communities. [170] If a Dhami/Jhakri accuse a woman of practicing witchcraft, other members of the community, and even

members of the accused's own family, may perpetuate the charge.[173] The Dhami/Jhakri would also sometimes directly participate in carrying out persecutions such as torture, inhuman treatment and killing of the person accused of witchcraft.

Other studies suggest that WAP tends to follow the patterns of tension, conflict, and crisis in societies, that lead to breakdown of community infrastructures, resources and social networks. These 'social vacuums' exacerbate WAP due to fear and suspicion, and as witchcraft provides a reason for such crises, thereby maintaining the social order.[170]

Concerns have recently been expressed on the common use of WAP for financial gain, to seize property and land, and to exercise power and control over others.[3] [169] This has particularly been the case in disputes over property, inheritance, or other financial matters amongst families, relatives, neighbors or friends.

WAP is a form of gender injustice used as way to deprive widows and other women of their succession and inheritance rights to property and assets.[24] [170][175] Recent research in Nepal also suggests that family disputes, particularly between mothers- and daughters-in-law, have resulted in accusing one another of engaging in witchcraft.[172] Grudges and jealousy can also spark accusations of witchcraft.[175]

Those accused of witchcraft often face extreme forms of physical and psychosocial violence. This includes: being stripped naked and beaten, having their head shaved, being forced to consume human urine and excreta, having soot smeared on the face, being forced to wear a garland of shoes around their neck,[172][175]- [175] being physically assaulted with sticks and blunt objects,[176] being forced to handle red hot irons with their bare hands,[175] or being stoned.[178] Often times, the extreme forms of torture lead the person accused of witchcraft to confess to the allegations. These treatments leave the WAP victim physically harmed and in a state of psychological trauma, occasionally leading to suicide among the tortured victims.[175] The violence can also take a form of social exclusion and banishment from communities.[172][175] In the most extreme cases, WAP leads to the person accused of witchcraft to be killed. [174][175] Several cases have also been reported where women have been burned alive.[175][178][179]

SNAPSHOT OF THE ISSUES

LEGAL STATUS

Under Penal Code, 2017 (implemented in 2018), accusing a man or woman of practicing witchcraft is punishable by a jail sentence of up to five years, along with a fine of up to 50,000 rupees (USD 500) (Section 168).

REPORTED CASES OF WITCHCRAFT ACCUSATION AND PERSECUTION

33 in 2017
34 in 2016
51 in 2015[169]

EXTRA-JUDICIAL RESPONSE ON BASIS OF WITCHCRAFT ACCUSATION AND PERSECUTION (04/2018-04/2019)

334

EXTRA-JUDICIAL KILLINGS ON THE BASIS OF WITCHCRAFT ACCUSATION (04/2018-04/2019)

3[4]

SCOPE OF THE PROBLEM

An accurate understanding of the prevalence of WAP in Nepal is unknown. Cases reported to the police and by the media constitute a fraction of the number of WAP. [175] However, there are a few data sources that provide a glimpse into the scope of the issue across Nepal. The Nepal Monitor data found 33 responses on the basis of WAP (04/2018-04/2019)[18]. They also found three cases on the basis of WAP (04/2018-04/2019)[18]. INSEC documented 51 cases of witchcraft accusation in 2015, 34 cases in 2016, and 33 cases in 2017.[169] According to Women’s Rehabilitation Center (WOREC), 103 cases of violence against women sparked by accusations of witchcraft were logged in 2011.[24] According to the Women and Children’s Directive at Nepali Police, 43 cases were reported to the police in 2015, 28 cases registered in 2016, and 24 cases in 2017. While helpful, these statistics only scratch the very surface of this problem and do not represent the full scale, severity and complexity of WAP in Nepal. Many more women are believed to be experiencing physical and mental pain associated with witchcraft superstitions.[183]

Similar to the other harmful practices described in this literature review, WAP cases are often underreported due to victims’/survivors’ lack of knowledge of their rights, fear of retaliations, stigma attached to WAP, fear of escalated violence and abuse,[175] and lack of access to reporting mechanisms. Research reports show that law enforcement and police officers often choose to ignore or do not attempt to seek justice in WAP-related cases, due to their own beliefs in witchcraft and existence of boksi [18] Furthermore, WAP cases are rarely prosecuted, and the perpetrators are rarely punished, which diminishes trust in the reporting system and perpetuates impunity. [170]

GEOGRAPHICAL LOCATION AND DEMOGRAPHICS OF THOSE WHO PRACTICE

Those most vulnerable to WAP include:

- Women, especially those living in the Tarai
- Excluded groups, in particular Dalits, illiterate, women with disabilities, widowed or single women
- Young adults between 21-40 years old

Supposed characteristics of witches include women with facial hair, red or yellow eyes, baldness, and stooped posture. Those who are argumentative, chatty, or talk to themselves, and those women who suffer from infertility are also targeted as witches.[175]

According to 2012 INSEC data, young adults between the ages of 21 and 40 years are most often accused of witchcraft, followed by persons between the ages of 41 and 60. Persons older than 61 years are rarely accused. [37][185]

Persons accused of witchcraft tend to share a number of characteristics in terms of socio-economic background, including illiteracy, lack of education, unemployment and poverty. Women from excluded groups in Nepal are more likely to be unaware of their civil, political, legal or human rights, and most cannot afford or access justice. Lower-caste women are particularly vulnerable to WAP[206], due to the intersectionality of discrimination they suffer in caste, gender and class, and they are prone to be targeted as scapegoats for individual, community-wide and societal afflictions or woes.[175] Other excluded groups in Nepal are also vulnerable to WAP, including, in particular, women with disabilities. Available evidence also show that widows and single women are more likely to be victims of WAP, in part due to the absence of social or familial support.

