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RIGHTS

Understanding Adolescent SRHR Access in Nepal:

Key Legal and Other Barriers

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About Center for Reproductive Rights

The Center for Reproductive Rights was founded on the belief that reproductive rights are human rights. We use the power of the law to protect sexual and reproductive rights and health around the world. Since 1992, our lawyers and advocates have strengthened laws and expanded access to reproductive health care in more than 65 countries. In Asia, through strategic legal advocacy in India, Nepal, and the Philippines, the Center is challenging restrictive laws and policies and advocating for the decriminalization of adolescent sexual activity to ensure their equitable access to sexual and reproductive health and rights (SRHR).

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I. Background and Context

A. Adolescent Autonomy, Decision-making, and Evolving Capacity to Consent Under International Law

Adolescent autonomy is based on the principle of evolving capacity which recognizes that as children mature, they should have the freedom to make decisions affecting their lives, reflecting their growing independence and ability to make informed choices.¹ The United Nations Convention on the Rights of the Child explicitly recognizes that as children mature and develop cognitively, they should be actively involved in decisions affecting them and affirms the protection of children's individual rights.² This supports the principle, also recognized in other international and regional human rights treaties, that capacity to consent is linked to a child's ability to understand and evaluate information, enabling informed and reasoned decision-making.³

B. The Legal Framework on Age of Consent to Sex in Nepal

In Nepal, the National Penal (Code) Act 2017 specifically sets the age of sexual consent for girls at 18. Sexual intercourse with a girl under the age of 18 is considered statutory rape, irrespective of whether she has given consent.⁴ The law also prohibits child sexual abuse.⁵ The law with respect to consent is primarily gendered, focusing on girls as victims and men as offenders with no explicit protection for adolescent boys below 18. Section 219 of the Penal Code imposes severe penalties for rape, including in cases of consensual, non-exploitative sexual relationships between adolescents of similar age. The length of imprisonment varies according to the age of the girl, with harsher sentences for younger victims--ranging from 16 to 20 years for rape committed against a girl under the age of ten, to seven to ten years if the woman is 18 or older, with intermediate penalties for other ages. The law establishes the legal age for marriage at 20 years for both boys and girls.⁶ As per section 173(3) of the Penal Code, marriage below this age is a punishable offence.

(i) Law Reform Process

In 2025, the Government of Nepal announced proposed amendments to the Penal Code to address the legal implications of consensual and non-exploitative sexual relationships among adolescents.⁷ This proposal sought to introduce a "Romeo-Juliet" provision: a legal exception in sexual offence laws that protects consensual and non-exploitative sexual relationships between adolescents of the same or similar age from criminal prosecution. However, the proposed provision problematically penalized minors aged 16-18 with an age difference of up to three years with imprisonment even when in a consensual relationship. This proposal clearly failed to align with Nepal's constitutional and international obligations. Although the proposed length of punishment for adolescent boys was ultimately be reduced, it continued to criminalize them. Concerningly, the proposed amendment would also penalize young adolescent girls for engaging in consensual non-exploitative sexual relationships with adolescent boys of similar age.⁸

In September 2025, the proposed amendment bill was quickly halted after being introduced to Parliament when Nepal underwent significant political upheaval. Following national anti-corruption protests, Nepal's Parliament was dissolved and new parliamentary elections took place in March 2026, forming a new government. As of now (June 2026), the new government is deliberating on the "Romeo-Juliet" provision and the amendment of the Penal Code. The new amendment would allow consensual sexual relationships between 16–18-year-old adolescents with a three-year age gap given there is no coercion or exploitation. The progression of this amendment underscores the importance of engaging with relevant government stakeholders and newly elected parliamentarians and urging them to consider proposals for law reform in a manner consistent with Nepal's constitutional and international law obligations.

C. Relevant Data and Statistics

Teenage and Adolescent Pregnancy

- a) In 2022, NDHS reported a teenage pregnancy rate (adolescent girls ages 15-19) of 14%.⁹

Age at First Sexual Intercourse

- a) In Nepal, 47% of women and 21% of men reported that their first experience of sexual intercourse happened by age 18.¹⁰
- b) Many adolescents engage in sexual activity between the ages of 13 and 14, and by the time they are 15 or 16 years old, most have had at least one romantic partner.¹¹

Hence, these statistics demonstrate that adolescent sexual activity and relationships are a natural part of human development¹² and criminalizing age-mate consensual, non-exploitative sex does not prevent adolescents from having sexual relationships or experimenting. Instead, it might deter them from accessing sexual and reproductive health services and education, including contraception, safe abortion services, post-abortion care, and related information.

