

# COUNTRY GENDER EQUALITY PROFILE NEPAL



SUOMI  
FINLAND





**COUNTRY GENDER  
EQUALITY PROFILE  
NEPAL**



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# ABBREVIATIONS AND ACRONYMS



BPfA		Beijing Declaration and Platform for Action
CBS		Central Bureau of Statistics
CCSA		Committee for the Coordination of Statistical Activities
CEDAW		Convention on the Elimination of All Forms of Discrimination against Women
CFUG		Community Forestry User Group
CGEP		Country Gender Equality Profile
CMC		Community mediation committee
CSO		Civil society organization
DCC		District Coordination Committee
DHS		Demographic and Health Survey
DV		Domestic violence
EC		Election Commission
EOC		Election Observation Committee
FEDO		Feminist Dalit Organization
FWLD		Forum for Women, Law and Development
GBSS		Gender-biased sex selection
GBV		Gender-based violence
GDP		Gross Domestic Product
GEWE		Gender equality and women's empowerment
GESI		Gender and social inclusion
GoN		Government of Nepal
GRB		Gender-responsive budgeting
ILO		International Labour Organization
IMF		International Monetary Fund
IOM		International Organization for Migration
IPV		Intimate partner violence
ISSAT		International Security Sector Advisory Team
KIIs		Key informant interviews
LGBTIQ+		Lesbian, gay, bisexual, transgender, intersex and queer
LFPR		Labour force participation rate
MAM		Muslim Women Rights Movement
MoHP		Ministry of Health and Population
MoLESS		Ministry of Labour, Employment and Social Security
MoWCSC		Ministry of Women, Children and Senior Citizens
NAWHRD		National Alliance of Women Human Rights Defenders
NC		Nepali Congress
NCP		Nepal Communist Party
NEET		Not in employment, education, or training
NGO		Non-governmental organization
NMS		Nepal Mahila Sangh
NTA		Nepal Telecommunication Authority
NWC		National Women Commission
OCMCs		One-Stop Crisis Management Centres
OOSC		Out of school children
PDNA		Post-disaster needs analysis
SDGs		Sustainable Development Goals
SME		Small and medium-sized enterprises
TU		Tribhuvan University
WCSCSD		Women, Children and Senior Citizens Service Directorate





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**Key Message From Secretary**

I am happy to know that the UN Women Country Office has finalised its Country Gender Equality Profile (CGEP) for publication, with a focus on the considerable progress and challenges to achieving gender equality in Nepal. I take this opportunity to thank UN Women for their effort in preparing this profile. This current CGEP provides evidence-based knowledge that will allow us to take pride in our achievements and also draw lessons from the shortcomings identified.

The CGEP will provide valuable insight and feedback into federal, provincial and local planning processes. I believe that this publication can also assist in making public agencies at all levels accountable and responsive to advancing gender equality across the country. I congratulate the team involved in compiling and producing this publication, and I look forward to more research and reflection on the development efforts of the Government of Nepal and its partners in promoting women empowerment and gender equality.

Domestic violence, human trafficking and gender-based violence are major problems in this sector. Harmful social practices in the name of religion and customs like witchcraft, chhaupadi, child marriage, polygamy, dowry and tilak inflict physical and mental violence against women, adolescents and girls. The lack of disaggregated data on gender-based violence and other gender issues are the main problems prevalent in this sector. Mainstreaming gender issues at the federal, provincial and local levels through gender-responsive governance remains a challenge.

The Ministry is working toward the vision of National Gender Equality and also implementing its policies and programmes. This publication helps the government to develop policies and structural provisions for the socio-economic development of women, adolescents and children; maintain de jure and de facto equality between women, men and gender and sexual minorities; and promote women's economic, social and political empowerment. This publication will be a symbol of strong collaboration between UN Women and the government.

Finally, I would like to thank the UN Women and all others involved in preparing this publication.

  
Feb 17, 2023

Dilli Ram Sharma  
Secretary

Ministry Of Women, Children and Senior Citizen

# EXECUTIVE SUMMARY



The Nepal Country Gender Equality Profile (CGEP) is intended to serve as a resource to support UN Women, the Government of Nepal (GoN), international development partners and civil society in assessing the current situation regarding gender equality and women's empowerment (GEWE). The Nepal CGEP was produced with the goal of developing a concise and comparative analysis of the main concerns bearing upon GEWE from an intersectional perspective, given Nepal's rich mosaic of caste, class, ethnic, religious, regional, disability and sexual identities. The CGEP describes and analyses the current situation in Nepali women's lives along three key themes: women's representation in the political arena, economic security and gender-based violence.

The Nepal CGEP analyses both quantitative and qualitative data, drawing upon the most recently available disaggregated data and a review of a large volume of secondary research published in reputable academic journals/venues by both Nepali and internationally reputed scholars and experts, as well as reports and publications by key national agencies and leading international development organizations. These sources are considered, along with the country's existing legislation and policies addressing each of the three thematic areas. The CGEP was undertaken in a participatory manner, through national consultations and key informant interviews (KIIs). The process of developing the Nepal

CGEP began in 2020 at the early stages of the COVID-19 pandemic and includes an analysis of its impact on GEWE issues related to economic security and GBV, based on early findings and available data.

Despite years of political instability, Nepal has made great strides in socioeconomic development over the past two decades by enacting progressive legislation and policies to address and advance GEWE. The adoption of Nepal's new constitution in 2015, supporting its transition to federalism, underscored the government's commitments to eliminating all forms of discrimination; building an egalitarian and inclusive society; and achieving economic equality, prosperity and social justice. This policy environment has been shaped by decades of lobbying and activism by Nepali women. In terms of women's participation and representation in the political arena, recently enacted progressive laws explicitly stipulate a quota of 33 per cent for women's representation in elected positions across all three tiers of government (national, provincial and local). Although this numeric quota has been met for the most part, women from marginalized castes, classes and ethnic groups are still underrepresented in elected positions. Thus, women's meaningful and substantive representation and participation in the political arena is yet to be achieved in Nepal. Women entering politics face several constraints, including access to financing, mobility





restrictions, gender-biased party practices, household work and care responsibilities and most grievously, GBV. Most of these challenges can be traced to Nepal's wider social context of patriarchy and gender-discriminatory norms. Further efforts are needed to rectify these constraints and ensure that women's engagement in politics goes beyond symbolic and numeric representation and involves meaningful engagement.

In terms of Nepali women's economic security, the GoN has instituted several legislative provisions, including the right to employment, the right to appropriate labour, equal wages, equal property rights for women based on the principles of inclusion and proportional representation and calls for an end to all forms of discrimination. Nonetheless, women in Nepal face multiple obstacles in attaining economic security and rights, and these obstacles are often graver for women from marginalized and vulnerable social groups.

Nepal's entrenched system of patriarchy – which is ensconced in gender hierarchical, discriminatory and harmful social norms and practices – has impeded women's participation in the labour force and formal sector, as well as their access to paid work. This situation relegates women to the domestic sphere, wherein their primary or sole responsibilities lie in care and household production activities. Inequitable inheritance rights hinder women's ability to access and control resources, assets and services while limitations on their mobility and their low decision-making power also curtail their productivity potential. Their economic contributions in

sustaining households, family farms and in other domestic and care work tends to go unrecognized, invisible and undervalued in society and the policy realm. Thus, their significant role in sustaining communities by ensuring household subsistence security is often discounted. Recent structural shifts in the economy, such as high male labour outmigration, have resulted in higher levels of autonomy and empowerment for women, as women assume the management of households, family farms and decision-making. Nonetheless, gender-discriminatory perceptions and practices (such as a mistrust of women within communities, social surveillance of women's activities outside the household and mobility restrictions) thwart the full potential of these economic shifts to result in gender-transformative changes in society.

