



FORBIDDEN DESIRES

*Impact of Criminalization of Age-Mate
Consensual and Non-Exploitative Sexual
Activities Among Adolescents in Nepal*

A Briefing Paper



YoSHAN
Youth Led SRHR Advocacy Nepal

CENTER *for*
REPRODUCTIVE
RIGHTS



CENTER *for* REPRODUCTIVE RIGHTS

Youth Led Sexual and Reproductive Health Rights Advocacy Nepal
(YoSHAN) and
Center for Reproductive Rights (the Center)
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About YoSHAN and Center for Reproductive Rights

Youth Led SRHR Advocacy Nepal (YoSHAN) is a young, female-led feminist organization advocating for bodily autonomy and sexual and reproductive health and rights (SRHR) through an intersectional, rights-based approach. Rooted in diversity, YoSHAN works at both policy and grassroots levels to decriminalize abortion and non-exploitative sexual activity, promote comprehensive sexuality education (CSE), and challenge stigma around sex, sexuality, and gender through discourse and capacity building of young people.

The Center for Reproductive Rights (the Center) works to ensure that reproductive rights are guaranteed in law as fundamental human rights around the world. In Asia, the Center advocates for stronger legal protections and policies on sexual and reproductive health and rights, including sometimes as a driving force behind and at other times amplifying strategic litigation efforts in countries such as Nepal, India and Pakistan, and advocating for law reform on abortion and surrogacy in the south-east Asia region.

In partnership, YoSHAN and the Center is exploring the impact of criminalizing consensual and non-exploitative sexual activity amongst adolescents in Nepal.

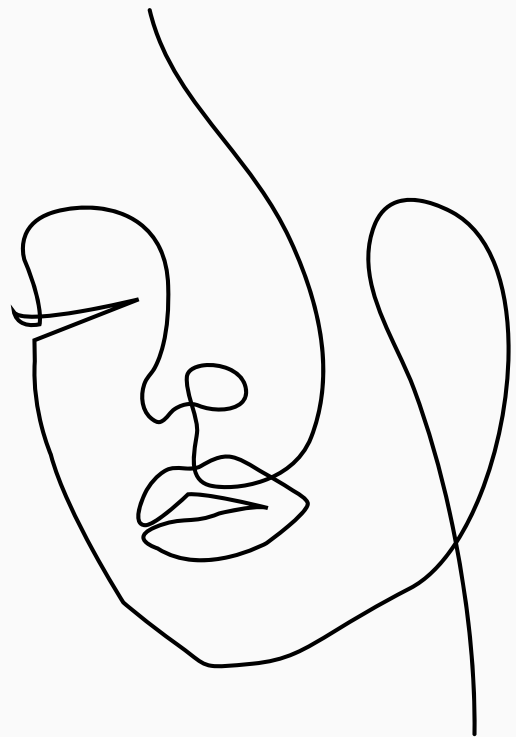
About the Publication

This briefing paper highlights the findings from a qualitative research study focused on perceptions towards consensual and non-exploitative age-mate sexual activities among adolescents in Nepal and of the impact of its criminalization. Based on this research, the paper presents some key recommendations.

A forthcoming shorter publication will bring together these learnings with a comprehensive law and policy analysis of the key barriers to advancing adolescents' access to sexual and reproductive health and rights in Nepal, focusing on the impact of criminalization of consensual and non-exploitative sexual activity amongst adolescents.

Acknowledgment

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Abbreviations

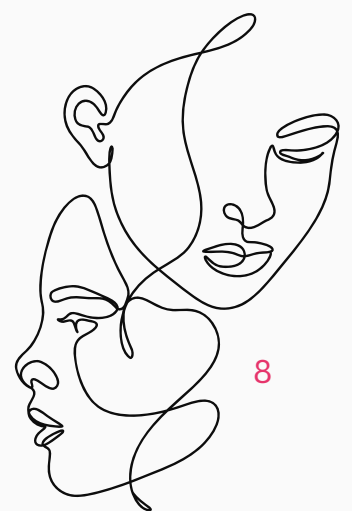
AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRR	Center for Reproductive Rights
CSE	Comprehensive Sexuality Education
FGD	Focus Group Discussion
HIV	Human Immuno-deficiency Virus
IDI	In-Depth Interview
INGO	International Non-Governmental Organization
KII	Key Informant Interview
NGO	Non-Governmental Organization
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health and Rights
STD	Sexually Transmitted Diseases
UNCRC	The UN Convention on the Rights of the Child
YoSHAN	Youth Led Sexual and Reproductive Health Rights Advocacy Nepal



Introduction and context

“Non-coercive and non-exploitative sexual conduct among adolescents refers to sexual conduct that is performed out of desire, voluntarily and with consent, without force, duress, or compulsion, either direct or implied. Any exploitative sexual conduct is inherently nonconsensual. Silence and/or physical passivity (physical or verbal) does not constitute consent”. (1) In Nepal, the age of sexual consent is 18 years for girls according to the National penal Code (Act), 2017, Article 219. In the same article, it is mentioned that if a man has sexual intercourse with a girl below eighteen years of age even with her consent, the man shall be considered to commit the offence of rape. Hence, any sexual activities with a girl below the age of 18 is considered statutory rape in Nepal. This provision is also applicable where both the parties, the boy and girl are below the age of 18 years. (2) Despite being the signatory of United Convention of Child Rights (UNCRC) and accepting best interest of child and evolving capacity, many young individuals are criminalized for having consensual non exploitative sexual activity in Nepal, which raises concerns about the effectiveness of both legal protections and sexual education. In Nepal, it is evident that significant portion of women and men aged 25-49 experience sexual intercourse before turning 18, with 47% of women and 21% of men reporting their first intercourse by that age. (3)

In Nepal, sexuality, sexual desire, and sexual pleasure are still shrouded in shame and stigma. Typically, discussions on sexual health focus around sexual and reproductive health services, unwanted consequences of sexual behaviors, sexual morbidities, heterosexual practices which further contribute to stigmatization. The broader aspect of sexuality has always been sidelined. (4) As a result, there is insufficient data on the consequences of neglecting adolescent sexuality. Additionally, in Nepal the legal age of consent to sex is 18 years, with the age of criminal responsibility for 10 years, which means that an adolescent could be charged and convicted of rape for consensual and non-exploitative sex with another adolescent under the age of 18. Consequently, several adolescents have been prosecuted for consensual and non-exploitative sex. (5) However, there have been limited/no studies examining the impact of criminalizing consensual and non-exploitative sexual activity among adolescents. Therefore, data generated from this study will open the avenue to reflect upon adolescent sexuality and will examine the broader impact of criminalization on adolescents, including on their access to SRHR information and services.