D. Social Context: Stigma, Misconception and Societal Attitude

In Nepal, the social context surrounding adolescent sexuality is marked by deep-rooted stigma, misconceptions, and restrictive societal attitudes. Reproductive health topics are frequently omitted from school curricula due to cultural taboos and a lack of trained teachers, leaving adolescents with significant gaps in knowledge. Adolescents interviewed in a study on sexual health and reproductive services in Nepal noted that teachers did not teach sexual health-related parts of the curriculum¹³. A quote by one of study¹⁴'s interviewees noted the following:

“Whenever teachers had to teach about sexual health or bodily changes, they asked students to study themselves, and they would go out of the room”.

Many participants from the study¹⁵ revealed that consensual sexual interactions among students on school premises often result in punitive disciplinary actions, most notably suspension or expulsion. One participant commented:

“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 rules that prohibited interaction between male and female students.”

Medical and paramedical personnel are discouraged from providing essential services such as contraception and abortions to adolescents due to concerns of legal issues or criticism.¹⁶

Health care providers also demonstrated negative attitudes when adolescents, particularly those who were unmarried, came to clinics for contraceptive advice. It is apparent that the reinforcement of negative attitudes towards sexual behaviours amongst adolescents by various authority figures, including parents, teachers, and healthcare professionals, directly impact adolescents' health seeking behaviours for sexual and reproductive health related issues.¹⁷

Inadequate information around sexual health further perpetuates harmful stereotypes and discourages discussion around sexual health and sexuality. In the absence of proper comprehensive sexuality education, adolescents lack proper understanding of consent, and are prone to risky behaviours such as unsafe sex. Furthermore, lack of

support from family and wider society can lead to adolescents feeling isolated, potentially causing severe psychological suffering and stress.¹⁸

Early marriage, often through elopement or familial coercion, is commonly used as a coping mechanism in the absence of supportive systems. Schools tend to enforce restrictive policies, fostering a culture of fear, shame, and silence. Societal reactions can include violent punishment, forced marriage, ostracism, and legal action. Health service providers' judgmental attitude towards adolescents also further discourages them from seeking necessary sexual health services and information. Public interactions between opposite-sex adolescents are frowned upon, with male sexuality normalised and female sexuality heavily stigmatised.

A 2021 study on the experiences of adolescent girls in rural Nepal highlighted the differences in treatment towards adolescent girls as compared to boys, with one unmarried adolescent noting that for premarital sex: “[Girls] lie during adolescence because of the shame. As for boys, they know everything; they have no shame ... They act haphazardly without shame.”¹⁹

Sexually active adolescents are labelled as negative role models, and the criminalisation of consensual relationships further restricts their autonomy.²⁰

“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 (Forbidden Desires, 2025)

“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 rumour 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 (Forbidden Desires, 2025)

II. Why Non-recognition of Age-mate Consensual, Non-exploitative Sexual Relationships is a Key Barrier to Advancing Adolescent Autonomy and Evolving Capacities in Nepal

A. Criminalisation and its Consequences

Section 219 of the National Penal Code 2017 treats any sexual intercourse with a girl under 18, even with consent, as rape, even when both parties are under 18. The Penal Code criminalises such acts and does not offer an exception for consensual and non-exploitative sexual conduct between adolescents of similar age. This is reinforced by prevailing societal norms, which frame consensual adolescent relationships as inherently wrong or punishable (see Section 1 D above). As a result, adolescent autonomy is undermined, and the adolescents’ evolving capacity for independent decision-making is not recognized or supported.

Criminalizing consensual, non-exploitative sexual relationships between age-mate adolescents can have lifelong negative effects, as time that could be spent on education and personal development is instead lost to imprisonment. This approach also reinforces harmful societal norms, leading to shame, violence, ostracism, and strict control over adolescents’ lives.²² Fear of legal and social consequences undermines their autonomy and decision-making. Additionally, schools may respond

with exclusion, gender segregation, and increased surveillance, further hindering adolescents' development and access to sexual education and support.