Accusers and perpetrators of WAP, on the other hand, tend to belong to the most advantaged part of the society, in particular members of the upper caste.[175]

While instances of WAP have also been witnessed in urban areas, the majority of cases have been registered in rural parts of the country. This is due, in part, to traditional religious beliefs and practices of witchcraft being more deeply entrenched in rural communities. [169] Additionally, WAP is more common in the Tarai, followed by the hill region, but less common in the mountains.[169][175][180][185]

POLICY CONTEXT

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In a disturbing example in Nepal, a woman was set on fire by family members and others after a dhami/jhakri accused her of casting a spell to make one of her relatives sick. Before being doused with kerosene and set on fire, she was beaten with sticks and rocks, all in front of her nine-year-old daughter.[179]

.....

WAP have been criminalized in Nepal since the introduction of the Witchcraft Accusation (Crime and Punishment) Act in 2015. Legal safeguards against WAP were also strengthened with the provision in the new Penal Code (2017). Under Section 168, accusing anyone of practicing witchcraft or committing any act against a person based on the belief that this person practices witchcraft constitutes degrading or inhumane treatment and is punishable by a jail sentence of up to five years, along with a fine of up to 50,000 rupees (USD 500). If the perpetrator is a person working in a government office, he/she will be given an additional three-month jail term (Section 168 (5)). In cases where perpetrators fail to pay compensation to the victim on grounds of his/her poor financial status, the Government will arrange for relief to the victim through the GBV Prevention Fund.

Despite the legal framework on WAP, concerns have been expressed on the prevalence of the practice in Nepal. The Special Rapporteur on violence against women, its cause and consequences, highlighted the high level of impunity for perpetrators, noting in this regard the indifference of the police for cases of inhumane and degrading treatment stemming from accusation of witchcraft, as well as the fear of retaliation on the part of the victims. [207]

GAPS IN KNOWLEDGE – OPPORTUNITIES FOR FUTURE RESEARCH

Most of the information available on WAP in Nepal is anecdotal.[171] There is a need for nationally-representative and mixed-method research studies to guide practitioners and policy makers on WAP. More studies representing experiences are needed across the country to better understand the scope, and potential various drivers and manifestations of the practice. While recognizing the gaps in the implementation of the WAP-related provisions in the Penal Code, an assessment of the impacts of the Code is also necessary.[169]

The relationship between caste and witchcraft accusations also remains anecdotal, and a better understanding of root causes for groups more vulnerable to WAP is needed.[169][172] Moreover, in view of the significant role of Dhami/Jhakri in perpetuating WAP, more research is needed to identify the best practices in engaging them to address WAP.[169]

Further, while physical impacts of WAP is recorded, a better understanding of the complex intersection between the psychosocial trauma and WAP is needed, in order to better facilitate rehabilitation and reintegration of those accused of witchcraft into the society after an attack.[169]

EXAMPLES OF PREVENTION AND RESPONSE

Awareness-raising activities using artistic performance, such as poetry, songs, music videos, dance and theater, have been organized by the Manchhe Boksi Hunna (translated as 'A Human Being can never become a Witch')[18]. This non-governmental organization has aimed to raise awareness in order to challenge the current beliefs among Dhami/Jhakri and community members, through educating the natural causes of life phenomena such as natural disasters or illness.

Trainings about mental health problems and psychosocial support for persons experiencing WAP such have been provided to Jhakri/dhami, who are then able to recognize mental health problems and refer the concerned persons to mental health services, psychological counselling and other health care support services.[18]

ANNEX A – NEPAL'S FRAMEWORK ON ADDRESSING HARMFUL PRACTICES

Sustainable Development Goal Targets[208]					
Target	Indicator		2015	2030	Source of Data
SDG 5: Achieve gender equality and empower all women and girls					
5.1 End all forms of discrimination against all women and girls everywhere					
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation					
	5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence	Women aged 15-49 years who experience Physical / sexual violence (%)	26	6.5	NHRC, MIS
5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation					
	5.3.1 Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18	Women aged 15-19 years who are married or in union (%)	24.5	4.1	NMICS

International human rights treaty bodies

Harmful practice	Progress	Concern	Recommendation
2007			
Committee against torture (CAT)-Concluding Observations-April 2007 (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)			
Caste-based discrimination	26. Acknowledgment that caste discrimination exists in the country and the creation of the National Dalit Commission	26.The deeply rooted discriminatory practices continue to be committed on a large scale against marginalized and disadvantaged groups or castes such as the Dalits. 26.The long-standing pattern of caste discrimination is being further entrenched by the current conflict in the country.	26. Take specific steps to safeguard the physical integrity of all members of society, in particular citizens belonging to marginalised and disadvantaged groups or castes, such as the Dalits; ensure that accountability mechanisms are in place guaranteeing that caste is not used as a basis for abuses, unlawful detention and torture, and take steps to ensure more diverse caste and ethnic representation in its police and security forces.
2014			
Human Rights Committee-Concluding Observations – April 2014 (International Covenant on Civil and Political Rights)			
All, in particular child marriage, the dowry system, son preference, witchcraft accusations and chhaupadi		8.Persistence of patriarchal attitudes and deep-rooted stereotypes that perpetrate discrimination against women in all spheres of life, and the prevalence of harmful traditional practices.	8. Take appropriate measures to (a) explicitly prohibit all forms of harmful traditional practices in domestic law and ensure its effective implementation in practice; (b) conduct awareness-raising campaigns on the prohibition and negative effects of such practices, particularly in rural areas; and (c) encourage reporting of such offences, investigate complaints from victims and bring those responsible to justice.
Caste-based discrimination	9. The adoption of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act in 2011	9.Lack of effective implementation and the persistence of de facto discrimination against the Dalit community. 9.Lack of sufficient resources provided to the National Dalit Commission and the failure to effectively implement its recommendations	9. Strengthen measures to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act and to eliminate all forms of discrimination against the Dalit community; ensure that the National Dalit Commission can carry out its mandate effectively with sufficient resources, and that its recommendations are effectively implemented.