Gender disparities have further widened during the COVID-19 pandemic, given the confluence of gender inequality and economic vulnerability that women in Nepal already experienced prior to the crisis. Economic insecurity has worsened, especially among vulnerable groups, including self-employed workers, domestic workers, female-headed households and those in casual or temporary employment, most of whom are women. The combination of economic instability and deteriorating well-being in the context of social isolation has increased the risk of abuse, with women, lower castes and indigenous ethnic groups being the most vulnerable to different forms of violence. Early research has indicated that women who were already in abusive situations were trapped in homes with their abusers

24/7 during the lockdown, exposing them to increased control and restrictions on their mobility. When official mechanisms to respond to GBV halted during the lockdown period, local organizations delivered support to GBV victims, despite having limited resources.

Women across caste, class, ethnic, regional, religious, disability and sexual identities experience high levels of GBV in its various manifestations, such as sexual harassment and/or assault, domestic violence, intimate partner violence (IPV) and harmful practices en route to work, at workplaces, within households and in communities. GBV is pervasive in Nepali society, despite the presence of many legal measures and prevention services in place. Women's reluctance to report GBV due to fears of reprisal, stigma attached to exposing family disputes and the possibility of economic disruption is one part of the equation. Uneven access to justice, poor implementation and insufficient enforcement of existing laws further stymie progress to reduce GBV rates significantly.

The main findings of the CGEP point to three areas that could be considered as priorities for the next stage of efforts to advance GEWE in Nepal: 1) strengthening existing policies and addressing implementation gaps; 2) developing targeted sectoral programmatic interventions on key GEWE issues; and 3) prioritizing monitoring the most urgent gender concerns through the collection, analysis and use of robust, reliable and timely gender-disaggregated data that also capture social inclusivity issues in Nepal. While the GoN has already committed to monitoring 145 Sustainable Development Goal (SDG) indicators, focusing on a select few that are pivotal for assessing progress on SDG 5 will enable Nepal to make steady progress towards achieving gender-transformative outcomes in the 2030 Agenda.



# CHAPTER 1

## INTRODUCTION: COUNTRY CONTEXT AND PURPOSE



# 1. OVERVIEW



The Nepal Country Gender Equality Profile (CGEP) is intended to serve as a resource to support UN Women, the GoN, civil society, international development partners and other stakeholders in assessing the current situation of GEWE in Nepal. It provides in-depth analysis of three thematic issues critical for understanding the most persistent gender inequalities in Nepal: leadership and participation in the political arena, GBV and economic security and rights. Considering research that suggests full equality for women would increase global gross domestic product (GDP) by 26 per cent by 2025,<sup>1</sup> the Nepal CGEP was written as a forward-looking report that aims to facilitate efforts to advance gender equality and the interlinked goal of social inclusivity in Nepal. The Nepal CGEP is thus grounded in the premise that gender equality is a prerequisite for the development of just and inclusive societies.

The Nepal CGEP is an evidence-based report that reflects a qualitative assessment of the nuanced and complex intersectional dimensions of gender equality, which are supported by national gender statistics and available disaggregated data captured in the companion statistical report 'Gender Equality in Numbers' (Annex 2). It provides a qualitative analysis of persisting gender inequality in the three selected thematic areas, underlying factors, how gender inequality intersects

with and is compounded by other forms of inequality and how these processes compromise the realization of human rights and equitable access to the benefits of development efforts. This report also provides information that can facilitate strategic efforts to address obstacles to GEWE at sub-national and national levels. It can be used to support advocacy efforts for advancing GEWE and developing gender-responsive policies, strategies and interventions.

The Nepal CGEP is aligned with the UN's 2030 Agenda for Sustainable Development, which seeks to combat inequalities, build just and inclusive societies, protect human rights and promote gender equality as a standalone goal (SDG 5) and cross-cutting target. The UN Women Nepal Country Office initiated the development of this CGEP in 2019-2020 to ensure systematic monitoring and reporting of Nepal's commitments towards achieving the SDGs. It marks a key milestone in advancing gender equality since the Fourth World Conference on Women took place 25 years ago, where global agreements for gender equality were reached during the Beijing Declaration and Platform for Action (BPfA). This chapter describes the broader purpose and objectives of the Nepal CGEP, the methodology used in its development, an analysis of the country context and the main drivers of gender equality in Nepal.

<sup>1</sup> McKinsey Global Institute 2015.



## 1.1 OBJECTIVES



The Nepal CGEP is intended to enhance knowledge on gender inequality in Nepal and support the development of strategies to advance GEWE in Nepal based on efforts identified by international and regional approaches as well as national commitments. It aims to facilitate policy and programme development in line with the GoN's vision on GEWE, as laid out in the 2015 Constitution, the 15th National Development Plan and the National Gender Equality Policy (2021). A key objective of this CGEP is to serve as a resource for national policy dialogues on creating gender-responsive development strategies that are tailored to the context-specific realities of women in Nepal, especially at the intersection of caste, class, ethnicity, religion, sexual identity and disability.

## 1.2 METHODOLOGY



The Nepal CGEP has been developed in adherence with the core principles and processes outlined in UN Women's Corporate Guidelines (2018). It is grounded in evidence-based research generated through participatory methods and informed by scholarly and practice-based literature, reports and news articles. The process of data collection, analysis and validation included a review of the available literature, sectoral and thematic

assessments and reports, thematic and sectoral consultations with relevant national and sub-national stakeholders and validation exercises with reference groups consisting of key stakeholders. The Nepal CGEP's three thematic areas were selected through a series of preliminary national consultations to identify the most pressing gender concerns in Nepal, and they are also aligned with UN Women's priority global themes on gender equality. The three thematic areas are:

1. Women's participation, representation and leadership in key arenas
2. Women's economic security and rights
3. Gender violence and harmful practices

The approach to developing the Nepal CGEP was grounded in the following principles:

- Recognizing and strengthening the role and leadership of Nepal's national women's machinery as a key player in guiding and monitoring the implementation of GEWE commitments.
- Fostering partnerships and coordination within the UN system.
- Promoting the inclusion and representation of civil society organizations (CSOs) and groups who are at the greatest risk of being excluded from consultative processes.
- Prioritizing support for advocacy so that the Nepal CGEP is a resource for evidence-driven advocacy that can effect change for women and girls.

- Building on, contributing to and strengthening UN Women partnerships with key national agencies, including the Ministry of Women, Children and Senior Citizens (MoWCSC); the National Planning Commission (NPC); the Central Bureau of Statistics (CBS); ministries responsible for action on key thematic areas; provincial governments; and international development partners involved in furthering gender equality and social inclusion (GESI) in Nepal.