B. Barriers to Accessing Sexual and Reproductive Health Services (SRHS)

The Safe Motherhood and Reproductive Health Right Act of 2018 guarantees each adolescent the right to obtain education, information, counselling, and services related to sexual and reproductive health.²³ However, the non-recognition of age-mate consensual, non-exploitative sexual relationships and ingrained conservative norms and attitudes towards sex act as a barrier to accessing SRHS due to the view that consensual adolescent sexual behaviour is considered criminal or wrong. Adolescents' reluctance to seek SRHS increases the taboo around sexual health, further restricting their autonomy and development.

Further, healthcare professionals may fear criticism or legal issues for providing SHRS, further reducing adolescents' ability to access information, services, and medical treatment.²⁴

"When adolescents go to purchase condoms, they are asked thousands of questions including their identity, family background, and so on. They should be 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 behaviours which leads to many health consequences."

– An adolescent leader from Bardiya

"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

"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

III. How Courts Have Responded to the Issue

A. Judiciary's Approach

The Supreme Court in Nepal has addressed the issue of consensual adolescent relationships in a handful of cases. For the most part, judicial remarks have not been central to the decisions, but form part of the broader commentary on the relevant context and/or the underlying legislation.

In some instances, the Supreme Court of Nepal has appeared to advocate for legal reform in Nepal, underscoring the need to balance the protection of children with juvenile justice. In so doing, they have referenced the benefits of so-called "Romeo-Juliet" laws adopted by other countries where similar issues had been identified.

B. Key Cases

(i) Government of Nepal v. Durga Bahadur B.K. and Ambika Kandel, Decision no. 11082, NKP 2080, Vol. 4

The Supreme Court of Nepal made some key observations on the criminalization of non-exploitative adolescent relationships. It stated that the "*rights of children and adolescents should be taken into account in the crimes resulting from unsafe sexual*

acts committed during adolescence”, and recognized that “*excessive imprisonment at a young age without a lenient view of crimes result[ing] from unsafe sexual acts may pose a problem in the social rehabilitation of such minors and adolescents.*”²⁵ In addition, the Court held that pregnancies resulting from sexual relationships between adolescents should be considered “*unsafe and careless sexual acts rather than... illegal or immoral.*”²⁶ In this case, the court imposed a reduced sentence on an underage girl who was alleged to have killed her infant for fear of social stigma and ostracism because she was in an inter-caste relationship with a 25-year old man. The question was whether both should be held fully criminally responsible under the country’s penal code.

(ii) Government of Nepal on behalf of Sangita (name changed) v. Santosh Kumar Yadav, Decision no. 11015, NKP 2080, Vol. 1

In this case, the Supreme Court of Nepal acquitted an adult man of kidnapping, abducting, and raping a 15-year old girl on the basis that the two had consensually eloped and married (albeit it convicted him under child marriage law). The Supreme Court referenced a Supreme Court of India decision (S.Veradarajan v. State of Madras)²⁷ that found no offence where a girl on the verge of maturity voluntarily left home and married. The Nepal Supreme Court’s judgment briefly noted that various countries, including the U.S., had adopted “Romeo-Juliet” laws, which created exemptions for consensual sexual relationships between minors who are sufficiently close in age.

(iii) Government of Nepal v. Chetan Lawati (Tika), Decision no.11348, NKP 2081, Vol. 9

The Supreme Court of Nepal clarified its view on the potential benefits of “Romeo-Juliet” laws in this judgment, which concerned a conviction for marital rape. Recognizing the dangers of Nepalese courts “*interpreting the law mechanically*” in cases involving consensual, non-exploitative sexual relationships between adolescents, the Supreme Court argued that ignoring situations where “*children of the same age group or within a certain age gap may have physical relationships or sexual intercourse due to love and sexual desire*” would lead to decisions which would “*not be prudent or fair*”.²⁸

The Supreme Court again noted that several countries had enacted “Romeo-Juliet” legal reforms in response to this issue, citing laws in the U.S. and India which sought to protect the relevant children from unfair criminalisation. It highlighted the benefit of a “Romeo-Juliet” law (such as that in force currently in Texas) as offering a “*positive protective approach as an alternative to the system of punishing acts between children*”.²⁹ Instead of applying blanket criminalization, a law of that kind would “*analyze the real situation of children in cases of sexual relationship due to circumstances arising from their natural physiological development and provide them with appropriate protection*”.³⁰ The Court also noted the extent to which a “Romeo-Juliet” law would help to ensure that “*children are not negatively affected in the future*”, emphasizing juvenile justice.