Nepal's international obligations

Nepal has ratified International human rights treaties (CRC & CEDAW) which guarantees a range of sexual and reproductive rights to adolescents while acknowledging that adolescents should not be subject to criminal penalties for engaging in consensual, non-exploitative sexual activity.

The CRC Committee has recommended that "States introduce minimum legal age limits, consistent with the rights to protection, with the best interest's principle and respect for the evolving capacities of adolescents" while also noting that "the right of any child below that minimum age and able to demonstrate sufficient understanding to be entitled to give or refuse consent should be recognized". (6)

The CRC Committee's General Comment No. 20 asserts that non-exploitative, consensual and sexual behavior among adolescents of similar ages should not be subject to criminalization and remind State parties to balance protection and evolving capacities when determining the legal age for sexual consent (7) In Nepal, however, criminalizing consensual and non-exploitative adolescent sexuality imposes restrictions which goes against the General Recommendations 20 of the CRC.

Framing key concepts

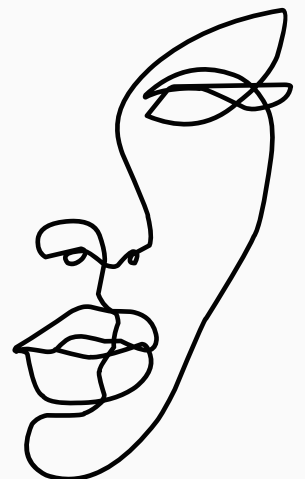
The laws on minimum age for sexual relationships were formulated for the protection of the minors from sexual exploitation and abuse. However, these same laws frequently criminalize adolescents for engaging in consensual, non-exploitative sexual relationships, ignoring the evolving capacities of the adolescents, their agency, right to self-determination, bodily autonomy and choice. Striking a balance between protecting adolescents from exploitation and recognizing their emotional intelligence and evolving capacity to provide meaningful and informed consent to sexual activities has been a key challenge. Laws regarding the "age of consent" should not unfairly prohibit, restrict, or criminalize consensual and non-exploitative sex between adolescents of similar ages. (8) The criminalization of consensual and non-exploitative sex goes against the sentiment of Nepal's international commitments such as UNCRC which strongly emphasizes children's evolving capacities and right to self-determination.



Capacity refers to the ability of an individual to form intent, understand the consequences of their actions, and exercise choice. International human rights law recognizes that children have “evolving capacities” and calls on states to implement legal frameworks consistent with this principle. The U.N. Committee on the Rights of the Child (CRC) defines evolving capacities as an enabling principle that addresses the process “through which children progressively acquire competencies, understanding and increasing levels of agency” (7) The CRC has called on states to take measures to ensure that adolescents are able to exercise their sexual and reproductive rights in line with their evolving capacities.

The concept of evolving capacities emphasizes how children and adolescents gain independence and the ability to make decisions that affect their lives more significantly as they gain more skills. It acknowledges that depending on their surroundings, children from diverse backgrounds, ethnicities, and life experiences will pick up competency at varying ages. It also considers that the specific rights a child is exercising may have an impact on their maturity and skill level. Children therefore need different levels of protection, involvement, and opportunities for autonomous decision-making, depending on the situation and the kind of decisions involved. (9)

Sexual consent is the active acceptance of engaging in sexual activity. Asking for consent and giving consent for sexual activity is about respecting the personal boundaries of people in the relationship. (10) Different countries have set different age of sexual consent as per their socio-cultural and economic context. The age at which someone is considered capable of giving their consent to sexual activity is known as the minimum age of sexual consent. The purpose of the minimum age for sexual consent is to safeguard children and adolescents from sexual assault and the damaging effects of early sexual activity on their rights and development. International guidelines do not specify a minimum age for sexual consent. Thirteen years have been deemed “extremely low” by the CRC (Convention on the Rights of Children) Committee. (11)



Objective of the Study

The objective of our study “Impact of Criminalization of Age-Mate consensual and non-exploitative Sexual Activities among adolescents in Nepal” is to have a deeper understanding about age mate consensual and non-exploitative sexual behavior among adolescents. Further this study explores the impact of criminalization of age mate consensual and non-exploitative activity in a broader perspective with an aim to inform policy makers and concerned stakeholders/duty bearers for addressing existing gaps and challenges present in laws to promote adolescent sexuality, bodily autonomy and ensure they live healthy life.

Methodology

Qualitative research tools (IDI, KII, FGD) were used to collect primary data in 5 districts; Kathmandu valley (Kathmandu, Lalitpur and Bhaktapur district), Bardiya, and Udayapur District. Since there was no data related to adolescent sexuality for sampling scientifically, these areas, situated across diverse geographical, cultural, socio-economic, and political landscapes, were deliberately chosen to ensure comprehensive and diverse representation in terms of geography and culture.

In-depth Interview (IDI): Two IDI were conducted with young individuals directly impacted by the criminalization of consensual and non-exploitative age-mate sexual activities. Challenges in locating and obtaining consent from individuals directly affected by this criminalization due to the taboos associated with the issue resulted in only two IDI.

Key Informant Interview (KII): In total 17 KII was done with stakeholders and experts such as advocates, lawyers, police personnel, community activists, and youth advocates with professional experience on adolescent sexuality. Purposive sampling, Snowball sampling method and convenience sampling method were adopted to locate the participants for KII.

Focus Group Discussion (FGD): In total 8 FGDs were conducted with 64 participants. The study's participants of the FGDs were young people and adolescents (both boys and girls) between the ages of 16 and 24. Considering the sensitivity of the issue, FGD was segregated on the basis of gender; boys and girls. The rationale behind selecting individuals within the age bracket of 16 to 24 was rooted in their increased likelihood of participating in consensual and non-exploitative sexual activities. This age group directly bears the impact of legal frameworks related to consensual and non-exploitative sexual activities and its criminalization, possessing first-hand experiences that render their insights valuable for data collection purposes. Consequently, targeting this demographic aims to furnish authenticated recommendations for potential legal reforms, enhancing the safeguarding of the rights and well-being of young individuals.