Harmful practice	Progress	Concern	Recommendation
Committee on Economic, Social and Cultural Rights (CESCR) –Concluding Observations -December 2014 (International Covenant on Economic Social and Cultural Rights)			
All, in particular forced and early marriages, accusations of boksi (witchcraft), deuki tradition, jhumas, kamlari chapaudi and badi		14. Deep-rooted stereotypes and patriarchal attitudes that discriminate against women and girls continue to be prevalent in society, despite measures taken to curb them. It is particularly concerning that women and girls, in particular of Dalit origin, continue to suffer from harmful traditional practices such as forced and early marriages, accusations of boksi (witchcraft), deuki tradition, jhumas, kamlari chapaudi and badi.	14 (a). Effectively implement measures to eradicate harmful traditional practices; 14 (b). Reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that those practices are violating human rights and that they have long-lasting negative effects; 14(c). Enforce the Domestic Violence Act of 2009, investigate cases of harmful traditional practices and punish those responsible; 14 (d). Provide protection and rehabilitation to victims; 14 (e). Expedite the adoption of the bill prepared by the National Women’s Commission to criminalize all kinds of harmful practices and implement the national strategy to end child marriages.
2016			
Committee on the Rights of the Child (CRC) – Concluding Observations – July 2016 Convention on the Rights of the Child			
Relevant documents: Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child (2014)			
All, in particular those related to caste (dowry; bonded labour, including Kamalari, Kamaiya, Haliya and Haruwa-Charuwa; and sexual exploitation, such as Badi), Chhaupadi, accusations of witchcraft, Kumari	37. Initiatives taken by the State party to eradicate harmful practices.	37.Continuing prevalence of practices, including: (a) The caste system and its related traditional practices such as dowry; bonded labour, including Kamalari, Kamaiya, Haliya and Haruwa-Charuwa; and sexual exploitation, such as Badi; (b) Widespread reports of the forced isolation of menstruating women and girls (chhaupadi), which is particularly harmful in rural areas, exposing girls to heightened risk of sexual violence and health hazards; (c) Reports of serious violence related to accusations of witchcraft; (d) The social exclusion that is forced upon girls chosen as Kumari.	38. Take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes and adopting and implementing legislation explicitly prohibiting such practices. It further recommends that, in so doing, the State party prioritize girls, particularly girls with disabilities, girls living in rural areas and Dalit girls.

Harmful practice	Progress	Concern	Recommendation
Child marriage	39. Prohibition of child marriage in the Constitution, the recently approved strategy to end child marriage and the State party's leadership in implementing the regional action plan to end child marriage in South Asia for the period 2015-2018.	39. Prevalence in the State Party despite the minimum age for marriage for boys and girls set at 20 years, and possible impact of the 2015 earthquake on the risk of child marriage for girls.	40. Ensure that the minimum age of marriage set in the Constitution is applied. 40 (a). Review allegedly contradictory legal provisions in the draft Penal and Civil codes to ensure that child marriages can be rendered void if it is in the best interests of the child or children concerned; 40 (b). Develop awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, as ordered by the Supreme Court of Nepal in Sapana Pradhan Malla and others v. Government of Nepal in 2006, targeting households, local authorities, religious leaders, judges and prosecutors; 40 (c). Establish protection and support schemes for children wishing to void their marriage, particularly those who file a complaint; 40 (d). Undertake an assessment of the impact of the 2015 earthquake on girls' vulnerability to child marriage and apply those findings to guide the implementation of measures to address the increased risk of child marriage.
2018			
Committee on the Rights of Persons with Disabilities (CRPD)- Concluding Observations – April 2018 Convention on the Rights of Persons with Disabilities			
Intersectionality of disability and caste/ethnicity		9. Multiple and intersectional forms of discrimination on other grounds such as caste and ethnicity, in particular women and girls with intellectual or psychosocial disabilities, autistic persons, and persons from ethnic, Dalit, Madhesi and Muslim communities.	10. Implement existing anti-discrimination legislation, policies and programmes in order to prevent multiple and intersectional discrimination against disadvantaged groups, including autistic persons and ethnic, Dalit, Madhesi and Muslim communities. The Committee also recommends that the State party establish accessible and effective mechanisms for victims of discrimination to seek redress and appropriate compensation

Harmful practice	Progress	Concern	Recommendation
Committee on the Elimination of Racial Discrimination (CRD) – Concluding Observations May 2018 International Convention on the Elimination of All Forms of Racial Discrimination			
Caste-based discrimination	13. Prohibition of several practices of caste-based segregation	13. Reports that such segregation persists in practice, preventing marginalized castes, including Dalits, from safely marrying members of other castes, and from accessing places of worship, public spaces, public sources of food and water, educational facilities and housing facilities occupied by members of other castes	14 (a). Monitor, investigate, prosecute and sanction incidents of violence linked to inter-caste marriage and caste-based segregation, and offer protection and remedies to victims; 14 (b). Conduct country-wide public awareness and education campaigns designed to eliminate the notion of racial or caste-based hierarchies, end social segregation practices and prevent inter-caste violence; 14 (c). Ensure that educational curricula and textbooks condemn caste-based discrimination and untouchability, contain positive representations of the culture and contributions of all castes, and omit derogatory or otherwise discriminatory language against any caste.
Bonded labour practices	27. Prohibition of bonded labour practices including haliya and kamaiya, which disproportionately affect Dalits and other marginalized castes in domestic law. 27. Introduction of measures and allocated funds to resettle and rehabilitate former bonded labourers by providing them with land and/or houses and income-generating skills.	27. Persistence of these practices in reality. 27. Underfunding of measures to resettle and rehabilitate former bonded labourers	28 (a). Intensify its efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour; 28 (b). Implement standard operating procedures for proactively identifying and assisting victims of trafficking and slavery; 28 (e). Strengthen its efforts to fund voluntary and sustainable resettlement and rehabilitation of former bonded labourers, including through the provision of affordable and adequate housing and alternative livelihoods; 28 (f). Provide in its next periodic report data, disaggregated by ethnicity or caste, on the number of acts of trafficking and enslavement investigated, prosecuted and sanctioned, and on remedies provided to victims.