The Nepal CGEP was developed based on the above principles, which were adapted to address the limitations imposed by the COVID-19 pandemic, and it entailed the following steps:

- a) Stakeholder consultations, thematic workshops and KIIs held in February and early March 2020 that enabled:
  - A deeper understanding of gender equality concerns identified by key stakeholders, including government partners, CSOs, UN partner agencies and international development partners that have helped leverage support and advocacy for GEWE in Nepal.
  - Knowledge exchange and learning from the perspectives and experience of thematic experts.
- b) A review of key documents, including:
  - Relevant national legal and regulatory frameworks; reports generated by the GoN, CSOs and international organizations on sustainable development and the status of GEWE in Nepal, including for Beijing +25; Concluding Observations that emerged from relevant state and international treaty body dialogues; and Voluntary National Reviews on the SDGs.
  - A wide range of scholarly literature from reputable, peer-reviewed journals and other research studies undertaken in Nepal, prioritizing those by Nepali researchers and organizations.
  - Grey literature, including programme evaluations, strategy documents, etc.
- c) A statistical report (Annex 2) that includes data disaggregated along sex, age, sexual and/or gender identity, disability, caste, ethnicity, socioeconomic status, location and other relevant variables as available. The statistical report documents broad socioeconomic development indicators and some of the 'drivers' of inequality, as well as indicators on GEWE.<sup>2</sup>
- d) An in-depth qualitative analysis to interpret the available evidence (data and other empirical findings); identify underlying themes and patterns; illuminate the complex interplay of factors that shape gender inequality in Nepal; enhance an understanding of differences in the conditions, needs, participation rates, access and control

<sup>2</sup> When the available national data was outdated, national statistics were complemented by global data. Studies and reports by reputed research organizations have been used to supplement national data, including to ensure disaggregation. Data from the State of Social Inclusion in Nepal (SOSIN 2018) has further enriched disaggregation by caste and ethnicity.

of resources and decision-making powers of diverse groups of women in Nepal; and highlight the significance and implications of gender disparities and gaps for women's life outcomes.

**Limitations** - The onset of the COVID-19 pandemic prevented field research and local consultations due to closures, travel restrictions and lockdown measures. As an alternative, the research team broadened the review to capture a wider range of data and analysis, conducted further KIs and attended meetings of the Gender in Humanitarian Action Task Team (GiHATT) as opportunities to glean information directly from the field. An advisory mechanism ensured input from the GoN, development partners and national leaders focused on GEWE. A second limitation was the unavailability of research and data, especially disaggregated data related to gender and other identity groups, on some aspects of GEWE and a few issues related to the three thematic foci.

## 1.3 CONCEPTUAL FRAMEWORK

The Nepal CGEP draws upon the *Gender@Work Analytical Framework* (Rao et al. 2016) to analyse the dynamic processes through which gender norms are internalized and institutionalized at the individual and systemic levels through informal practices and formal means, i.e. legislation and policies. The Gender@Work Framework is organized along four

quadrants of change: individual, systemic, informal (e.g. individual capacities, attitudes, social norms) and formal (e.g. material resources, laws) in order to determine how interactions between these dimensions shape the way gender systems function and the role that systemic reforms, such as new gender-responsive laws and policies, play in shifting discriminatory practices to bring about gender-transformative outcomes.

## 2. COUNTRY CONTEXT

The Federal Democratic Republic of Nepal has made steady progress in addressing many aspects of social inequality, including gender. After years of political instability, Nepal successfully ended the constitutional monarchy in 2008 and established a federal state in 2015. Great strides have been made in socioeconomic development over the past two decades, including on key gender indicators. Primary and lower secondary school enrolment has increased significantly and reached gender parity (GoN 2016) and maternal mortality rates have declined drastically due to government commitments and policies. However, gaps in some indicators reveal persistent gender inequalities: 11.3 per cent of children in Nepal are out of school (UNICEF 2019), mostly at the upper secondary level; girls and children from groups marginalized along caste, class and ethnicity are more likely to be out of

school (ibid);<sup>3</sup> 33 per cent of women in Nepal are illiterate, compared to 10 per cent of men (NDHS 2016); and there are gaps in the school enrolment rates of Dalit and indigenous children relative to others. Disparities persist in educational attainment by caste, gender, age, socioeconomic status and location (Raut and Tanaka 2018).

With the promulgation of a new constitution in 2015, the GoN committed to eliminating all forms of discrimination; building an egalitarian and inclusive society; and achieving economic equality, prosperity and social justice. These efforts involved incorporating gender equality into national development policies and programmes, creating a gender-responsive budget system and promoting basic rights to equality and justice through planned or ongoing social and infrastructure programmes. However, the goal of reducing intertwined, intersectional types of social discrimination based on caste, ethnicity, gender, disability and sexual identity (NSIS 2020) has been hampered by the absence of clear guidelines and implementation mechanisms.

A notable development in advancing GEWE goals was the enactment of the National Gender Equality Policy, 2077 (2020). Drafted by the MoWCSC in line with recommendations from the CEDAW Committee, this policy was endorsed by the GoN (Council of Ministers) in January

2021. Significant aims of this policy include a commitment to removing structural barriers that prevent women and girls from achieving social and economic development; ending patriarchal mindsets, gender discrimination, violence and exploitation; creating a society based on equality and gender values; adopting a gender-responsive governance system; and ensuring the economic empowerment of women. However, the CEDAW Committee's recommendation to provide adequate human and financial resources to implement this policy is yet to be realized. Nepal's commitment to gender equality is encapsulated in the GESI provisions instituted at various levels of government, shown in Annex 3.

## 2.1 DEMOGRAPHY



Nepal is composed of a rich mosaic of ethnic, caste, religious, gender and geographic diversity. The people of Nepal can be generally considered as falling into two broad groups: 1) caste groups with ancestry traced to West Asia and the Indian sub-continent and 2) the Janajatis, the indigenous ethnic groups recognized as Indigenous Nationalities (NSIS 2020). Beyond these two broad distinctions, findings from the 2011 census revealed 125 distinct ethnic, religious, caste and regional identity groups spread across Nepal's diverse geography of mountains, hills, jungles and plains (NSIS 2020). The descendants of West Asian

3 Eighty per cent of out of school (OOS) children in higher secondary school are girls (Paudel 2019), 18 per cent of girls and 10 per cent of boys are OOS in secondary (Nepal Education Policy and Data Center 2018) and 62.34 per cent of OOS girls in primary school (World Bank 2017).





and Indian populations speak Indo-Aryan languages and are organized into caste groups based on 'ritual purity' related to hereditary occupation as dictated by the *Hindu Varnashram* system (NSIS 2020). The Janajati, on the other hand, speak a range of Sino-Tibetan or Indo-European linguistic derivatives. Linguistic ability is a significant determinant of access to education, government services/social protection and participation in local and national governance (NSIS 2020). Nepal's Madhesi/Terai groups, who typically live in the country's southern plains, as well as mountain/hill groups and Terai Janajati are the most affected in this regard because they do not speak Nepali. The majority of the Nepali population identifies as Hindu (81.3 per cent), with 9 per cent identifying as Buddhist and 4.4 per cent identifying as Muslim (2011 Census).

Despite legislation against ethnic and caste-based discrimination, acts of violence against caste minorities continue. Human Rights Watch reports that caste and ethnic minorities are more vulnerable to abuse than other groups in Nepal (HRW 2020). The worst affected groups are Madhesi/Terai groups<sup>4</sup> living in Nepal's southern plains and Dalits, who face greater caste-based discrimination than other disadvantaged groups because of their assigned 'untouchability' (NSIS 2020). Economic exclusion associated with

caste, ethnicity, gender, region, religion and language has also been documented (NSIS 2018), with Dalit, Janajati and Muslim populations indicating the worst economic and well-being outcomes compared to other groups.<sup>5</sup> While the concerns relevant to Dalit and indigenous women are integrated throughout this CGEP, a summary of their situation is presented below (pp. 7-8).