(iv) Government of Nepal v. Balaju 100, Case No. 080-CS-0413

In this case, an underage boy and girl, both minors, were married and living together and had consensual sexual relations. However, the girl’s parents filed a case against the boy alleging rape, and the boy was consequently convicted by the Kathmandu District court. On appeal, the High Court Patan acquitted the accused of rape on the basis that the existing law was ambiguous and the legislature had failed to sufficiently clarify whether consensual sexual intercourse between two minors should be considered rape.³¹ The Court found that in circumstances where the couple’s consensual relationship had resulted in the birth of a child – and

remained stable before and after the sexual activity – the act should not be interpreted as rape.

The High Court’s judgment emphasized that the principle of equality before the law must be applied fairly to all, including minors.³² The ruling cited laws in other jurisdictions, including India’s Protection of Children from Sexual Offences Act 2012 (POCSO), to argue that there is a need in Nepal for separate legal provisions addressing affirmative defenses for minors. The court suggested that such defenses would better protect children and ensure juvenile justice considering the current social context.³³

C. Notable Judgments Outside of Nepal

As noted above, Nepal’s higher courts have recognized the benefits of legal reforms enacted in other jurisdictions to create exemptions for consensual sexual relationships between adolescents of a similar age. Given the judiciary’s apparent willingness to follow the approach adopted by other countries, the two judgments below may provide valuable precedent for reforms:

(i) Teddy Bear Clinic for Abused Children and Another v. Minister of Justice and Constitutional Development and Another CCT 12/13, [2013] ZACC 35 South Africa, Constitutional Court

The Teddy Bear Clinic case in South Africa challenged laws that criminalised consensual sexual activity between adolescents under 16.

In this landmark case, South Africa’s Constitutional Court upheld a High Court decision which ruled certain provisions of a national law constitutionally invalid to the extent that they imposed criminal liability on children under the age of 16 who had engaged in consensual sexual conduct. The Court found that the indiscriminate criminalization of consensual sexual conduct infringed on the rights of children and adolescents, imposing an 18-month moratorium on all criminal proceedings against children under the age of 16.³⁴

In reaching its decision, the Court considered expert evidence that showed that such behaviour is a normal part of development and criminalizing the normal process of sexual exploration between adolescents caused harm by increasing stigma and making it more difficult for adolescents to seek support. It found that, while the legitimate intention of the Act was to discourage adolescents from prematurely engaging in sexual conduct, it failed to achieve this purpose and instead increased harm and risk to adolescents.

(ii) State v. Hitesh on 30 January 2025 (Delhi High Court)

This case heard by the Delhi High Court concerned the conviction of a male respondent under POCSO following sexual relations with an adolescent girl. While the judgment focused primarily on the girl’s age, the judge argued that the law in India should evolve to “*acknowledge and respect*” romantic relationships between adolescents, so long as they are “*consensual and free from coercion*”.³⁵

The judge acknowledged the importance of the age of consent for the protection of minors, but argued that: (i) adolescents should be able to express their feelings without fear of criminalisation; (ii) consensual love is a natural part of human development; and (iii) the law should focus on preventing exploitation and abuse rather than punishing love.

The Court advocated for a compassionate approach by the legal system, one that safeguards the rights of young individuals to love while ensuring their safety and well-being. The Court called for prioritizing understanding over punishment in cases involving consensual adolescent relationships.

(iii) State of Uttar Pradesh v. Anurudh

In January 2026, the Supreme Court of India in its ruling in *State of Uttar Pradesh v. Anurudh* outlined the “need to introduce a Romeo-Juliet provision or other methods to address the issue by exempting genuine adolescent relationships from the stronghold of law and enacting mechanism to prosecute those who misuse the law. The ruling also stated that the judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts and that the court should use discretion while deciding matters, ensuring that the application of POCSO should not harm those which it vows to protect.”³⁶

IV. International Human Rights Standards, State Obligations, and Global Practices

A. International Human Rights Standards

United Nations Convention on the Rights of Child³⁷

The United Nations Convention on the Rights of the Child (the CRC) was ratified by Nepal on 14 September 1990 and sets out international standards for the civil, political, economic, social, health, and cultural rights of children, which is defined as any person under the age of 18.