Harmful practice	Progress	Concern	Recommendation
Committee on the Elimination of Discrimination against Women (CEDAW)-2018 Concluding Observations - November 2018 (Convention on the Elimination of All Forms of Discrimination against Women)			
Relevant documents: Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child (2014)			
Chhaupadi, dowry, accusation of witchcraft, discrimination against Dalit persons and child marriage.	18.The criminalisation of a number of harmful practices		19 (a). Expedite the adoption of legislation prohibiting all forms of harmful traditional practices, investigate and prosecute the perpetrators of such practices, impose adequate sanctions and provide compensation to victims;
Chhaupadi, child marriage, dowry, son preference, polygamy, discrimination against widows, accusations of witchcraft, discrimination against Dalit and indigenous women and girls, jhuma, deuki and dhan-khaane		18 (a). Notwithstanding the criminalisation of many harmful practices, they remain persistent in the State party	19 (b). Expedite the development of a comprehensive strategy, with concrete goals and resources, in collaboration with civil society and local government, to raise awareness among all stakeholders, including the police, the judiciary, village-based health networks and religious and community leaders, of legislation on harmful practices and of the effects of those practices on the lives of women and girls;
Child marriage		18 (b). Inconsistencies between provisions of the Civil Code and provisions of the Criminal Code, inconsistencies which undermine the State party's efforts to stop child marriage and impede access for victims to legal remedies	19 (c). Prioritize the adoption of the bill to amend some acts relating to country codes to bring provisions of the Civil Code regarding the legal age of marriage into line with the Criminal Code, which sets that age at 20 years;
Discrimination against intersex people		18 (c) Discrimination against intersex persons, namely, abuse, reported infanticide, forced marriage and the conduct of medically unnecessary procedures on Nepali intersex infants and children on the territory of the State party or abroad before they reach an age at which they are able to provide their free, prior and informed consent;	(d) Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons;
All harmful practices		18 (d). The underreporting of harmful practices and insufficient short- and long-term support for victims.	19 (e). Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization and that they have access to effective remedies and victim support, such as legal, social, medical and psychological assistance and shelters.

Universal Periodic Review

Practice	Recommendations
Universal Periodic Review of Nepal-Second Cycle -2015	
All, in particular child, early and forced marriage	121.7. Adopt a bill criminalizing harmful cultural practices, and abolish child, early and enforced marriage (Sierra Leone)
Child marriage	121.20. Step up efforts to eliminate gender inequity and implement the national strategy on ending child marriages (Botswana)
All	121.24. Maintain its resolve to eliminate harmful practices against women and children (Egypt)
Caste-based discrimination	122.35. Ensures full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act (Denmark)
Caste-based discrimination	122.40. Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the Caste-based Discrimination and Untouchability Act (Germany)
Caste-based discrimination	122.41. Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia)
Child marriage	122.47. Strengthen measures to combat violence against children, particularly with regard to the prevention of early and forced child marriages and child trafficking and in particular through awareness-raising campaigns among families (Belgium)

International special procedures

Harmful practice	Progress	Concern	Recommendation
United Nations Special Rapporteur on Violence against Women, its Causes and Consequences -Preliminary Observations and Recommendations-November 2018[209]			
All	<p>Enshrinement of the rights of all sexes, castes, races, and ethnicity under fundamental rights in the new Constitution of 2015.</p> <p>Introduction of legislation to make all forms of domestic violence, including cultural practices punishable crimes (Anti-Witchcraft Act of 2015, Muluki Criminal Code 2074 to criminalise Chhaupadi, the National Strategy against Child Marriage, and the National Strategy on Gender Based Violence and gender empowerment from 2010-2016)</p> <p>Adoption of the Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act in 2017, that further protects the rights of Dalit and other women discriminated on the basis of caste.</p> <p>Establishment of policies on untouchability through social inclusion.</p>	<p>Continued existence of some legislation and harmful practices that discriminate against women and lead to gender based violence and discrimination, pose significant challenges for the country.</p> <p>Continued multiple forms of discrimination against Dalit women; their vulnerable economic status, combined with the patriarchal values, exposes them to various forms of violence. Entrenchment of traditional harmful social practices like 'chhaupadi', child marriage, as well as dowry and cases of polygamy, in the prevailing patriarchal and social stereotypes.</p>	<p>-Enact an umbrella policy to eradicate all forms of social and cultural harmful practices and ensure full implementation and awareness raising of the laws without delay with effective monitoring.</p>

National legislative framework

Practice concerned	Law/Policy	Relevant provision
Chaupadi	Country Penal Code	<p>Section 168-</p> <p>(3) Banishing a woman to a shed (Chhaupadi) during menstruation or delivery, or subjecting, causing to be subjected, her to similar other discrimination, untouchability or inhuman treatment of any kind is prohibited.</p> <p>(4) A person who commits an offence under sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding three thousand rupees or the both sentences.</p>
Caste-based discrimination and untouchability	Country Penal Code	<p>Section 166-</p> <p>(1) No person shall subject any one to untouchability or any other kind of discrimination, or prevent anyone from appearing in any public place or entering into any religious place of public nature, or deprive any one of using water or water pond in public use or of the use of things of any other private or public utility or convenience, on the grounds of custom, tradition, religion, culture, rites or rituals, caste, tribe/race, community, profession, occupation, physical condition or origin of social community.</p> <p>(2) A person who commits, or causes to be committed, an offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or the both sentences; and if a public servant commits an offence under this Section, he or she shall be liable to an additional sentence of imprisonment for a term not exceeding three months.</p>
	<p>Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011</p> <p>As amended by</p> <p>Caste-based Discrimination and Untouchability (Offence and Punishment) (First Amendment Act), 2018</p>	<p>Criminalisation of untouchability, exclusion and restriction on the basis of caste</p> <p>Section 4-</p> <p>(2) No one shall, on the ground of custom, tradition, religion, culture, rituals, origin, caste, ethnicity, lineage, community, occupation or business commit or cause to commit the following act in public or private sphere (place) against a person by making caste-based discrimination or untouchability.</p> <p>(a) To prevent, control or restrict anyone in any way from entering, attending or participating.</p> <p>(b) To expel anyone individually or collectively from public place or public occasion or to commit social exclusion or discrimination of any kind or to impose restriction on such act or to demonstrate any other kind of intolerant behaviour.</p> <p>(3) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, deprive a person of using or enjoying public service.</p> <p>(4) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, deprive a person of organizing public occasion or performing any act to be organized publicly.</p> <p>(5) No one shall instigate or provoke anyone to commit an act that causes caste-based discrimination or untouchability or abet any one to commit such act, or knowingly participate in such act.</p> <p>(6) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, prohibit any one to carry on profession or business or compel any one to carry on any occupation or business.</p> <p>(7) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, deprive or cause to deprive any one of performing any religious act.</p>