Although Nepali women, regardless of caste, ethnicity and other social distinctions, are bound to the shared experience of being women in a patriarchal society, intersectional forms of inequality and discrimination compound their situations. Women from marginalized groups (and third genders) experience intersectional forms of exclusion and are further devalued (NSIS 2020). In the overall composite index of gender norms and values, which reflects a social group's support towards women's agency and empowerment, the two bottom quintiles are Madhesi/Terai groups, indicating that women from these groups are less empowered and more vulnerable to discrimination than other women (NSIS 2020). Women and girls who do not speak Nepali are further excluded from accessing resources and services.

Women and girls with disabilities in Nepal experience an added layer of exclusion, especially when transitioning to inclusive education, while children with disabilities experience hindrances in accessing

4 The Terai is a geographic area of plains bordering the Himalayan and Mahabharat mountain ranges. Madhesi refers to a cultural group living in the Terai who have Indian ancestry and a shared culture with North India. The NSIS report uses "Terai/Madhes or Madhes/Terai" to denote groups originating from the region and the culture – even if they currently reside in the Nepal's hill areas. Hill-origin groups that migrated to and live permanently in the Terai are not considered Terai/Madhesi groups in the NSIS report.

5 This includes indicators that are proxy determinants of economic exclusion, such as language barriers, lower social capital, less participation in governance and a lower sense of agency.

education in general (HRW 2020).<sup>6</sup> Women with disabilities are also more vulnerable to multiple forms of GBV (psychological, sexual and physical) as reported by 31 per cent of research participants (Nepal Disabled Women's Association - NDWA 2019), partly because they may face obstacles in reporting it due to having limited access to social services and the justice system (ibid).

**Dalit Women** - Among Nepal's historically marginalized populations, Dalits and Dalit women in particular are one of the most vulnerable to discrimination (FEDO 2020). The range of deprivations they experience include constrained access to healthcare, education, economic resources and opportunities, political participation and most importantly, human dignity and social justice (ibid). The Hindu social norm of conferring an "impure status" on Dalits is compounded by gender biases, given the pervasive perception of impurity associated with menstruation and the social restrictions that accompany it. The GoN has passed many progressive laws prohibiting caste-based discrimination, and untouchability was declared illegal in 2011 through the adoption of the Anti-Caste Discrimination and Untouchability Act. Still, popular perceptions and long-held attitudes lead to systematic and structural discrimination against Dalits, including the continuation of inhumane treatment and the violation of their human rights (ibid; DeSchutter 2021).

6 The 2011 census identified 1.94 per cent of the population as having a physical or cognitive disability; however, methods used by the census may undercount or underestimate the true number of persons with disabilities in Nepal (NSIS 2020).

Dalit people, and Dalit women in particular, experience the highest poverty rates in Nepal at 42 per cent, which is nearly double the current national poverty rate of 25.2 per cent (DeSchutter 2021). Dalit communities experience significantly higher rates of landlessness than other groups (Panday et al. 2021), lowering their economic security. Even though Dalits constitute 20 per cent of Nepal's population, only one per cent own arable land (ibid). Eighty per cent of Terai Dalits, 75 per cent of Hill Dalits, 41.4 per cent of Madhesi Dalits and 36.7 per cent of Hill Dalits are deemed functionally landless<sup>7</sup> (Amnesty International 2019; DeSchutter 2021; IOM 2016). Similar to women across Nepal, Dalit women disproportionately work in the agriculture sector (75.7 per cent) as compared to Dalit men (57.1 per cent).

Dalit women fare worse along other social indicators. The literacy rate of Terai Dalit women is an appalling 12.3 per cent (six times lower than the average for women across Nepal); the maternal mortality ratio (MMR) for Dalit women is 67 per 100,000 births, compared to the national average of 46; and the child mortality rate is a grave 77 per 1000 births, compared to the national average of 54, which is mainly attributable to unattended and unsafe deliveries (ibid). Severe undernutrition is also prevalent among Dalit women, with 45.7 per cent of Madhesi Dalit women underweight (SOSIN 2013). Dalit women are also subjected to various forms of GBV (both intercaste and within their own

7 Indicating no landownership or plots that are less than half a hectare.

caste), physical violence, verbal abuse, humiliation and indecent treatment (FEDO 2020). Child marriage is reportedly higher among the Dalit population, although there is limited data on this.

**Indigenous Women** - There are 62 indigenous groups in Nepal (ICIMOD and UN Women 2021), referred to as 'Janajatis'.<sup>8</sup> They comprise 35.8 per cent of the population and indigenous women comprise 17.9 per cent of the total population (CEDAW 2018). Indigenous women experience multiple discriminations based on their race, caste, ethnicity, gender identity and disability status (ibid). Access to education for indigenous populations can be limited due to their linguistic diversity and the fact that Nepali is still the only official medium of instruction in public schools and other academic institutions (ibid). Indigenous women are also severely underrepresented in the political arena and within political parties, as shown in the table below (AIWN 2018).

Displacement from and dispossession of their ancestral land has been a longstanding concern for indigenous populations in Nepal, with serious implications for their livelihood security. This is especially relevant among indigenous women, who are primarily responsible for natural resource use and management within communities. Other repercussions include the loss of cultural heritage sites and shifts in their collective way of life (CEDAW 2018). Indigenous women from Raute, Majhi, Tharu and Yakkha communities have reported how losing access to forests and natural resources hinders their livelihoods and economic security (UNDP 2018). A critical concern in this regard is the loss of indigenous knowledge and skills associated with compulsory shifts to mainstream subsistence practices (UNDP 2018).

Most indigenous groups in Nepal are considered to be egalitarian, but the influx of patriarchal values is reported to have led to increased gender inequality.

**TABLE 1. REPRESENTATION OF WOMEN AND INDIGENOUS PEOPLE IN NEPAL'S POLITICAL PARTIES**

Political party	Number of members	Number of women members	Number of indigenous members	Number of indigenous women members
Rastriya Prajatantric Party	146	20	35	6
Sangyiya Samajbadi Forum	232	27	101	10
CPN UML	202	33	48	11
Nepali Congress	80	15	12	3

8 Defined in Article 2 of the National Foundation for Development of Indigenous Nationalities Act of Nepal (2002) as a tribe or community with their own mother language, traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history.

"The 2015 Constitution established a political and fiscal federalist system with a prime minister as chief executive, a bicameral Parliament, and devolved functional responsibilities and budgets to the seven provincial and municipal governments. Federalist values and principles, including equality, equity, accountability, responsiveness, non-discrimination, participation, and respect for fundamental rights are encoded in the new constitution."

(Tamang 2018)

A few groups (e.g. Majhi, Yakkha and Thakali) retain many indigenous customs and traditional practices that assure gender equality and equity. For the most part, research suggests that indigenous women face few mobility restrictions and often partake in joint decision-making with male spouses. In the Thakali community, women manage household funds (UNDP 2018). However, a lack of awareness on state laws and provisions and inadequate access to education, health and social services are general constraints among indigenous groups in Nepal, including women.

Recent studies by the National Indigenous Disabled Women's Association (NIDWAN 2021) revealed that the majority (87.62 per cent) of indigenous women and girls are subjected to higher rates of violence than non-indigenous women, a situation that worsened during the COVID-19 pandemic (Gurung 2021). Earlier reports indicate that nearly 80 per cent of individuals trafficked in Nepal are indigenous women and girls (NIWF, LAHURNIP and FPP 2011).