Data Analysis

All the data from the field were transcribed and the transcripts were repeatedly reviewed to identify important concepts and recurring patterns. Researchers independently assigned codes to the data to minimize any potential bias. Several rounds of discussion were done to discuss the relevance and appropriateness of the assigned codes. The identified themes were organized as nodes, and grouped into broader categories. These categories represented the perspectives of the study participants and formed the foundation of the study's findings. Each theme was accompanied by relevant qualitative quotes to effectively exemplify the topic, and the process of identifying themes continued until no further ones were discovered, indicating thematic saturation.

Limitations

This study offers valuable insights into the criminalization of consensual and non-exploitative age-mate sexual activities among adolescents in Nepal; however, it has few limitations. It represents a small-scale research conducted over a few months across five districts, involving a limited number of participants and constrained access to relevant authorities and institutions. Additionally, challenges in locating and obtaining consent from individuals directly affected by this criminalization resulted in only two in-depth interviews (IDIs) being conducted in a single district. Despite these constraints, the study provides valuable insights on the criminalization of age-mate consensual and non-exploitative sexual activities among adolescents and lays a foundation for future large-scale research on this topic, which could further support advocacy efforts regarding adolescent sexuality.

Ethical consideration

Considering the sensitivity of the study topic, the study followed strict ethical considerations and prioritized the confidentiality and privacy of the respondents of the study, organizations and data. In order to ensure a high level of ethics, the study adhered to "Do no harm" principle and the principle of voluntary participation. All the respondents were treated with respect, dignity and courtesy. Written informed consent was received from the respondents and parents (where the respondents were below the age of 18) before the data collection process. Similarly, the recording of the audio content only commenced after receiving informed consent from the respondents. The principle of anonymity and confidentiality were highly followed throughout the study. The study also followed standard data protection protocol.

Ethical institutional review was conducted by the CRR's Office of the General Counsel. The support on the legal aspects and legal viability was provided by the Avenue Law Firm and the ethical clearance was granted by a research expert Anand Tamang for the project.

Research Findings

Through qualitative analysis, several key themes and subthemes emerged from the data, which are outlined below to reflect participants' narratives and shared experiences:

Theme 1: Drivers of Age-mate Consensual and Non-exploitative Sexual Activities among Adolescents:

A range of interrelated factors emerged as key drivers of age-mate consensual and non-exploitative sexual activities among adolescents. These factors are presented below, organized into subthemes that capture the depth and context of participants' perspectives.

Sub-theme 1.1: Puberty as a catalyst for Curiosity and Experimentation

Puberty and associated hormonal changes were one of the recurring themes for seeking consensual sexual activity. The physical changes associated with puberty, which signal the onset of sexual maturation, were identified by participants as a key factor contributing to adolescents' natural curiosity about sex and sexuality.

"Puberty is the age where they get attracted to each other... the adolescents, both boys and girls in the community are becoming attracted to each other and are engaging in sexual activities"- KII from Udayapur

Many adolescent participants, reflecting on their own experiences and those of peers, acknowledged exploring their sexuality through dating. Further few participants shared that curiosity led to experimentation a common reason for consensual sexual activity;

"Curiosity is the main factor...When we watch films, we feel curious, we wonder how it feels to do so (sex)... when have friend circle who are comfortable, we act on our curiosity to experience how it feels"- FGD Participants, Kathmandu

Few KII participants shared that, when a child sees their parents engaging in sexual activities, it generated curiosity and they explore and engage in consensual sexual activity ;

“Child who stays with parents in one room, and when see parents doing sex and they try to experiment out of curiosity” – KII, Child Activist, Kathmandu

Sub-theme 1.2: Peer pressure and influence of digital media

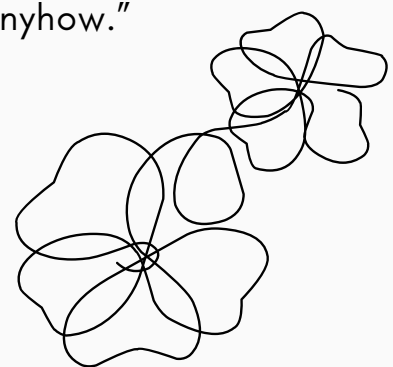
Peer relationship is a pivotal part of adolescence. The dynamics with friends and the need to appear at par with one's peers takes center stage during this time. Needless to say, a lot of sexual activities are a result of imitation and pressure from peers. There is a lot of teasing and associating names during this time. Few FGD participants shared that there are a lot of sexual innuendos in everyday conversation among teens and bragging regarding their love life. This fuels the curiosity of other peers and they too try to be a part of similar activities to feel like they belong in the same circle as their friends.

“Young individuals are very much influenced by their peers and social media influencers and frequently desire to openly display their marital status by posting their selfies with sindoor (vermillion) and update about their relationship online. This urge consequently results in their choice of self-initiated marriage through elopement.” – An adolescent leader from Bardiya

The majority of participants in both in-depth interviews (IDIs) and focus group discussions (FGDs) confirmed that adolescents are actively engaged with social media, providing them with increased exposure to a wide range of explicit content. A few participants further noted that many adolescents are first introduced to sexual concepts through pornography, which significantly shapes their initial understanding of sex and relationships. Further few participants shared that teens like to imitate what they see in real life and hence seek a sexual relationship. Sometimes they also force these acts upon their friends or romantic partners. Digital media also make it easier to form virtual friendships, some of which may turn into romantic or sexual relationships. It was a recurring consensus among participants that unrestricted internet access, social media access, pornography, and movies set unrealistic expectations among adolescents.

Few community leaders emphasized that even though it is natural, when curiosity and desire go unchecked, it may lead to delinquency that may have long-term repercussions. Some emphasized on unregulated access to the internet and pornography further exacerbates their desire for physical intimacy.

“For young people, sex is like cigarettes and alcohol. Once they get an idea from their peers or social media, they will seek ways to do it anyhow.”



Sub-theme 1.3: Lack of Comprehensive Sexuality Education

Majority of adolescent participants reflected how topics related to reproductive health are often skipped in schools or run through very quickly either due to cultural taboo or lack of trained teachers. This creates a void of knowledge on this topic among adolescents who are already curious about the matter. They seek to learn about sex and sexuality through the internet and peers. Both of these are not reliable sources.