Practice concerned	Law/Policy	Relevant provision
		<p>(8) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, prevent or cause to prevent anyone from producing selling or distributing any goods, services or facilities.</p> <p>(9) No one shall, while producing, selling or distributing any goods, services or facility, produce, sell or distribute any goods, services or facility only for particular caste or race or impose restrictions in purchasing or acquiring on the basis of caste or ethnicity.</p> <p>(10) No one shall, on the ground of caste or race, exclude any member of family or prevent him/her from entering in to the house or evict him/her from the house or village, or compel him/her to leave the house or village.</p> <p>(11) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, prevent a person of marriageable age pursuant to prevailing law from getting inter-caste marriage; or shall deny to perform naming ceremony for the person born from such marriage or compel or cause to compel for divorce.</p> <p>(12) No one shall, by transmitting, publishing or displaying audio-visual materials, articles and compositions, pictures, shapes, cartoons, posters, books or literature, or by electronic means or by any other manner, nobody is allowed to show any person or community as high or low on the basis of origin, caste or ethnicity of such person or community, to justify social discrimination on the basis of caste, ethnicity or untouchability, or to publish and disseminate opinion based on untouchability and caste-based height or hatred, or to encourage or get caste-based discrimination encouraged in any manner.</p> <p>(13) No one shall, on the ground of origin, caste, ethnicity, lineage, community, occupation or business, deny anyone to provide employment or discriminate in remuneration or cause to do so.</p> <p>Section 7-</p> <p>Whosoever commits an offence pursuant to Sub-section (2), (3), (4), (5), (6) or (7) of section 4 shall be liable to the punishment of imprisonment for a term from three months up to three years and the fine from fifty thousand rupees up to two hundred thousand.</p> <p>Whosoever commits an offence pursuant to Sub-section (8), (9), (10), (11), (12) or (13) or section 4 shall be liable to the imprisonment for a term from two months up to two years and the fine from twenty thousand rupees up to one hundred thousand rupees or the both.</p> <p>Whosoever aids, abets or instigates anyone to commit caste-based discrimination or untouchability or attempt for such act shall be liable to half of the punishment prescribed to the principal offender.</p> <p>(1A) In case a person, who has been punished for any offence committed as per Section 4, commits the offence again as per the same Section, double punishment of the punishment mentioned in Part (a) or (b) of Sub-section (1) every time shall be upon such person.</p> <p>If a person holding public post commits an offence pursuant to Sub-section (1) shall be liable to the punishment of an additional Fifty percent to the punishment as mentioned in that Sub-section.</p>

Practice concerned	Law/Policy	Relevant provision
Child marriage	Country Civil Code, 2018	Section 70- (c) Subject to this Chapter, a marriage may be concluded between a man and a woman on the following conditions: (d) if both have attained twenty years of age
	Country Penal Code, 2018	Section 173- (1) No marriage shall be concluded or cause to be concluded unless parties to the marriage have attained the age of twenty years. (2) A marriage concluded in contravention of sub-section (1) shall, ipso facto, be void. (3) A person who commits an offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.
Dowry	Social Practices (Reform) Act, 1976	Illegality of the practice
	Country Penal Code, 2018	Section 174- (1) No marriage shall be concluded, or caused to be concluded, upon having asked for, or on the condition of receiving or giving of, any type of movable or immovable property, dowry or any property from the bridegroom or the bride side, except such ordinary gift, donation, money or one set of jewelry worn on the body as has been practiced in his or her custom. (2) A person who commits an offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or the both sentences. (3) No person shall, after the conclusion of marriage, ask the bride or her relative for any movable, immovable property or dowry as referred to in sub-section (1), or make, in any way, any annoyance, harassment or inhuman or degrading treatment to the bride or her relative for the reason that such movable, immovable property or dowry has not been given. (4) A person who commits an offence under sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or the both sentences.
Witchcraft accusations and persecutions	Country Penal Code, 2018	Section 168- (1) No person shall subject, or cause to be subjected, any one to degrading or inhuman treatment. Explanation: For the purposes this Section, the following act shall be deemed to constitute a degrading or inhumane treatment: a. to accuse one of being a witch, b. to expel one from his or her place of residence in accusation of being a witch, c. to ex-communicate one from the society, or d. to make cruel, inhuman or degrading treatment by doing any other act whatsoever. (2) A person who commits an offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

ANNEX B – NEPAL HARMFUL PRACTICES GLOSSARY

Harmful practices are defined, according to the 2014 Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women (CEDAW) and No. 18 of the Committee on the Rights of the Child (CRC) on harmful practices, as:

“persistent practices and forms of behavior that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering. The harm that such practices cause to the victims surpasses the immediate physical and mental consequences and often has the purpose or effect of impairing the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and children. There is also a negative impact on their dignity, physical, psychosocial and moral integrity and development, participation, health, education and economic and social status” [1]

This glossary aims to propose standardize definitions and usage of terms among UN agencies in Nepal.