## 2.2 GOVERNANCE



Nepal has made significant progress in establishing institutional structures amenable for improved governance, with the devolution of power to provincial and local governments. Nepal's 2015 Constitution guarantees equal rights to women, non-discrimination in the application of laws and also reinforces positive discrimination policies for women in all arenas, including governmental structures and the political domain. A significant achievement was the election of Bidhya Devi Bhandari in 2015 as the first female head of state in Nepal, a symbolic and substantive gain in advancing GEWE in Nepal. Two other women were elected to leadership positions with the promulgation of the constitution in 2015 – Sushila Karki, Chief Justice of the Supreme Court (who stepped down in 2017) and Onsari Gharti Magar, Speaker of the Parliament. Extensive political reforms, ushered in with the transition from a unitary to federalist system, have resulted in progressive laws guaranteeing the representation of women and marginalized groups in government (UN Women 2020), which is further discussed in Chapter 2. The 33 per cent gender quota established by the 2015 Constitution has resulted in a dramatic increase in the proportion of women representatives in the Constituent Assembly (CA).

Yet another significant achievement is that the Gender Equality and Social Inclusion (GESI) Framework is now required to be considered in all decisions about



governance and government operations (AYSPS 2019), and the implementation of the constitution is guided by specialized commissions, including the National Women Commission (NWC),<sup>9</sup> National Dalit Commission,<sup>10</sup> National Inclusion Commission and the National Human Rights Commission<sup>11</sup> as well as others (World Bank 2019). In the 2017 elections, women won 38 per cent of CA seats and Dalits won 21 per cent (AYSPS 2019). The mandated quotas help ensure women's representation (i.e. in provincial public service commissions) and offer opportunities to reshape gender and other social inequities at the provincial and local levels (ibid). Nonetheless, women trail behind men across different levels of governance (NSIS 2020), which is further detailed in Chapter 2.2.3 Economy.

Nepal is a low-income developing nation with an estimated GDP of \$29 billion (International Trade Administration 2020). Due to a decade of political instability, its economic growth lagged behind other South Asian countries but rebounded with the restoration of 'political normalcy' at an estimated at 7.1 per cent growth rate in fiscal year (FY) 2018/19. In

general, the literature identifies the main impediments to economic growth as Nepal's political instability, landlocked geography, challenging topography, poor infrastructure, a poorly trained and educated workforce and a weak policy and regulatory environment (ibid). The devastating impact of the 2015 earthquake negatively affected economic growth, and the recent COVID-19 pandemic is expected to drastically contract it as well. Nepal is expected to graduate from the Least Developed Country (LDC) classification by 2026, upon the recommendation of the United Nations Committee for Development Policy (CDP) based on meeting the thresholds for two criteria – the Human Assets Index (HAI) and Economic and Environmental Vulnerability Index (EVI).

Structurally, Nepal's economy is dominated by the agriculture sector, which accounts for 27.5 per cent of its GDP and 65.7 per cent of employment (ibid), with women making up 80 per cent of agricultural workers (CBS 2014). The services sector (including real estate, trade, transport, communications and education) is the largest contributor to national GDP (57.4 per cent). Remittances from rural to urban, cross-border and overseas migration contribute to between 28 and 32 per cent of GDP (ILO 2017), while the industrial sector (mostly comprised of manufacturing and construction) contributes to 15.1 per cent of GDP (ibid).

Poverty has been steadily declining in Nepal over the past few decades. In 2011, 15 per cent of households were identified as living below the extreme poverty line

9 Established in 2002, the NWC is now a constitutional body under the 2015 Constitution (Part 27, other Commission, Article 252-254) with a clear mandate set forth in the National Women Commission Act of 2017, but neither its full quota of commissioners nor its full quota of office bearers have yet been appointed,

10 Established in 2002, mandated under the National Dalit Commission Act of 2017 and appointed as a constitutional commission in 2020, the NDC remains understaffed, despite ambitious goals to make 2021-2031 the decade of Dalit liberation.

11 The National Human Rights Commission (NHRC), an independent statutory body established in 2000, became a constitutional body in 2007 and again in 2015. However, new laws to limit its powers introduced by the government no longer allow regional offices and have shifted decision making on which cases go before the court to the attorney general (HRW 2020).

(\$1.90/day) compared to 46 per cent in 1996 (World Bank 2019). By 2019, the extreme poverty rate dropped to 8 per cent (World Bank 2020). In contrast, at a higher poverty cutoff of \$3.20 USD/day, the poverty rate was projected to be 42 per cent in 2019, down from 51 per cent in 2010 (World Bank, 2019). Using a more comprehensive definition, 34 per cent of people were estimated to be living in multidimensional poverty in 2016 (UNDP HDR, 2019). However, disparities in poverty based on location and social background have been documented, with 42 per cent of Dalits, 44 per cent of Hill Dalits and 38 per cent of Madhesi Dalits estimated to fall below the poverty line in 2011, as compared to 10 per cent of Newars (ADB 2020). The assessment of gender-specific poverty is complicated by conceptual and methodological issues as well as the numerous social and economic barriers that women face. These and other aspects of women's economic security are documented in Chapter 3.

## 2.3 GENDER AND THE DISASTER CONTEXT

Nepal is a landlocked country located in the Himalayan mountain range, with a varied geophysical and biodiverse terrain (Bhattacharjee 2017) that makes it highly vulnerable to natural disasters. These features also contribute to Nepal's high level of vulnerability to climate change impacts. Nepal is considered a climate

change "hotspot"<sup>12</sup> and ranked as one of the world's most climate-vulnerable nations.<sup>13</sup> Nepal's geophysical susceptibility to disaster risk (e.g. earthquakes, landslides, avalanches, floods and fires) is aggravated by recent trends in climate change, resulting in heavy human casualties and the costly destruction of physical property (IFRC 2021; Ministry of Home Affairs 2015). In this context, gender-based vulnerabilities, gender gaps in access to relief and protection services and gender-differentiated impacts merit urgent consideration, given the prevailing context of gender inequality and women's disempowerment. A post-disaster needs assessment (PDNA) for the 2015 earthquake, which was undertaken by Nepal's National Planning Commission, documented women's heightened vulnerability (NPC 2015).

Ample evidence from Nepal and elsewhere indicates that women are disproportionately affected by disasters and that marginalized ethnic, caste and class groups in Nepal are also more vulnerable than other populations (Sherpa 2007). Nepal's devastating earthquakes in April and May 2015 had a catastrophic impact on the economy and disproportionately affected women and the most vulnerable and marginalized groups in the country. The first 7.6 magnitude earthquake resulted in the collapse of buildings and bridges and the loss of at least 5,000 lives, while the second earthquake a month later resulted in the loss of an additional 4,000 lives

12 Stocker et al. 2013.

13 Sonke et al. 2015.

and a combined total of 22,000 injured individuals, impacting the lives of 8 million people (GON 2015). Studies indicate that the highest affected group was women, who included around 327,000 female-headed households (26.5 per cent of all households), 40,000 women and girls with disabilities and over 163,000 women over the age of 65. More women and girls died than men and boys, with women accounting for 56 per cent of deaths (GoN 2015) partly because of their gendered assignment to indoor spaces; their delayed escape to rescue children, older family members and household valuables; and a skewed female population due to high rates of male overseas outmigration in some districts (GoN 2015).