(i) Right to sexual autonomy:

Notable rights provided under the CRC include the right to non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival and development (Article 6) and, most crucially, the right of a child who has the requisite capacity to form his or her own views to express those views freely in all matters affecting himself or herself (Article 12). These rights together are relevant to the evolving capacities of adolescents and their ability to make informed decisions regarding their bodies and health.

(ii) Right of access to medical treatment:

The CRC recognizes the right of children and adolescents to obtain access to the highest attainable standard of health (Article 24(1)). In particular, this includes pre-natal and post-natal health care for mothers (Article 24(2)(d)). Moreover, under Article 24(f), states are required to take appropriate measures to develop preventative health care guidance for parents and family planning education and services.

This is taken to include access to contraceptives and abortion.

(iii) Right of access to sex education:

Article 28 proscribes the right of the child to education. Moreover, Article 24(2)(e) determines that states shall take all appropriate measures to ensure that children are informed and have access to education regarding child health, the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents.

B. State Obligations

General Comment No. 20 (2016) (GC 20) comments on the implementation of the rights of the child during adolescence.

GC 20 recognises, in accordance with Article 12 of the CRC, that State parties should introduce measures guaranteeing adolescents the right to express their views on matters of health, sexuality and family life. Furthermore, due weight and regard to those views should be given in line with the adolescent’s age and maturity.³⁸

On consensual and non-exploitative sexual activity, GC 20 states that “State Parties should take into account the need to balance protection and evolving capacities and

define an acceptable minimum age when determining the legal age for sexual consent. States should avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity.”³⁹

With regard to health services, GC 20 states that “*all adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory SRHS, information and education, available both online and in person, including on family planning, contraception, including emergency contraception, prevention, care and treatment of sexually transmitted infections, counselling, pre-conception care, maternal health services and menstrual hygiene*”.⁴⁰

Finally, GC 20 states that “*age-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents. Attention should be given to gender equality, sexual diversity, sexual and reproductive health rights, responsible parenthood and sexual behaviour and violence prevention, as well as to preventing early pregnancy and sexually transmitted infections. Information should be available in alternative formats to ensure accessibility to all adolescents, especially adolescents with disabilities.*”⁴¹

C. Global Practices: National Legislation

Under the National Penal Code of Nepal, rape is defined as a situation in which a person has sexual intercourse with a woman without her consent or with a girl below 18 years of age, even with her consent.⁴² The penalty for rape depends on the age of the victim and can be anywhere between life imprisonment and seven years. The Penal Code currently does not include any “Romeo-Juliet” provisions, meaning that consensual sexual activity between close-age adolescents, under the age of consent, may be criminalized under Nepal law.

The equivalent laws in other jurisdictions relating to close-in-age exemption are set out below for comparison.

Country	Age of Consent	Romeo-Juliet Law (Close-in-Age Exemption)
Nepal	18 (for girls)	No full exemption; proposed reduced punishment for minors. ⁴³
Philippines	16	Exemption for minors under 16 years of age, the age difference between the minors is not more than three years, and the sexual act in question is proven to be consensual and non-exploitative.
Bhutan	18	Allows close-in-age exemption for consensual sexual conduct between adolescents ages 16 – 18 ⁴⁴ , given the age difference is no more than three years.
South Africa	16	Consensual sexual acts among adolescents ages 12 to 16 have been decriminalized. When the older participant is over 16 years, but under 18 years, there is no prosecution if there is no more than a two-year age gap between them. ⁴⁵
Botswana	18	Exemption when the sex is consensual between adolescents both under 18, or if the sex is consensual between a person who is not more than two years older than the other. ⁴⁶

D. Recommendations from UPR to the Government of Nepal

Nepal Universal Periodic Review (UPR) 2025:

The 2025 UPR of Nepal's human rights record placed strong emphasis on the protection of SRHR, particularly for women, children, and adolescents. One of the most significant recommendations came from Mexico, urging Nepal to decriminalize consensual sexual relations between adolescents under the age of 18 and ensure access to information and sexual and reproductive health services. Similarly, France and Iceland recommended Nepal decriminalize abortion and ensure the protection and promotion of sexual and reproductive health rights, services, and information.