“There was a subject called health education in our syllabus. The teacher intentionally skipped the chapters on sexuality education. As a result, we considered these subjects to be private, and whenever they were brought up, our peers would make fun of and find the subject amusing.” – A FGD participant in Kathmandu

Many KII participants emphasized that adolescents undergo significant physical and hormonal changes without adequate guidance. In the absence of CSE, private exploration of their sexuality can lead to confusion, risky behaviors, and unsafe situations like unprotected sex, lack of understanding about consent. Participants strongly advocated for CSE as the most effective way to promote a sex-positive attitude and ensure safe, informed decision-making.

One participant highlighted the existence of misconceptions and resistance surrounding sexuality education in Nepal. Despite its critical importance, sexuality education is often narrowly understood as being solely about sexual intercourse, leading to widespread opposition particularly from parents, when introduced in schools;

“Even now, lack of sexuality education is very prevalent in our country. Their understanding of sexuality education is only limited to sexual intercourse. When we worked in different schools, parents opposed strongly against teaching children about sexuality education.” – A child psychologist from Kathmandu

Sub-theme 1.4: Dysfunctional family dynamics, Socio-economic hardship and marginalised communities

Few participants shared the profound influence of dysfunctional family dynamics and socio-economic hardship on adolescents' decisions to enter into early sexual relationships and child marriage. In many cases, adolescents, particularly girls, seek emotional security, attention, and an escape from neglect, violence, or poverty at home through romantic or sexual partnerships. For some, marriage becomes a perceived pathway to stability, affection, and safety, especially when faced with abusive or resource-deprived family environment.

“People who have unhealthy relationships with their parents seek solace in the companionship of their partners. They get into sexual relationships thinking they will get the attention that they do not get at home. This is also one of the reasons for eloping and getting married.” FGD, Kathmandu Participants

This pattern is particularly pronounced among adolescents from marginalized communities, where limited access to education, employment, and basic resources further exacerbates vulnerability. Early marriage, often through elopement or familial coercion, emerges as a coping mechanism in the absence of systemic support.

“When we look at our society and its structure, we find that a lot of young girls and women in their households experience various types of violence, such as physical abuse or domestic violence. As a result, some of them decide to get married in order to leave these toxic settings. Finding someone who truly cares about them and treats them with respect becomes a source of security and puts their safety first in a scenario where they lack love and respect from their own family. Because of this, they decide to get married in order to feel secure.” – KII, woman rights activists from Kathmandu

Theme 2: Impact of criminalization of age-mate consensual and non-exploitative sexual activity

Sub-theme 2.1: Immediate Impacts

2.1.1 Family and Societal Responses

When a girl and a boy are found to be engaging in sexual acts, then there could be a range of responses from the society and the community people. A few FGD participants residing in Kathmandu and originally from Madhesh Province shared that in extreme cases, there have been instances of honor killing of the daughters by their own family members. Others shared that in some cases, the boy and the girl are severely beaten and tortured. In another instances, despite the act being consensual, the family members of the girl report the boy to the police in charge of rape. The girl is then brought to the home where her mobility and sexuality is strictly controlled and she is forced to marry a man chosen by her family. The adolescent couples who chose to elope are ostracized by the community and the family.

2.1.2 Response of School

Many participants revealed that consensual sexual interactions among students on school premises often result in punitive disciplinary actions, most notably rustication or expulsion. Forced school transfers, accompanied by a lack of emotional and psychosocial support, have significant implications for adolescents' well-being.

When students are compelled to leave their schools, they are thrust into unfamiliar academic and social environments, which can destabilize their sense of belonging, heighten anxiety, and lead to social isolation.

“One of my friends was caught engaging in sexual activity at school. He was then called to the office and scolded. Later, other friends were hesitant to talk to him, and he was labeled a 'bad person.' His parents were also called and informed about the incident, which psychologically affected him.”– FGD participants, Kathmandu

Such instances of punitive responses and public shaming not only affect adolescents' mental health but also disrupt their educational trajectory. Participants noted that schools rarely offer rehabilitative or supportive interventions. Instead, the response is often characterized by surveillance, restriction, and social exclusion. As described by a child psychologist based in Kathmandu:

“After the incident, going back to school can be very hard for the adolescents. As a result of social ostracization, the school management is not willing to accept these adolescents, resulting in a change of schools.”

These experiences indicate a systemic absence of child-sensitive, rights-based approaches to managing adolescent sexuality within educational settings. Instead, schools implement restrictive and often reactionary policies. One participant recounted a particularly traumatic incident from their early school years:

“When I was in fourth or fifth grade, a senior student in grade nine was involved in an incident at my school. The boy was physically punished by the principal so harshly that he had to be hospitalized. The girl involved was later discovered to be pregnant, and this was made public after her parents complained to the school. She was isolated and eventually sent away. Following the incident, the school implemented a rule that prohibited interaction between male and female students.”

This narrative illustrates the stigmatizing and punitive institutional culture that governs adolescent sexual behavior in schools. Rather than addressing underlying issues such as lack of comprehensive sexuality education or emotional support, schools often resort to coercive policies that reinforce gender segregation and moral panic. These responses may deepen the psychological trauma experienced by affected adolescents and perpetuate a culture of fear, shame, and silence around adolescent sexuality.

Sub-theme 2.2: Long term Impact

2.2.1 Chilling effect on access to SRHR information and services

The criminalization of consensual, non-exploitative sexual relationships among adolescents, combined with the stigma surrounding premarital sex, makes it difficult

for adolescents to access SRHR services. (12) Study participants shared that medical and paramedical personnel are discouraged from providing essential services such as contraception and abortion in such situations. All participants shared healthcare professionals are often concerned about legal issues or criticism if they provide SRH services to adolescents in these situations. Adolescent's access to dignified SRH information, services, and essential medical treatment may be further limited as a result of this stigma, culture of denial and fear.