Women face greater vulnerability in terms of disaster risk and also during and in the immediate aftermath of a disaster event, including relief and recovery operations. Apart from the loss of life, there are various safety and security issues that emerge during relief efforts in which women may be subjected to GBV (sexual and domestic violence), trafficking and economic exploitation. Moreover, the lack of consultation and participatory efforts among women and marginalized groups is reported to have resulted in direct discrimination and the perpetuation of pre-existing disadvantages (IFRC 2021). The latter includes village/local authorities denying women their rightful claims to disaster assistance after the 2015 earthquake, due to gender-biased practices. There were many accounts of single women and female-headed households being denied government

relief, family registration being requested through male heads of household and male family members being asked to 'be present' in order for relief provisions to be distributed. These accounts confirm the presence within governance of social attitudes that deem women 'subordinate' to men. The gender norm governing male control of household income is also reported to have resulted in women's lack of access to and control of relief funds.

The GoN's PDNA 2015 identified the greater challenges faced by women in the recovery process based on their limited livelihood options, narrow asset base, limited economic resources and disproportionate burden of domestic and care work. Increased levels of food and nutrition insecurity with gender-specific implications were also documented in the aftermath of the earthquake (i.e. for pregnant and lactating women and young girls). Disruptions in the policing and justice systems, combined with displacement and the loss of family members, left women and girls vulnerable to violence and at greater risk of abuse and exploitation. Increased incidents of domestic violence against women were recorded in the aftermath of the earthquake, along with the use of child marriage as a coping mechanism to offset new household expenditures.

Women's time and work burdens in the post-earthquake context also increased, as revealed through time-use surveys (GON 2015). Women invested an additional four to five hours per day clearing debris; salvaging household

**“The COVID-19 pandemic presents a serious threat to persons with disabilities within marginalised communities around the world, including religious, ethnic and linguistic minorities, refugees and internally displaced persons and Indigenous communities. Multiple and intersecting identities of these individuals overlap, intensifying existing issues, excluding them from COVID-19 response strategies and placing them in the most vulnerable position in their nations.”**

(Minority Rights Group International 2020)

items and home construction materials under the rubble to make temporary shelters; caring for their children who were out of school; and fetching water from greater distances, which often added an additional three hours to their workload. This increased workload meant less time for income-generating activities (GON 2015). Even though the GoN's PDNA was comprehensive and gender-sensitive, it is unclear to what extent the restoration actions outlined were implemented in a gender-responsive manner. Given Nepal's eco-climatic and geophysical vulnerability, integrating gender into disaster prevention and risk-reduction strategies will be essential to avert the further disempowerment of women.

## 2.4 COVID-19 AND THE PANDEMIC CONTEXT IN NEPAL



As in other countries across the globe, the COVID-19 pandemic has negatively affected Nepal's economy and society. Restrictions on movement and limitations on economic activities during the lockdown periods in Nepal resulted in increased numbers of people out of work, food insecurity and malnutrition. Research on the gender-specific impact of the pandemic indicates that gender disparities have further widened, given the confluence of social inequality and economic vulnerability (Poudel and Subedi 2020). Sectors that make significant contributions to national GDP, such as foreign employment and tourism, have been particularly affected, resulting in job losses, loss of remittance incomes and severe economic hardship. According to the World Bank, economic growth was predicted to fall to between 1.5 per cent and 2.8 per cent in FY 2020 due to lower remittances, decreased trade and tourism and broader disruptions caused by the pandemic. Given that 31.2 per cent of the population is estimated to live on \$1.90 to \$3.20 USD a day, the World Bank estimates that individuals in this proportion of the population “face significant risks of falling into extreme poverty, primarily because of reduced remittances, foregone earnings of potential migrants, job losses in the informal sector and rising prices for essential commodities as a result of COVID-19” (World Bank 2020).



**Economic Insecurity** - Those who are at particular risk of economic insecurity as a result of the pandemic are self-employed workers, domestic workers, female-headed households and those in casual or temporary employment.<sup>14</sup> While traders, especially small shop owners and those with limited sources of income, were the most affected by the lockdown in Nepal, poor, marginalized groups and daily wage earners have been the most economically vulnerable. A Rapid Gender Assessment conducted by the MoWCSC in 2020, in collaboration with the Nepal offices of UN Women, CARE and Save the Children, found a 337 per cent increase in the number of women not engaged in paid work and that 83 per cent of women lost their jobs, which resulted in a depletion of savings and household emergency funds. Rural women farmers also experienced income losses due to an inability to market their produce. Lack of access to and control over household assets (land and other productive resources), resulted in a loss of seeds and productivity losses, which in turn exacerbated their cash constraints to meet household needs (ibid).

**Food Insecurity** - A higher proportion of households in Nepal who reported job loss also reported inadequate food consumption compared to households that had not lost their income source. A World Food Programme Food Security Assessment in April 2020 (WFP 2020; WHO 2021) found a 23.2 per cent spike in food insecurity experienced mostly by daily wage labourers, migrant workers and households with disabled persons

(these were the main groups who lost their income source). Among these groups, female-headed households and those with less diversified livelihoods were more food insecure. Overall, households with low education levels, a chronically ill member and/or female-headed households were more food insecure.

**Relief Access Disparities** - In addition to gender-specific issues in securing the relief services noted above, indigenous communities in Nepal also reported a lack of accessible and culturally appropriate information on COVID-19 in indigenous languages and discernible formats. People relying on medical equipment and medicines have experienced disrupted access, with women and Dalits being especially affected. A concern has also been voiced (Santos 2020) that people with disabilities, especially from marginalized groups (single, poor, indigenous women and women from caste and ethnic minority communities) have been excluded from relief packages provided by local governments (MRGI 2020).

**Mental Health Impact** - Perhaps more so than other disasters, the COVID-19 pandemic has also taken a toll on the mental health of the population due to social isolation, stress about financial insecurity and the threat it presents to physical health and well-being. An assessment in July 2020 found that the overall physical, mental, spiritual and social well-being of the people of Nepal had suffered as a result of the lockdown, curfews, self-isolation, physical 'social distancing' and quarantine measures

14 UNICEF, ILO and UN Women 2020.

(Poudel and Subedi 2020). This research also found that the combination of economic instability and deteriorating well-being increased the risk of abuse, with women, lower castes and indigenous ethnic groups being the most vulnerable.

**GBV** - The disruption of pre-existing, albeit thinly stretched protection services during the COVID-19 pandemic, has heightened the incidence and risk of GBV. There was a three-fold increase in GBV cases being reported to helplines during the first wave of the pandemic (WHO 2021). Research by the Women's Rehabilitation Centre (WOREC Nepal), which was undertaken during the early period of the pandemic, found 465 reported cases of GBV from 24 March to 29 May 2020 alone, with a total of 843 GBV cases documented during the lockdown by 29 July 2020 (WOREC 2020). Other sources indicated that IPV, including marital rape, domestic violence and GBV, increased considerably during the lockdown period. The most affected were women from marginalized groups, including gender and sexual minorities, wives of migrant workers, displaced women, adolescent girls and women working in the entertainment sector. Women who were already in abusive family situations were trapped in homes with their perpetrators 24/7 during the lockdown, exposing them to increased control and restrictions on their mobility (ibid). Since official mechanisms to respond to GBV halted during the lockdown period, local organizations delivered support to GBV victims despite limited resources.<sup>15</sup> Ongoing support was facilitated by the

NWC's 24-hour toll-free helpline for counseling services and therapy sessions, the Asha Crisis Center's 24-hour helpline (9801193088) and another 24/7 children's helpline (1098) offered by Child Workers in Nepal (CWIN). A more extensive discussion on GBV is provided in Chapter 4.