V. Conclusion and Recommendation

The Constitution of Nepal guarantees the right to live with dignity⁴⁷, and the right to privacy⁴⁸, as well as recognizing reproductive health as a fundamental right.⁴⁹ This is further supported by the SMRHR Act, which explicitly grants adolescents the right to education, information, counselling, and services related to sexual and reproductive health.⁵⁰ Despite this, the blanket criminalization of consensual and non-exploitative sexual activity between age-mate adolescents undermines these commitments while disregarding their bodily autonomy, and the impact on their future. Therefore, to ensure that adolescents in Nepal can enjoy their sexual and reproductive rights without heightened stigma and threat of legal consequences, the state should ensure that the laws are consistent with the rights to health and privacy.⁵¹ They must also develop legal frameworks that promote the development of adolescents,⁵² leading to healthier and empowered youth communities capable of making informed decisions. Outlined below are recommendations to remove legal and other barriers for adolescents to effectively access their sexual and reproductive health and rights (SRHR)..

Recommendations

- 1.1 Review and amend the National Penal Code (2017) to decriminalize age-mate consensual and non-exploitative sexual activity between adolescents below 18, in keeping with the principles outlined in the UN Convention on the Rights of the Child, and ensuring the rights and well-being of adolescents, including through the provision of SRHR information and services.
- 1.2 Integrate age-appropriate, rights-based Comprehensive Sexuality Education (CSE) as a mandatory part of school curriculum at all levels, ensuring that adolescents develop a clear understanding of consent, consensual relationships, and sexual exploitation.
- 1.3 Ensure availability of CSE to out-of-school children and youth, and train teachers to effectively deliver the CSE curriculum; as well as expanding community outreach to address the unmet need for family planning, eliminate early and child marriages, and reduce adolescent pregnancy.
- 1.4 Conduct training and capacity building programs for law enforcement officials, the justice sector, and health service providers on adolescent SRHR, including education on the national and international human right obligations for effectively implementing those laws and policies.
- 1.5 Build community awareness programs that target families, communities, schools, teachers, and religious leaders to reduce stigma around adolescent sexuality and adolescent SRHR.

Endnotes

- 1 Gerison Lansdown, *The Evolving Capacities of the Child*, UNICEF Innocenti Research Centre (2005) available at <https://digitallibrary.un.org/record/556609?ln=en&v=pdf>
- 2 Convention on the Rights of the Child, adopted Nov. 20, 1989, art. 5, G.A. Res. 44/25, annex, U.N. GAOR, 44th Sess., Supp. No. 49, U.N. Doc. A/44/49 (1989) (entered into force Sept. 2, 1990) [hereinafter CRC].
- 3 Lansdown, *supra* note 1.
- 4 Nepal The National Penal (Code) Act, part 1.2, Ch. 13, sec. 219 (2017) [hereinafter Penal Code].
- 5 *Id.* Sec. 225.
- 6 *Id.* Sec. 173.
- 7 “Government Prepares to Lower Minimum Age for Marriage”, The Kathmandu Post, Mar. 24, 2025, <https://kathmandupost.com/national/2025/03/24/government-prepares-to-lower-minimum-age-for-marriage> (accessed Sept. 22, 2025).
- 8 “Understanding the Romeo and Juliet Law: Protecting Teen Love from Harsh Legal Consequences”, Nepal News, May 11, 2025, <https://english.nepalnews.com/s/explainers/understanding-the-romeo-and-juliet-law-protecting-teen-love-from-harsh-legal-consequences/> (accessed Sept. 22, 2025).
- 9 Ministry of Health and Population [Nepal], New ERA, and ICF. 2023. Nepal Demographic and Health Survey 2022. Kathmandu, Nepal: Ministry of Health and Population [Nepal].
- 10 CENTER FOR REPRODUCTIVE RIGHTS, YOUTH LED SEXUAL AND REPRODUCTIVE HEALTH RIGHTS ADVOCACY NEPAL., *Forbidden Desires: Exploring Impact of Criminalization of Age-mate consensual sexual activities among adolescents in Nepal*, (2025) available at https://reproductiverights.org/wp-content/uploads/2025/07/FORBIDDEN-DESIRE_final-report_7-28-25.pdf
- 11 *Id.*
- 12 *Id.*
- 13 P. Pandey, H. Seale & H. Razee, *Exploring the Factors Impacting on Access and Acceptance of Sexual and Reproductive Health Services Provided by Adolescent-friendly Health Services in Nepal*, PLOS One (2019), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC6687105/#pone.0220855.ref014>
- 14 All quotes/anecdotes referred in the policy brief is from the study “*Forbidden Desires: Exploring Impact of Criminalization of Age-mate consensual sexual activities among adolescents in Nepal*, (2025)
- 15 FORBIDDEN DESIRE, *supra* note 10.
- 16 *Id.*
- 17 *Id.*
- 18 *Id.*
- 19 A. Tiwari et al., “*Our Mothers Do Not Tell Us*”: A Qualitative Study of Adolescent Girls’ Perspectives on Sexual and Reproductive Health in Rural Nepal, Sexual & Reprod. Health Matters, (2022). available at <https://www.tandfonline.com/doi/epdf/10.1080/26410397.2022.2068211?needAccess=true>
- 20 K. Bhatta, P. Pathak & M. Subedi, Prevalence and Factors Associated with Adolescent Pregnancy Among an Indigenous Ethnic Group in Rural Nepal: A Community-based Cross-sectional Study, J. Preventive Med. & Pub. Health, (2024) available at <https://doi.org/10.3961/jpmph.24.023>
- 22 FORBIDDEN DESIRE, *supra* note 10.
- 23 Safe Motherhood and Reproductive Health Rights Act, sec 3 (2018) [hereinafter SMRHR Act] available at <https://reproductiverights.org/sites/default/files/2020-01/Safe%20Motherhood%20and%20Reproductive%20Health%20Rights%20Act%20in%20English.pdf>
- 24 FORBIDDEN DESIRE, *supra* note 10.
- 25 Government of Nepal v. Durga Bahadur B.K. & Ambika Kandel, Decision No. 11082, NKP 2080, Vol. 4.
- 26 *Id.*
- 27 S. Varadarajan vs State Of Madras, Criminal Appeal No.46, 1963.
- 28 Government of Nepal v. Chetan Lawati (Tika), Decision no.11348, NKP 2081, Vol. 9.