“When adolescents go to purchase condoms, they are asked thousands of questions including their identity, family background, and so on. They should have been able to buy it without talking about themselves but they are asked so many questions that they avoid receiving the sexual and reproductive health services and engage in unsafe behaviors which leads to many health consequences.”- An adolescent leader from Bardiya

2.2.2 Negative effect on psychological safety and well-being of adolescents

The majority of participants reported that when adolescents are caught engaging in sexual acts, the societal response often includes violent punishment, forced marriages, ostracism, and legal action. In extreme cases, this has led to honor killings. These harsh reactions contribute to significant psychological distress among young people, with many experiencing anxieties, depression, and, in some cases, suicidal thoughts due to societal stigma and parental rejection.

“Many girls have struggled with depression, and regrettably, a small number of them have turned to suicide. When their family reject them, these people fear that their life is ruined.”- Local government representative from Bardiya.

The respondents shared that both boys and girls impacted by the criminalization of the adolescent sexuality suffer from psychological turmoil; boys when imprisoned in charge of statutory rape, abduction and kidnapping are viewed negatively by society while girls are slut-shamed and their character is questioned because of “social criminalization” even though they are not legally punished. This can cause mental health and psychological problems among boys and girls affected by the criminalization.

“They display severe psychological suffering and a great deal of stress. They also experience depression, which raises the possibility of suicidal behaviors. Attempts to split up these couples have tragically resulted in suicide cases too.”- A Dalit rights activist from Udayapur

Few participants shared the psychological effect for girls is on heavier side;

"In such situations, the boy is simply given a warning not to repeat it, and that's the end of it. But the girl is labeled again and again with different names. The boy's name is rarely mentioned — instead, people say 'this girl did such things with that boy,' 'she was in a relationship,' or 'she did something wrong.' Then she gets called names like 'slut', 'prostitute', 'loose' or 'shameless.'" -FGD, Udaypur, adolescent

2.2.3 Fostering Negative attitude towards sex and sexuality

People's perceptions of sex, sexuality, and sexual activity in general may be significantly impacted when adolescent sexuality is criminalized. It conveys the idea that rather than understanding and growing their own sexuality in a healthy and informed manner, young people should feel embarrassed of their experiences and wants.

Almost all the participants expressed concern that adolescents affected by the criminalization of consensual sexual activity may internalize sex as inherently traumatic or criminal, rather than as a natural and potentially pleasurable aspect of human experience.

"The way people view sex will be negatively affected...Since we tend to equate punishment with misbehaviors, punishing someone for having sex will misinterpret sex as something negative." - A FGD Participant in Kathmandu

2.2.4 Developmental and Social impacts of Incarceration during adolescence

Majority of participants highlighted adolescence as a formative phase; time period filled with physical energy, cognitive growth, and emotional intensity. Almost all participants believed that being incarcerated in juvenile detention or jail for engaging in consensual and non-exploitative sexual activity has severe and long-lasting consequences on their lives.

"Just imagine — kids of that age, teenagers who are supposed to be studying, who are meant to grow up as citizens of Nepal, are being placed in Juvenile home? What kind of future is left for them? " - KII, Women Activist, Kathmandu

Few participants highlighted criminalization doesn't just punish behavior; it interrupts the life trajectory of young people at a crucial developmental stage. The adolescents are incarcerated before they attain cognitive maturity. The decisions they took without bad intent are being penalized. There is little to no rehabilitation while they are released back into the society, this has grave negative impact on their futures.

"It (Criminalization) affects their entire life. Because the time they should have spent studying, learning skills, and building their future is instead spent in jail. The prime of

their youth, the time full of energy, enthusiasm, and potential is lost behind bars. Once that time is gone, coming out of jail holds little meaning. That's the phase in life when young people feel most capable and ready to take on opportunities, but it passes them by. – KII, Activist Udayapur

Theme 3: Barriers for Adolescent Sexuality and Autonomy

A combination of societal attitudes and practices combined with laws and policies that does not recognize the evolving capacities of adolescents and young persons, raise specific concerns and are barriers to adolescent sexuality and autonomy. These key issues and concerns that came up during the study are presented below.

Sub-theme 3.1: Socio-Cultural Barriers to Adolescent Sexuality and Autonomy

Almost all the participants agreed that our society is still very conservative when it comes to premarital sex (especially of girls). Any sex-related topic is still considered a taboo.

One of the participants reflected how sex is viewed:

"Sex (premarital sex including consensual sex) is considered obscene, bad, immoral, character-destroying. People in the community perceive it as a threat to social values and believe that it disrupts the natural order. They say, 'This is too much, this is not part of our culture.'" – KII Udayapur

Despite the taboo surrounding sexual relationships, the adolescents in Nepal are exploring their romantic and intimate urges within a context shaped by rigid gender norms, moral ideals, and sexuality-related standards. Young people in Nepal often meet privately for intimate encounters due to societal norms that deem public interactions between opposite-sex adolescents inappropriate.

"Many engage in sexual activity between the ages of 13 and 14, and by the time they are 15 or 16 years old, most of them have had a partner." – An advocate from Bardiya

Few participants highlighted a cultural taboo that discourages open dialogue about sex between parents and children. As a result, children seek out incomplete or inaccurate information from peers, leading to misconceptions about love and relationships, and leaving them unaware of potential risks;

"There is a long-standing tradition in our society that forbids parents and children from talking about sex. As a result, such interactions are heavily discouraged, leaving children without a way to discuss their interest and forcing them to turn to their peers for information instead. As a result, children frequently mistake infatuation for love and are unaware of the possible drawbacks. Additionally, we fall short in our efforts to fully inform them of the potential risks involved in such circumstances." – An advocate from Bardiya

Few participants shared that male sexual desires are normalized and, to some extent, socially accommodated, while female sexuality is suppressed and stigmatized. When women express or act on their sexual desires, they are met with shame, character assassination, and moral policing. The use of derogatory labels and public shaming serves to regulate and silence women, discouraging them from asserting sexual autonomy.

“Even girls who have reached the legal age for consent are restricted from engaging in sexual activity because of societal and cultural norms. The sexual needs of men are generally accepted and acknowledged by society. Women, on the other hand, are compelled to repress their own sexual desires. When a woman expresses her sexual desires, she frequently experiences emotional anguish, is subjected to insulting labels that questions her character, and is eventually held responsible for bringing shame on her family.” – An NGO representative from Bardiya

Sub-theme 3.2: Daughter's virginity as a symbol of family honor

Almost all the participants shared the honor of the family has been linked to a daughter's virginity. This long-standing custom stems from deeply ingrained cultural norms and societal expectations that place a high value on a woman's virginity before marriage. The virginity of a girl is often seen as a symbol of the individual's moral character, purity, and integrity, as well as of the family as a whole. If a daughter remains a virgin until marriage, it is seen as a reflection on her upbringing and her parents' ability to preserve family honor. Society is deeply rooted in the belief that a woman's sexual purity is intimately tied to the honor of the family.