Caste-based discrimination	
Definition	<p>The caste system is a social stratification system based on ritual impurity. It is a ‘hierarchy of endogamous groups, organized in a characteristic hereditary division of labor’ (Sinha, 1967). Caste is hierarchical, persistent, hereditary, rooted in concepts of ritual pollution and impurity, and it segregates society by putting restrictions, such as on occupation and who one can marry. The caste system affects everyday life for Nepalis in a variety of ways. Depending on one’s caste, there are rules in terms of the foods people can eat, the places they can enter, and their occupations. There are 125 reported caste/ethnic groups in Nepal, which can be classified into a few broad categories (e.g. Brahman, Chhetri, Janajatis and Dalit castes).</p> <p>The term caste-based discrimination refers to “any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.” (See Draft principles and guidelines on the effective elimination of discrimination based on work and descent, para. 2 (A/HRC/11/CRP.3)).</p>
Related Terms and Translations	<p>Related Terms:</p> <ul style="list-style-type: none"> • chhutt, achhutt: caste-based untouchability[81] • jat: caste[183] <p>Also see forced/bonded labor</p>
Policy Context	<ul style="list-style-type: none"> • Caste-based discrimination was declared illegal in 1963.[39] • Criminalization of any act of untouchability, exclusion, restriction, expulsion or any other act on the basis of caste through the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) as amended by the Caste Based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act (2018). • Criminalization through the Penal Code implemented since 2018 (Section 166(2)). • There remains discrepancy in the level of sentencing between the Act and the Penal Code. The Act imposes a sanction of up to three years a fine of up to 200,000 rupees (USD 2,000), while the Penal Code Section 166 (2) imposes a sanction of three-year imprisonment and/or NRs 30,000 fine (with the additional provision that if the crime has been committed by a civil servant, three months prison are added to the sentence).

Most Vulnerable groups	<ul style="list-style-type: none"> • Middle and low castes, especially Dalits • Least-developed regions of the country • Tarai and hills
Menstrual restrictions, including chhaupadi	
Definition	<p>In Nepal, attitudes and beliefs about menstruation place restrictions on women and girls, as menstrual blood is seen as a source of pollution. Deeply rooted in culture and religion, these restrictions stem from an impurity sentiment that originates from the Hindu story of the Rishi Panchami Fast. The colloquial term often used to describe menstruations is “na chhune”, which translates into “no touching”. Menstrual restrictions include being prevented from: touching other people and objects; entering the kitchen; visiting temple; attending religious functions; using communal water taps; and consuming dairy products.</p> <p>Of the different forms of menstruation restriction in Nepal, chhaupadi is thought to be the most extreme form. Chhaupadi, a form of menstrual exile practiced in Nepal, is an ancient Hindu tradition where women and girls sleep in small huts or animal sheds during menstruation and immediately after child birth. The word chhaupadi comes from the Raute dialect in the far west and is comprised of the words chhau (untouchable or unclean) and padi (being or becoming). The practice of menstrual restrictions, including chhaupadi, has been criticized for violating basic human rights of women and for its associated various impacts.</p>
Related Terms and Translations	<p>Alternative words for chhaupadi:</p> <ul style="list-style-type: none"> • chueekula (Humla) • chhue (Dadeldhura, Kalikot)[185] • chhaukudi[81] • bahirhunu (Dadeldhura, Baitadi, Darchula)[77] • chaukulla (Bajhang)[77] • chaukudi (Bajhang)[77] <p>Root of the term:</p> <ul style="list-style-type: none"> • chhau: “untouchable” or “unclean” • padi: “being” or “becoming” • Thus, the term chhaupadi means the condition of being untouchable during menstruation. [82] <p>Related terms:</p> <ul style="list-style-type: none"> • na chhune: alternative word used for “menstruation,”[119] which also translates to “untouchable”[70] or “no touching”[67] • chhaupadi/chhau goth: the temporary shelter where menstruating women and girls traditionally reside[11] • chhaupadi pratha: chhaupadi tradition[79] • Rishi Panchami: festival observed for one day a year by menstruating women and girls to purify themselves with water, prayer, and fasting for the “sins” they committed while menstruating[11] • chhaupadi dhara: a separate well, stream or small rivulet near the village for menstruating women[77] • baitkak: separate room in the house for menstruating women[77] • minor chhau: refers to the practice of women staying in a goth for 4-5 days during monthly menstruation[72] • major chhau: refers to the practice of women staying in a goth after menarche or after child birth, and requires women to stay in huts for 10-11 days.[72] • Gupha basne: literally translates to “staying in a cave”, which refers to the practice of keeping a young girl who is menstruating for the first time in a darkened room for up to 12 days, which is practiced by some Hindu groups in Nepal.[76] • Rakchi line: a form of forced marriage practiced in parts of Humla where boys wait for a girl to be alone at a chhaupadi goth, and kidnap her for marriage[65]