### 3. DRIVERS AND CONSTRAINTS TO GENDER EQUALITY



Nepal has recently made significant strides in advancing gender equality through the adoption of constitutional provisions and national policies aimed at ensuring gender/social equity and inclusivity and the ratification of international conventions governing gender equality (see Table 2 below). With the adoption of recent constitutional reforms, Nepal has made many official commitments to promoting women's empowerment, including in the traditionally male-dominant spheres of finance, politics and governance. While these reforms serve as enabling drivers, their effectiveness has been constrained by gaps and limitations in their content and implementation, as discussed below in section 3.3. Another enabling driver of GEWE in Nepal is the long history of activism and advocacy of Nepali women's rights groups (discussed further in section 3.5 below), who have engaged in awareness-raising activities and pushed for gender-sensitive interventions and

<sup>15</sup> Care Nepal and Nepal Research Institute 2020.



programmatic efforts for decades. Although these groups have enhanced society's understanding of the gravity and detrimental impacts of harmful gender norms and practices (such as the various forms of GBV, discussed in detail in Chapter 4), harmful gender norms and practices continue to act as a powerful factor in sustaining individual and systemic gender inequities, which will be detailed in section 3.1. Despite the adoption of equity and inclusivity-focused laws, the internalization of harmful gender norms among both men and women – along with society's tacit adherence to discriminatory and exclusionary practices – contributes to gender inequality becoming institutionalized in many social and economic arenas.

One key manifestation of the latter – and a significant driver of gender inequality – is the disproportionate burden of unpaid domestic and care work assumed by women, as discussed in section 3.2. Even wider gender gaps are evident among ethnic minorities and caste groups who also fare the worst along many socioeconomic indicators of development (NSIS 2018). This finding signals the intersectional nature of gender inequality. The most economically and socially marginalized women (by ethnicity, caste, religion, language and/or region) often experience the most severe forms and rates of institutionalized gender discrimination, even when gender norms are less restrictive within their own communities.

## 3.1 GENDER NORMS



Deeply rooted patriarchal norms are a major driver of gender inequality in Nepal, albeit to varying degrees among the country's diverse ethnic, caste, religious, regional and socioeconomic groups. Despite the enactment of GEWE policies and legislative measures, entrenched social norms reinforce discriminatory beliefs, perceptions and unjust practices towards women and girls (Ghimire and Samuels 2017).

While different gender norms are present across Nepal's diverse population groups (NSIS 2020),<sup>16</sup> a gender-hierarchical system of binary norms confers power and dominance to men, with women relegated to secondary roles in society and to the private/domestic sphere (*Bhitra*).<sup>17</sup> These binary norms include female passivity and compliance and male independence and risk-taking, which are evident across Nepal in different degrees and forms. Gender gaps in women's leadership and representation in the political and economic spheres can be traced to gender-discriminatory norms, as discussed in Chapters 2 and 3 respectively, while Chapter 4 discusses the more deleterious consequences of these norms and their harmful manifestations. Recent research suggests that ideas on women's 'appropriate' behaviour, gender roles and practices are currently in flux in Nepal,

<sup>16</sup> This study surveyed women and men to understand attitudes and practices related to gendered economic and household roles and gender-appropriate behaviours, as well as beliefs about violence and security.

<sup>17</sup> Holmel 2019.



especially among younger generations who are challenging longstanding gender norms and stereotypes.<sup>18</sup> Nonetheless, further, more consistent efforts are needed to fully transform prevailing gender norms and outcomes in Nepal.

### **Gender-Specific Beliefs and Behavioural Expectations**

- The notion that women should be submissive and obedient to their husbands – and controlled and disciplined by their husbands – are gender-specific behavioural expectations across communities in Nepal, albeit to varying degrees.<sup>19</sup> Overall, more than two-thirds of Nepalis hold the belief that men should be in charge of women and that men are entitled to discipline outspoken women (NSIS 2020). One of the most detrimental gender beliefs is about women’s ‘impurity’ and danger to men and deities, resulting in severe menstrual restrictions (analysed in Chapter 4). By contrast, studies suggest that there is uniform opposition to gender violence among all ethnic and caste groups (also discussed in Chapter 4).

### **Gender-Related Discourses and Narratives**

- While gender-related practices vary across different communities in Nepal, the powerful and persistent narrative that women are ‘less’ than men underlies gender norms across social groups, institutions and sectors. This narrative is supported by and echoed in legal enactments that treat women as minors or second-class citizens (discussed above) and impose constraints on women’s

economic activities (i.e. labour force participation and migration for work). Such discourses are also reflected in the nominal interpretation of gender quotas, resulting in women being assigned to secondary roles in workplaces and official/political roles (i.e. women designated as deputy mayors, while men are assigned as mayors). This narrative serves to maintain a distinct, gender-based power hierarchy and undermines Nepal’s efforts to prosper as an equitable and inclusive democracy. Challenging this narrative through multiple strategies – which should be undertaken by stakeholders at all levels – could be a powerful driving force for gender equality.

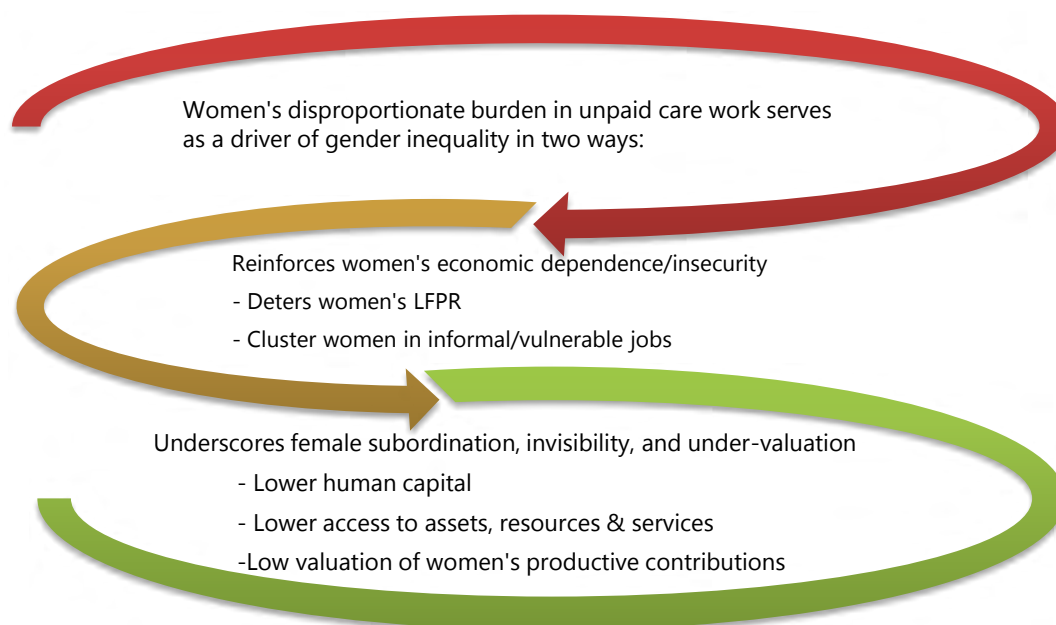
A related aspect of this narrative is that a woman’s identity is always defined in relation to the men in her life: her father, husband and/or son(s). The counterpart to this is the narrative of men as ‘guardians’ of women. In-depth research in Nepal<sup>20</sup> among men, boys, women and girls found three ways that the assignment of men as guardians plays out: a) by establishing and reaffirming male superiority vis-à-vis women; b) by confirming the male provider role and women’s economic dependence; and c) by reinforcing women’s reliance on men for accessing resources and services (discussed in detail in Chapter 3). Nepal’s citizenship laws, for example, remain discriminatory towards women, restricting their independent right to confer Nepali citizenship to their children and spouse. Having citizenship is essential for obtaining important legal documents, such as marriage certificates and driver’s licenses; opening and accessing bank accounts; receiving social grants; voting in elections;

18 See for example, Basnet and Jha 2019 on shifting patterns in marriage across caste and ethnic groups.

19 Lower adherence to these beliefs was evident among 16 per cent of Muslim women, 17 per cent of Muslim men, 37 per cent of Newar women and 33 per cent of Newar men.