“The daughter's honor is a very sensitive issue in society, leading to the idea that girls should stay indoors, avoid becoming independent, and refrain from associating with boys.” – A community activist from Udayapur

These norms significantly hinder adolescent girls from accessing accurate information about sexuality, forming healthy relationships, or making informed choices about their sexual and reproductive health. Consequently, the linking of family honor to a girl's virginity constitutes a critical barrier to the realization of adolescents' sexual and reproductive health and rights and freedoms.

Sub-theme 3.3: Stigmatization of Sexual Expression, Labeled as Negative Role Models

Many respondents shared that sexually active adolescents in Nepali society are often labeled as 'negative role models,' accused of setting a poor example for their peers by deviating from socially and morally accepted standards. This classification stems from a complex interplay of cultural, moral, and social attitudes that shape perceptions of adolescent behavior.

The stigmatization of adolescents engaging in sexual activity is largely rooted in the association of sex with moral values and virtues. Few participants shared how social norms often emphasize sexual chastity and abstinence, particularly for young people. It is believed that early sexual experiences could undermine society's moral foundation and lead to a perceived decline in traditional values. Adolescents in consensual and non-exploitative relationships are therefore stigmatized for defying these norms. Several respondents noted that such violations of social norms sometimes result in violence and social exclusion. In some cases, the couples are compelled to leave the village and are not allowed in the village ever again. They are blamed for polluting the society and for bringing disgrace to their caste.

“Whether they are encountered or reported, adolescent couples that engage in consensual and non-exploitative sexual activity are viewed as negative role models by society. The perception is that they may influence the behavior of other adolescents and young people in the community. As society considers it their responsibility to hold them accountable for their deeds, they experience social ostracism. This frequently results in physical and psychological harassment towards the adolescents and young people involved.” - A community activist from Udayapur

Sub-theme 3.4: Diverse mechanism to control Sexuality and Autonomy

The majority of participants shared that when a girl and a boy are caught engaging in sexual acts, societal reactions can vary widely, ranging from violent punishment (severely beaten and tortured), forced marriages, and ostracism to legal repercussions. A few study participants shared that in extreme cases, there have been instances of honor killing of the daughters by their own family members.

“In my village, a boy and girl who were in maybe 7th or 8th grade were in a relationship. A man in the village saw them having sex in the jungle next to the river and immediately brought them home. The rumor spread all over the village. We later heard that the girl was burned to death by her parents on the same night.” - A FGD Participant currently living in Kathmandu and originally from Terai

“There was a boy and a girl, who were both under the age of 18 in the village where I grew up. Out of curiosity, they consensually engaged in sexual activity. Unfortunately, they were spotted and a rumor began to circulate through the entire village. As a result, the Panchayat called a meeting to talk about the situation, inviting the boy's parents and the police. The panchayat interrogated the families and the boy and girl and the discussion took place publicly... Consequently, the boy's parents were forced to pay fines.” - A participant of FGD in Kathmandu

Few participants shared the instances of forced marriage of the adolescents, as the default solution for adolescents caught engaging in sexual activity.

"When a girl and a boy are found engaging in sexual acts, they typically tend to assign the responsibility of the girl to the boy which is also called 'Jimma Lagaune' in local language. If they are found in such circumstances, cultural expectations frequently dictate that the girl and the boy must get married, regardless of whether their acts were only motivated by the desire for sexual pleasure and were unrelated to thoughts of marriage."- A community activist from Udayapur

As highlighted by a community activist from Udayapur, the concept of "Jimma Lagaune", assigning responsibility of the girl to the boy, reinforces patriarchal expectations that prioritize social reputation over individual autonomy.

Few participants shared there is gendered double standards, societal shaming, and disproportionate scrutiny of girls when it comes to sexuality and relationships. Participants shared how society behaves when girls and boys are caught in consensual sexual activity;

"There's a tendency to place blame – especially on girls. They are labeled as 'impure' or treated as if they've lost their worth, with harsh phrases like 'she'll sleep with anyone now.' In contrast, boys are simply told to be careful and are warned that if something happens later, like a pregnancy, they'll have to take responsibility. That's how I see it."- KII, Kathmandu

Sub-theme 3.5: Intersection of caste, class and marriage over adolescent sexuality

Few participants shared that since marriage is viewed as "license" for sexual conduct, adolescent also internalize this, tend to end their sexual curiosity into marriage. Highlighting the narratives shared by one of the activists:

"Society doesn't accept physical relationships, and because of that, when it's not accepted, people think that if they elope and get married, then they'll be allowed to stay in a relationship together – so they choose to run away and get married."- FGD, Udayapur, adolescent

"Marriage is viewed as a "license" for sexual conduct. Whether a girl is 15, 16 or above 20 years old, they are considered eligible to engage in sexual activities with their spouse if they have "Sindoor" vermilion on their forehead. Sexual activity that takes place within a marriage is not stigmatized by society. However, it is regarded as a grave moral sin to engage in such behavior without getting married." - A community activist from Udayapur

Few participants shared a case of how minors were forced to get married after being caught in consensual sexual acts:

"You've had a physical relationship, so now you both better live as husband and wifenow this girl is 13-14yrs and has a child already"

In Nepali society, caste is important in marriage since it is customary for people to marry within their own caste. Inter-caste unions have always been frowned upon or even stigmatized since they upset the established social order. Caste purity and honor are thought to be preserved through marriage within the same caste.

Caste has been found as a major topic of discussion in all study area which has played an important role in how the case is handled when it comes to age-mate consensual and non-exploitative sexual acts among adolescents. Almost all participants confirmed that inter-caste relationships, especially when the boy is from a "lower" caste, often lead to forced separation, legal action (including false rape accusations), and violence. In contrast, same-caste couples are generally accepted, even in cases of elopement or self-arranged marriage, with families often supporting their union over time. Relationships involving Dalit individuals face the most severe backlash, including physical and mental abuse and police involvement.