Policy Context	<ul style="list-style-type: none"> Chhaupadi has been illegal since 2005.[65] The Penal Code, 2074, provides for a sentence of imprisonment for a term not exceeding three months and/or a fine not exceeding three thousand rupees for imposing menstrual-based restrictions, including Chhaupadi (Section 168).
Most Vulnerable groups	<ul style="list-style-type: none"> Hindu High (Brahman, Chhetri) and low castes (Dalit) Hills and mountains Mid and far-west Nepal
Child Marriage	
Definition	<p>Generally, child marriage is defined as a formal or informal union where one or both parties are under the age of 18. In the context of Nepal, however, the legal age is 20 years for both girls and boys to enter marriage. The 1992 Children’s Act has been superseded by the Act Relating to Children, 2018 which provides that a child is defined as a person under the age of 18. Likewise, the Child Labour legislation has also been amended which now covers all children below the age of 18.</p> <p>Child marriage and early marriage largely refer to the same thing: marriages in which one or both spouses are under 18 years old. Although the legal age for marriage in Nepal is 20 years, the definition of child marriage applies for children up to 18 years of age. Persons marrying between the age of 18-20 are categorized as “under age marriage” but they are not considered children. Beyond families and communities arranging marriages for children, growing evidence points to another type of child marriage, which is self-initiated marriage, or elopement.</p>
Related Terms and Translations	<p>Related Terms:</p> <ul style="list-style-type: none"> Void marriage: term given to a marriage with no legal validity because it is prohibited by law. [102] Voidable marriage: marriage that can later be annulled by a court through a recession process.[102] Forced marriage: marriage at any age that occurs without the free and full consent of one or both spouses. It includes child and early marriage, as people under 18 are not able to give full consent.[104] Rakchi line: a form of forced marriage practiced in parts of Humla where boys wait for a girl to be alone at a chhaupadi goth, and kidnap her for marriage[65] Elopment: growing evidence points to another type of child marriage, which is self-initiated marriage, or elopement. An increasing number of girls in Nepal are marrying spouses that they choose, often by eloping.[19]
Policy Context	<p>The Civil Code 2074 states the legal age of marriag at 20 for both spouses, and the Penal Code, 2074, provides that a marriage where one of the spouse is under 20 is to be declared void, and provides for a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees (Section 173)</p>
Most Vulnerable groups	<ul style="list-style-type: none"> Rural areas Western mountains, mid-western hills, or central tarai Lower socio-economic groups Practicing dowry Madheshi or low caste Hindu or Muslim Least educated
Deuki	
Definition	<p>Deuki is the offering of young girls to temples for ceremonial purposes.[32] Young girls are pledged to temples as offerings as it is believed that doing so will result in answers to prayers and good fortune.[188] They are not allowed to marry.[189]</p> <p>Girls offered under the deuki practice often experience sexual exploitation and may enter sex work to earn a living as they have few other options.[31][32] Root causes of the practice are poverty and superstitious beliefs that offering a daughter to the temple will ward off ills. In some cases, richer families may purchase a girl from a poor family and offer her.[31][33]</p>

Related Terms and Translations	<p>Alternative terms for deuki:</p> <ul style="list-style-type: none"> • devaki • devi system[188]
Most Vulnerable groups	<ul style="list-style-type: none"> • High caste Chhetris[33] • West and far-west[188] • Kanari, Thakuri, Bista castes[188]
Dowry	
Definition	<p>Dowry (or the dowry system) is defined as the practice of a bride’s family giving cash, property and/or other gifts to the bridegroom’s family as a requirement for marriage of their daughter. Historically it was intended to provide newlyweds security and support for meeting basic needs, but overtime the meaning and use of dowry gifts have changed. In Nepal today, dowry is a forced financial and/or material arrangement to be given by the parents of the bride to the parents of the groom as an essential condition of the marriage. Examples of dowry gifts, or tilak, include land, vehicles, gold, cash, jewelry, furniture, household items, electronics, clothes, and/or animals. The education and occupation of the groom and his parents are the major determinants of dowry demand. If a bride’s family is not in a position to provide dowry, they take loans or sell property, perpetuating a cycle of debt and dependency. Dowry has also been linked to perpetuating the practice of child marriage in Nepal, as younger girls require lower dowries.</p> <p>Dowry-related violence: Dowry-related violence often arises when the groom or his family seeks continued payments or more goods and the bride’s family is unable or unwilling to pay. The UN Division for the Advancement of Women defines dowry-related violence or harassment as “any act of violence or harassment associated with the giving or receiving of dowry at any time before, during or after the marriage.” Perpetuated across different parts of Nepal, cases of burning, hanging, poisoning, and torture as a result of dowry conflict have been reported. Perpetrators of dowry-related violence are typically husbands or in-laws.</p>
Related Terms and Translations	<p>Nepali terms for dowry:</p> <ul style="list-style-type: none"> • daijo[32][112][145] • dahej[145][190] <p>Related terms:</p> <ul style="list-style-type: none"> • tilak: translates to “bride price,” and it refers to the gifts given by the bride side to the groom side to accept the marriage in the form of cash, goods, donation, gift, fare-well gift for the bride or groom.[140][145][191] • kanyadan: kanya translates to “virgin” or “daughter,” and dan translates to “giving away” or “gift.” Thus the word refers to the “gift of the daughter/virgin,” which is an important part of Hindu marital rights[143][145][183][190]
Policy Context	<ul style="list-style-type: none"> • Dowry has been illegal since 1976.[140] • Under the Penal Code, 2074, • Criminal Code (Act), 2017, dowry is criminalized with a sentence of up to three years and/or a fine not exceeding 30,000 rupee (USD 300) (Section 174(2)).
Most Vulnerable groups	<p>Dowry is practiced across socio-economic groups and is most prevalent in Tarai, especially the east, among Hindu or Muslim communities.</p>