- 29 *Id.*
- 30 *Id.*
- 31 Hight Court Patan, Government of Nepal v. Balaju 100, Case No. 080-CS-0413.
- 32 *Id.*
- 33 *Id.*
- 34 Pretoria Univ. Library Press (PULP), *Legal Grounds: Reproductive and Sexual Rights in Sub-Saharan African Courts*, vol. III (2017).
- 35 State v. Hitesh, CRL.L.P. No. 10 of 2022, Delhi High Court, Jan. 30, 2025, available at <https://indiankanoon.org/doc/31093533/>
- 36 The State of Uttar Pradesh v. Anurudh & Anr (2026) INSC 47 available at [2026 Livelaw SC 29 State of Uttar Pradesh V Anurudh 9 Jan 2026 653312 | PDF | Bail | Criminal Procedure In South Africa](#)
- 37 CRC, *supra* note 2.
- 38 Office of the High Commissioner for Human Rights (OHCHR), General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (Dec. 6, 2016), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-20-2016-implementation-rights>
- 39 *Id.*
- 40 *Id.*
- 41 *Id.*
- 42 Penal Code, *supra* note 4.
- 43 The amendment proposal was released by Ministry of Law, Justice and Parliamentary Affairs for feedback in April 2025, this has not been submitted to the Parliament
- 44 Bhutan, Penal Code Amendment Act 2011, Sec 17.
- 45 South Africa, Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 Sec 15.
- 46 Botswana, Penal Code, Section 147(5).
- 47 The Constitution of Nepal, 2072 (2015), art. 16 (Nepal)
- 48 *Id.* art. 28.
- 49 *Id.* art. 38(2).
- 50 SMRHR Act, *supra* note 23, sec. 3(1).
- 51 CENTER FOR REPRODUCTIVE RIGHTS, SOUTH ASIA REPRODUCTIVE JUSTICE AND ACCOUNTABILITY INITIATIVE, IMPROVING INTERNATIONAL HUMAN RIGHTS STANDARDS ON ADOLESCENT SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS p. 5, available at https://reproductiverights.org/wp-content/uploads/2021/05/CRR_Improving-international-human-rights-standards-on-adolescents-sexual-and-reproductive-health-and-rights_05132021.pdf
- 52 *Id.*