"If the boy is from Dalit community, it is considered disgraceful by the girl's families to accept a Dalit boy as their son-in-law. They consequently file a lawsuit against the boy charging him with abduction, kidnapping, and raping a minor girl and the boy gets imprisoned." - A Dalit rights activist from Udayapur

"Recently, a Dalit boy and a non-Dalit girl eloped, got married, and fled to Kathmandu. Police were contacted after the girl's family reported the event, but the couple has not been located. If are found, they will be forcibly separated."- A FGD participant in Udayapur

The above verbatim highlights the complexities of inter-caste relationships as well as the disturbing effects that societal pressures and conflicts can have.

Furthermore, many participants reported that when couples are separated due to differences in caste, class, or other social factors, the girl is often compelled to marry another individual deemed "eligible" by the family, typically someone who aligns with their caste and class expectations, within a short period of time.

Few participants shared that, following consensual, non-exploitative sexual incidents between age-mates, girls are often sent away from home, educated remotely, and later married off, without their consent. Their sexuality and mobility become strictly controlled, with parents closely monitoring their interactions and mobile phone use. A child psychologist from Kathmandu noted that even speaking to boys is prohibited, as all such interactions are viewed with suspicion.

"This has even happened to my uncle's daughter. After the incident, instead of keeping her at home, they sent her to live with various relatives, sometimes to her aunt's house, sometimes to her uncle's, or wherever else possible, just to separate the boy and girl."- FGD, Udayapur, Adolescent

"Parents are so watchful that they limit their daughters' access to mobile phones because they think it's ideal for their daughter to refrain from using one." - District Police Office, Udayapur

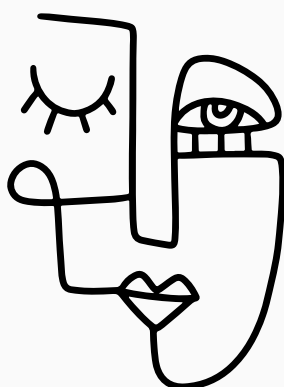
Sub-theme 3.6: A Protectionist Approach to Adolescent Sexuality

Many participants shared that the criminalization of consensual and non-exploitative sexual activity among adolescents of similar age is an illustration of state's control over individual's bodies through restrictive laws. Few participants reflected despite the goals of these laws may be to protect the most vulnerable people from exploitation or abuse, laws of this nature demonstrate the state's desire to exercise control over the private lives and intimate decisions of its citizens. While intended to protect youth from abuse, such laws often overlook the evolving capacities of adolescents, their agency, and the complexities of their relationships. It tends to oversimplify the complexities of interpersonal relationships and ignores adolescents' agency and capacity to make informed choices about their own bodies and relationships.

"Because of the idea that adolescent girls should be protected, and saved, they are restricted from making free decisions about their lives, such as about sex, education, the clothes they wear. Because if they wear short clothes, people fear that someone will rape or harass them."- A woman rights activist from Kathmandu

The quote below further emphasizes the importance of making an enabling environment for young women to make informed decisions about their reproduction, pregnancy, and fertility options. It also stresses on shifts in narratives for women to exercise their rights and make decisions based on their own requirements and preferences.

"Women can make informed decisions about their fertility, pregnancy and reproduction irrespective of their age and marital status if they have easy and stigma-free access to sexuality education, contraception, safe abortion and others. With this strategy, the emphasis is shifted from a protective, paternalistic narrative to one that encourages autonomy, agency, and well-informed decision-making." - A woman rights activist from Kathmandu



Key Recommendations and Way Forward

Recommendations based on research findings are listed below:

1. Urgent need for effective implementation of CSE

CSE has been proven to be an effective tool for empowering young people by giving age-appropriate comprehensive information pertaining to Sexual and Reproductive health and rights, which enables them to exercise bodily autonomy and live a healthy life. (13) Almost all the participants in the study mentioned the positive impacts of effective implementation of the CSE program in addressing unsafe sex, unwanted pregnancy, consent, STDs, and many more. Further, participants emphasized the importance of comprehensive sexuality education in eliminating harmful biases and reducing the negative effects of sexual repression. They also highlighted the need for human rights-based programs that prioritize consent, gender equality, and healthy relationships.

All the participants stressed on investing in comprehensive sexuality education programs as an important part to address this issue. By educating adolescents on sexuality, consent, and healthy relationships, we give them the power to decide for themselves and to comprehend the concept of consensual and non-exploitative sexual activity. These lessons ought to cover the emotional and psychological components of sexual interactions as well as being inclusive and age-appropriate. By doing this, we provide young people the skills they need to handle their own sexual relationships in a respectful and safe manner.

Adolescent friendly information corners^[1] which are also effective entities to educate adolescents on CSE (14) should be effectively implemented and monitored in order to guarantee quality services to adolescents and young people. This not only ensures the right to information but also enables adolescents to take informed choice and exercise their bodily autonomy.

2. Decriminalization of Age-mate consensual and non-exploitative sexual activities among adolescents

The blanket approach of criminalizing adolescents for age-mate consensual and non-exploitative sexual activities not only disrespect/discard the sexual autonomy but also have long term negative effects on their future, sexual practices and mental health. Further, shame and legal consequences of criminalization exacerbate the stigma around adolescent sexuality. Considering the evolving capacities of adolescents, states should play a positive role by enacting age-appropriate laws and policies that safeguard adolescents' rights and welfare while fostering their sexual autonomy and health. State should organize large scale discussions on the topic with experts from different fields as well as with adolescents and initiate policy reforms to decriminalize age-mate

^[1] Adolescent Friendly Information Corner is an intervention of the Ministry of Education, Science, and Technology (MoEST) and UNFPA in order to give young people complete health and rights information, services, and referrals in a gender-sensitive and nonjudgmental way. There are physical location of the AFIC where youth can get counseling, information, and services about sexual and reproductive health, contraception, STDs, and gender-based violence.

consensual and non-exploitative sexual activities among adolescents. This approach should parallelly go with structural transformation and effective CSE.

"A boy aged 21-24 from the FGD conducted in Kathmandu shared that the criminalization of cases involving those under 18 has led to a lack of open discussions in society. He felt that instead of resolving sex-related issues, this has only made the problems worse."