Forced/Bonded Labor	
Definition	Forced/bonded labor is defined in Section 6 of the Nepal Labor Act, 2017, as “any work or service performed by any worker against his/her will as a result of a threat of taking any action having financial, physical or mental impact if he/she does not perform such work.”[192] In Nepal, forced/ bonded labor is a system of indentured servitude, where parents often sell off their children to make ends meet.[193] High caste landlords have used debt bondage to secure unpaid labor from Dalits and low caste groups, which violates abolition of slavery conventions.[194]
Related Terms and Translations	Nepali term for forced/bonded labor: <ul style="list-style-type: none"> • kamlari (for females)[195] • kamaiya (for males)[32] Other terms used to describe forms of forced/bonded labor: <ul style="list-style-type: none"> • bista, balighare, haliya, khaliya, doli, sino khaney/ phyakney, charuwa[194]
Policy Context	Nepal’s Supreme Court declared the kamlari system illegal in 2006.[195] <ul style="list-style-type: none"> • Section 164 of the Labor Act states that if any person is engaged in bonded labor, the employer may be punished with imprisonment up to two years or a fine up to 500,000 rupees (USD 5,000), or both. Additionally, the accused may be required to pay remuneration and other benefits including a damage equivalent to two times of that amount.[192]
Most Vulnerable groups	Rural <ul style="list-style-type: none"> • Mid- and far-western Hills and the tarai regions[194] • Low caste • Landless • Tharu[195]
Jhuma	
Definition	A jhuma is a woman or girl who has been forced into nunhood, through a cultural practice observed amongst the Sherpas (Tibeto-Burman ethnic group living in the north of Nepal) where the second girl child of the family is offered as a gift at a monastery to god.[31] The offering is believed to ensure the well-being of the girls’ family.[32] As a jhuma, her role is to perform religious functions and engage in daily work for the monastery.[34] She is not allowed to marry, but some evidence states that men seek sexual relations with jhumas.[31]
Most Vulnerable groups	<ul style="list-style-type: none"> • Sherpas[31] • Second girl child[32][93]
Kumari	
Definition	The Kumari, or the Living Goddess, is a young girl (not yet reached menarche) selected from the Shakya Newar community who is revered as a living goddess. The Kumari is believed to have the power to bring good fortune to those who visit her, which dates back to dates back to the 17th century. There are three Kumaris, in the Kathmandu Valley (Patan, Kathmandu and Bhaktapur). In the past, Kumaris were denied any education but in recent years they receive education through private tutors. The end of her “divinity” is marked by her first menstrual cycle, after which she returns to normal life in the community. It is argued that the tradition leads the Kumaris to lead very restrictive lives, and denies the rights delineated in the Convention on the Rights of the Child. [31]
Most Vulnerable groups	Young girls <ul style="list-style-type: none"> • Shakya Newar

Polygyny	
Definition	<p>Polygyny is the practice of a man having more than one wife.</p> <p>Living in polygynous unions can harm women’s status, as household resources are shared among the wives and children.[104] Polygyny can also have detrimental effects on mental health of women in such relationships</p>
Policy Context	<p>Contradictions exist in the legal code.</p> <ul style="list-style-type: none"> Section 175 of the Muluki Criminal Code Act, 2017 outlaws polygamy, however, Section 74 of the Muluki Civil (Code) Act, 2017, says that a couple would be deemed married if their physical relations result in child birth.[196] Section 72 of the Civil Code does not say that polygamous marriage will be automatically annulled.[196]
Son Preference	
Definition	<p>Son preference refers to the attitude or belief that the value of sons is higher than daughters. [197][198] This belief stems from persistent patriarchal norms, and discrimination against women in family and community life.[198] Where son preference occurs, daughters are discriminated against, offered fewer resources (e.g., nutritious food, education), can be married earlier to reduce the economic burden on the family, and can even lead to increased gender-based sex selection where female fetuses are aborted.[199]-[201]</p>
Most Vulnerable groups	<p>Tharu</p> <ul style="list-style-type: none"> Dalit Muslim
Veil system	
Definition	<p>The veil system is a practice in which women are expected to keep their heads and sometimes faces covered, particularly when interacting with men or senior family members</p>
Related Terms and Translations	<p>Nepali term for veil:</p> <ul style="list-style-type: none"> purdah[202] <p>Related terms:</p> <ul style="list-style-type: none"> ghumto pratha - the practice of married women covering their faces in front of men[202]
Most Vulnerable groups	<p>Tarai</p> <ul style="list-style-type: none"> Married women
Witchcraft Accusation and Persecution	
Definition	<p>A large part of Nepali population hold deeply-rooted, socially and culturally constructed beliefs on witchcraft. Witchcraft (boksipratha) is generally defined as a supernatural power possessed by a person who is known as the witch (boksi) or wizard (bokso). Beliefs in witchcraft exist among people, regardless of their individual religion or faith. Witchcraft accusations and persecutions refer to the human rights abuses caused by these beliefs. While men in Nepal can be accused of committing witchcraft, the vast majority of persons accused of witchcraft are women. Local traditional healers, called Dhami/Jhakris, have a significant role in WAP and in perpetuating the belief in witchcraft as they are believed to have the power to identify witches and conduct the healing rituals. Because there is a general belief that witches have the power to cause ill-fate or misfortune to others, including health issues (e.g. illness or injuries from accidents), negative natural events (e.g. earthquake or drought), or negative social events (e.g., unemployment or divorce), witchcraft accusations have been used as an attempt to rationalize the misfortunes occurring in communities. Those accused of witchcraft often face extreme forms of physical and psychosocial violence, and in the most extreme cases, WAP leads to the person accused of witchcraft to be killed, including by being burned alive.</p>

	Recent concerns have been raised on the use of WAP for financial gain, to seize property and land, and to exercise power and control over others. This has particularly been the case in disputes over property, inheritance, or other financial matters amongst families, relatives, neighbors or friends.
Related Terms and Translations	<p>Related terms:</p> <ul style="list-style-type: none"> • boksi (boksiharu – plural): witch[170] • boksipratha: witchcraft[162] • dhami/Jhakri: witchdoctor/faith healer who provides medical treatment but is also the primary identifier of witches in communities in Nepal[163] • chhopuwa or chhopne betha: fits of unconsciousness or shaking and speaking, as if possessed which is thought to be the result of witchcraft. Women more commonly suffer from chhopuwa
Policy Context	Under Penal Code, 2074, accusing anyone of practicing witchcraft will be subject to a jail sentence of up to five years, along with a fine of up to 50,000 rupees (USD 500) (Section 168)
Most Vulnerable groups	<p>Women, especially widowed or single women</p> <ul style="list-style-type: none"> • Dalits • Rural • Tarai • Young adults between 21-40 years old • Illiterate

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