

Lowering the Marital Age of Nepal: Controversy Estopped on Protection against Child Marriages?

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Image Credit: Mehmet Turgut Kirkgoz via Pexels - <https://www.pexels.com/photo/woman-hugging-child-in-town-11665972/>

woman holding child in street; buildings in background

Nepal

by Dikshya Adhikari and Harsh Mahaseth | Apr 16, 2025



About Dikshya Adhikari and Harsh Mahaseth

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Moving into a controversial circle, on January 15, 2025, the Law, Justice and Human Rights Committee of the House of Representatives proposed to bring down the marital age from 20 to 18 years in Nepal and sources claim that at present the government is working for the same. This proposal stirred debates among a large group worried about its aftermath. Opposing the proposal, a coalition of 15 community-based organizations in Sarlahi asked the government to remove the provision and maintain the marriageable age at 20 years. They highlighted the serious implications the reduction in the minimum age may have on health, education, and the overall welfare of the youth, especially girls.

Child marriage is prohibited under Article 39(5) of the Constitution of Nepal, supported by legal frameworks such as the Children's Act (2075) and the Human Trafficking and Transportation (Control) Act (2064). However, the enforcement of such laws remains inconsistent, often due to weak coordination between various levels of government and a lack of cultural awareness surrounding the issue. Currently, if one or both spouses are below 20 years, the marriage is not legally recognized in Nepal. Legislators in Nepal had earlier revised the National Civil (Code) Act, 2017 (2074), which set the minimum marriageable age at 20, which is one of the highest in the world.

Those who are in favour of lowering the marriageable age argue that it will avoid certain types of child marriage and legalize them by merely legalizing the age, thus taking such marriages out of the "child marriage" category, and that it may lower sexual abuse-related crimes since an 18-year-old is no longer considered a minor. However, critics see this as a retrogressive step that would justify and probably legitimise harmful practices such as sexual abuse and exploitation.

By lowering the marriageable age, Nepal is risking the progress it has made toward reducing child marriage and protecting young girls from abuse, violence, and early motherhood. The reason behind the current age limit was to protect children from multifold serious risks associated with early marriage, including domestic violence, curtailed education, and an expanded gender gap in development.

Adolescent mothers in Nepal face profound health risks ranging from malnutrition to uterine prolapse and increased infant mortality rates. The majority of such young brides face inadequate health facilities due to a lack of information about contraceptive measures, adding to the physical and emotional stress caused by early marriages.

The education of young girls also suffers in such instances as many of them are likely to drop out of school, denying themselves the chance to live a better and financially independent life. Likewise, boys are mostly forced to exit school too early because of economic responsibilities towards the family. This results in a vicious cycle of poverty, low social mobility, and high vulnerability to gender violence and economic poverty. Additionally, unregistered marriages pose further legal and administrative barriers and leave children without the necessary care, including healthcare or education.

Marriage not only entails family obligations but also disrupts the course of one's life. Child brides are more prone to heightened vulnerability to domestic violence, reduced autonomy, and eroded agency over their lives. Their right to live with dignity, and make choices about their future and career is seriously compromised. The argument to reduce the age of marriage glosses over these basic issues and presents reducing the legal marriage age as a way to prevent child marriage, without considering that marriage is a milestone in the life of any individual, the consequences of which will last for a lifetime.

Hence, this proposal has raised serious concerns about the country's commitment to the protection of children and their rights. The broader social and health risks, particularly for girls, cannot be overlooked. In a country where child marriage has traditionally been a big issue, Nepal needs to be strong in the fight against it through legal protection of health, education, and welfare for young people. Lowering the age of marriage is unlikely to solve it; if anything, it might make the problem it is trying to resolve worse.