3. Establishing a Strong support mechanism for adolescents affected by the criminalization of consensual and non-exploitative sexual relationships

Adolescents who are criminalized may experience emotional pain, stigma, and social isolation. To ensure the wellbeing and development of these impacted persons, a powerful support system is needed. The support system must include accessible and inclusive mental health and counseling service to deal with the unfavorable effects of the criminalization by being given access to counseling facilities staffed by professionals trained on adolescent mental health. Healing and resilience can be aided by creating safe spaces where people can share their emotions, fears, and problems.

It was evident that adolescents frequently feel better at ease asking their peers for guidance and advice. So, few young participants of FGD highlighted that the peer support initiatives should be a part of the support structure.

"In such situations, it's important for us adolescents to have a trusted friend—someone they can confide in openly while ensuring their confidentiality. If they can talk about their experiences and be reassured that their feelings are valid, that what happened to them is not something to be ashamed of, and that, regardless of societal judgment, they are justified in their choices—it would make them feel more at ease. Providing such reassurance and encouraging them to focus on building a positive future can greatly support their emotional well-being."—A girl participant of FGD conducted in Udayapur

Setting up peer support groups or mentoring programs might give impacted people a platform to connect with people who have shared experiences. Peers can provide emotional support, discuss coping mechanisms, and act as inspirations. These connections can help young people regain their self-confidence, self-esteem, and ability to persevere in the face of difficulty.

Few participants also emphasized on rehabilitation and reintegration. In addition to counseling and peer support, the support mechanism should focus on rehabilitation and reintegration. The system should facilitate the process of their reintegration into society. This can involve giving back to the community, enrolling them in courses, and giving them the skills and chances they need for a prosperous future.

"A girl participant from the FGD conducted in Kathmandu mentioned that counseling seems to be the most helpful. She added that collaborating with child clubs could give adolescents something to focus on, helping them forget those experiences."

"Two boy participants in the FGD conducted in Kathmandu, aged 16-20, mentioned the need for rehabilitation centers or counseling services to provide guidance and support. One participant emphasized that rehabilitation should address not only emotional aspects but also include economic support and social reintegration. He added that society needs to accept and embrace individuals again."

4. Transformation from punitive measures to systemic solutions

There has been a rising recognition of the significance of moving away from punitive methods and toward systemic solutions in order to achieve a more effective and humane approach. This change entails a thorough revision of the criminal justice system's reaction, emphasizing support, prevention, and education instead of punishment. All the participants who expressed their dissatisfaction on the current laws that criminalizes age-mate consensual and non-exploitative sexual relationships among adolescents mentioned about society- centric approaches to deal with the issue rather than punitive measures.

Establishing supporting structures that place a priority on adolescents' well-being is also essential. This entails creating open lines of communication with reliable adults who can provide direction and support without passing judgment, such as parents, teachers, or counselors. A child psychologist stressed that for early intervention and harm reduction, it is crucial to provide safe spaces for adolescents in institutions like school or home to voice their problems, ask for help, or report abuse. Instead of encouraging a culture of fear and punishment, this strategy promotes empathy, understanding, and support. FGD participants from Udayapur also stressed on peer support, family support, counseling services and a safe space where the confidentiality of the adolescents is well maintained; these infrastructures play important roles in supporting the affected adolescents.

In addition, addressing the underlying social, cultural, and structural elements that contribute to the criminalization of consensual and non-exploitative sexual behaviors among adolescents is necessary for the transition from punitive measures to systemic remedies. In order to address this, prejudices and social norms that support negative narratives about adolescent sexuality must be contested. We can change views and encourage healthy perspectives on adolescent sexuality by having a conversation and promoting a culture of respect and consent.

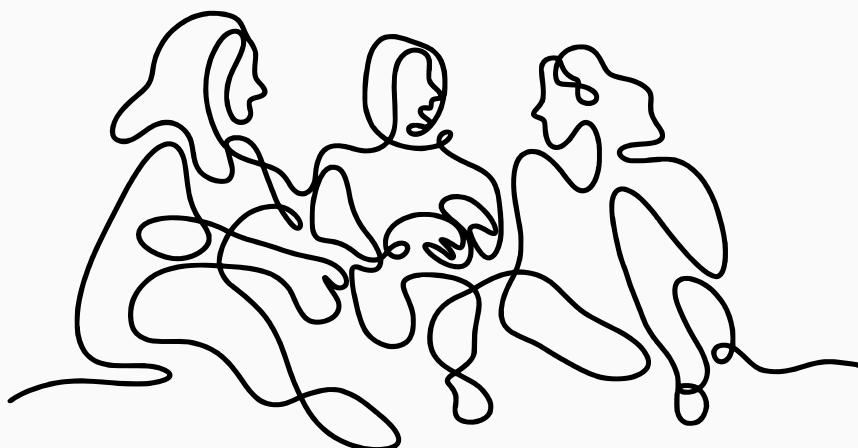
5. Recognizing right to self-determination and autonomy of adolescents

A progressive and crucial strategy for embracing adolescent sexuality emphasizes recognizing adolescents' right to self-determination and autonomy.

By acknowledging evolving capacities, their ability to make informed decisions about their bodies and relationships, society can foster respectful and safe sexual exploration. Adolescents' agency is valued when the concept of self-determination is embraced, which helps to move away from a paternalistic perspective and ultimately pave the way for healthy sexual attitudes, practices, and relationships as they enter adulthood.

6. Structural reforms for social transformation

The solution to ending the deeply ingrained caste prejudice in Nepali society and stigma towards SRHR and sexuality devised by patriarchy lies in structural changes for social transformation. Nepal can pave the road for a more equal future by tackling the underlying institutional biases and inequality. Recognizing and dismantling the caste-based power structures that have an impact on how sexuality is regulated and policed and how patriarchy controls our freedom and rights is an essential component of this transition. To do this, there must be extensive educational and community programs that encourage empathetic behavior, inclusivity, equality and cultural awareness. Additionally, it is crucial to undertake legal reforms to safeguard vulnerable people from prejudice and violence based on their caste, gender and other identities. The approach which places an emphasis on respecting everyone's human rights and bodily autonomy is crucial. Nepal can create a climate where diversity is welcomed and prejudices are thrown out by challenging regressive norms and encouraging open discussions around sexuality and other intersectional issues. This would ultimately pave the way for societal cohesion and equality.



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