



**Musawah and Nepal Muslim Women's Welfare Society (NMWWS)
Joint Statement to the CEDAW Committee:**

NEPAL

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Esteemed members of the CEDAW Committee,

Muslims in Nepal constitute roughly 4.4% of the population; however, they are among the most socioeconomically disadvantaged minority groups in the country. Literacy rates among Nepali Muslims are lower than the national average. Muslim women and girls also have low access to basic health, water, sanitation, and hygiene due to situations pertaining to increased poverty.

Article 38 of the Nepali Constitution on 'Rights of Women' guarantees that no woman shall be subject to any form of harm, violence, and exploitation on grounds of religion, social, cultural tradition, or practice, and such acts are punishable by law.

However, statistics and cases show that Nepali Muslim women and girls currently face specific forms of discrimination through community practices in marriage and divorce. Muslim women and girls from low-income households, with decreased socio-economic and livelihood conditions, are also vulnerable to occurrences of gender-based violence, including child marriage, domestic violence, violence for dowry, and human trafficking. It is deeply concerning that the State party report to the CEDAW Committee significantly lacks acknowledgement and understanding of such issues.

Discriminatory community practices in marriage and divorce

While all citizens of Nepal can register their marriages under the civil laws of country, it is still not mandatory. A large portion of Muslim religious marriages are unregistered, effectively denying Muslim women protection of their rights within marriage, and in the event of a divorce.

Lived realities of Muslim women indicate that triple *talaq* (or pronouncement of divorce by a husband three times in a single sitting) continues to be practiced within Muslim communities, leaving many Muslim women suddenly cut off from financial support and marital homes. Furthermore, practices such as *halala*[1] and dowry (bride price) further deny Muslim women agency and autonomy in marriage. Muslim women most often lack the support services to challenge their families and community members on such matters.

Child marriage also is practiced among Nepali Muslims and, according to reports by international child-rights organisations[2], the highest percentage of underaged marriages is among Muslim communities (up to 60.5%).

Muslim women in Nepal are paying a heavy price for the unjust community practices justified in the name of religion, tradition, and customs, occurring unknown or ignored by State authorities and women's rights mechanisms. Musawah and Nepal Muslim Women's Welfare Society assert that discrimination and rights violations faced by Nepali Muslim women must be taken into account as national-level concerns, especially in light of the aim of advancing the rights of minorities and women under the new Constitution.

Musawah and Nepal Muslim Women's Welfare Society recommends the CEDAW Committee to urge the State party to undertake the following, in the immediate future:

- Introduce mandatory registration for all religious marriages and penalties for non-registration of religious marriages on persons and institutions (e.g. mosques conducting *nikah* ceremonies);
- Take concrete steps towards abolishing discriminatory community practices such as triple *talaq* (using India as an example) and *halala* by declaring such practices harmful and discriminatory towards women, and imposing penalties on husbands who undertake such practices; □
- Introduce and implement stricter penalties for family members and community or religious leaders who contract a child and/or early marriage (below 20 years under the new Civil Code); □
- Mandate the Nepal Muslim Commission to set up a committee of representatives (of both men and women) who are knowledgeable about issues of Nepali Muslims and the legislative system, and to start a process of consultation with Muslim communities and Muslim women's groups to better understand the needs of the community members on practices involving Muslim marriages and divorces.

[1] *Halala* is a colloquial name given to an un-Islamic and highly unjust practice linked to triple *talaq*, whereby if husband pronounces triple *talaq*, regrets his decision and wants to reconcile with his wife, then she is required to wait for three months, contract and consummate a marriage to another man, divorce him and wait for another three months before she is allowed to reconcile with her former husband.

[2] Save the Children, World Vision International, and Plan International, "Child Marriage in Nepal: Research Report," 2012, p. 18, 20.

https://resourcecentre.savethechildren.net/node/8239/pdf/child_marriage_research_report_final.pdf