20 Ghimire and Samuels 2017

FIGURE 1. THE IMPACT OF CARE WORK ON WOMEN'S ECONOMIC INSECURITY



attending university; and enrolling one's children in school. Nepali women who do not have citizenship may be forced to rely on male spouses or relatives to access basic services and rights. Even the Supreme Court, which has taken very progressive stances on substantive equality for women in the labour market, has avoided challenging Nepal's discriminatory citizenship discourse, asserting that rights concerning citizenship and property "remain contingent upon women's familial relationship to men... The Court shied away from challenging gendered roles within the family and the traditional social order that they underpin."<sup>21</sup> An exception to this is in the case of reproductive rights, wherein the Court has guaranteed women's reproductive rights.

## 3.2 UNPAID DOMESTIC AND CARE WORK

A critical driver of gender inequality in Nepal is care work, which is often viewed and treated as the sole responsibility of women. It reinforces women's economic insecurity and dependence on men, deterring their participation in the more secure and remunerative formal sector work. As such, it effectively results in women being clustered in informal and more vulnerable sectors and types of work. It also results in perpetuating women's subordination and invisibility, given that the unpaid care work burden constrains human capital development (i.e. lower educational access and skills outcomes); effectively reduces women's access to assets, resources and services;

21 Malagodi 2018, p. 550.

and culminates in an under-valuation of women's productive contributions.

The notion of "Laxman Rekha" encapsulates the idea that women's primary roles are as housewives, responsible for household chores that are considered shameful for a man to assume. This traditional gender norm discourages women's work outside the home and their participation in community decision-making processes (Adhikari 2008; Nightingale 2002), although recent patterns of high male out-migration have shifted these gender expectations to some extent.

Despite legal reforms on gender equality, the social norm dictating that women's primary roles are as homemakers continues in practice and is reinforced through the socialization of girls being assigned more domestic work than boys (Langer et al. 2019). The consequences of this gender role expectation are twofold: a) lower school attendance and completion rates among girls (UNESCO and UNICEF 2015) and more educational and vocational opportunities for boys (UNDP 2014), which in tandem perpetuates gender gaps in human capital, employment and income security; and b) the clustering of women workers in Nepal's poorly remunerated informal sector jobs. The inordinate time required for care work and domestic responsibilities detracts women from pursuing formal sector employment, thereby limiting their options to the informal sector, mostly in agricultural work. Male out-migration has added to women's productive work

burdens, resulting in unequal access to resources, information and services, which is further discussed in Chapter 3. Yet, the non-recognition of women's household and care work as activities with economic value furthers its invisibility as a critical contributor to household well-being and perpetuates the gender-based expectation that it is inherently 'women's work.' These factors in combination reinforce women's undervaluation and economic dependence within households.<sup>22</sup>

The notion that women's productive work is 'insignificant' is common, linked to the societal expectation that a woman's place is in the home, taking care of the household (Xheneti et al. 2018). These perceptions and practices persist despite provisions outlined in the 2015 Constitution<sup>23</sup> and other efforts<sup>24</sup> that have improved women's representation in the formal

22 Research has demonstrated that the barriers to women's participation in the formal labour force are threefold: a) the disproportionate burden and unequal distribution of unpaid care and domestic work assumed by women (Deshpande and Kabeer 2019); b) negative gender norms and attitudes that discourage women's entry into formal work or work outside the home, combined with employer reservations about the potential of women workers; and c) disincentives such as wage inequities, gender-segregated occupational hierarchies, inflexible work arrangements and inadequate public support for the care of children and the aged (disproportionately borne by women) and workplace harassment, as well as the risk of violence against women in public spaces (en route to work).

23 Sub-article of 38 (5) of the 2015 constitution reads, "Women shall have the rights to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination," and sub-article 18 (3) promotes non-discrimination on the grounds of origin, religion, caste, race, tribe, sex, economic conditions, language or geographical region.

24 The Federation of Nepalese Chamber of Commerce and Industry (FNCCI) has been promoting gender-sensitive human resource policies through a series of trainings for trade unions on gender equality, non-discriminatory practices, gender mainstreaming and analysis, sexual harassment at the workplace, HIV and AIDS Education at the workplace and gender audits (ILO <https://www.ilo.org/kathmandu/areasofwork/equality-and-discrimination/lang-en/index.htm>).

employment sector. For example, women's representation in senior management has increased to approximately 25 per cent in recent years (Sunam 2017). Nonetheless, even with the expansion of Nepal's private sector in recent years, women constitute only 18.7 per cent of permanent, full-time workers in private sector firms, 17.2 per cent of workers in leadership roles and own only 21.8 per cent of the firm, among 482 firms surveyed (World Bank 2013).

### Box 1. Legislative gaps in the 2015 Constitution

Gaps and limitations in the national legislative framework compromise the potential to reduce gender and intersectional social inequalities.

**Definition of discrimination** - CEDAW and Nepali gender equality advocates have flagged the lack of a comprehensive definition of discrimination, which could be addressed in part through an anti-discrimination law that captures the complexity of the lived experiences of groups/persons facing multiple and compounding forms of discrimination.

- **Sexual violence legislation** – The lack of specific legislation that recognises broader relationships and an appropriate statute of limitations.
- **Same Sex Marriage** – The failure to legalise same sex marriage is one of the main legislative gaps that discriminate against LGBTIQ+ communities.

## 3.3 NORMATIVE AND LEGISLATIVE FRAMEWORKS FOR GENDER EQUALITY: NATIONAL POLICIES AND INTERNATIONAL CONVENTIONS



### Gender Equality Provisions in the National Legal Framework

- Nepal's adoption of its 2015 Constitution is a significant achievement in favour GESI. It includes many provisions that serve as an enabling driver of gender equality, including the guarantee of rights, which takes precedence over other domestic laws. It also sets provisions for temporary special measures to address varying forms of systemic discrimination. Many institutional arrangements established under the 2015 Constitution are also potential drivers of gender equality, which is detailed further in Chapter 2. The constitutional provisions for women's representation had an immediate positive impact on women's representation in national, provincial and local governments. The full potential for gender equality is curtailed, however, by certain gaps and limitations (shown in Box 1) and ongoing challenges in translating women's numeric presence in office into their equal and substantive influence on decision-making, which is analysed in Chapter 2.

**Implementation Gaps** - The fulfilment of international and national commitments to GEWE remains sporadic and limited due to gaps in implementation, which diminish the effectiveness of laws that have significant potential to ensure gender rights and protections. The secondary research and stakeholder consultations undertaken in developing the Nepal CGEP identified implementation gaps as the single biggest challenge to the full realization of GEWE in Nepal. These include capacity gaps among government leaders and staff in their ability to advance GEWE and enforce national legislation. These capacity gaps include a lack of awareness on legal provisions, insufficient knowledge or skills, discriminatory attitudes and/or the negative impact of social norms, a lack of impartiality and gender-responsiveness in ensuring resources and services, financing gaps, partnerships and outreach limitations, a lack of monitoring to capture policy gaps and impacts and an inadequate understanding of the inter-relationship between gender equality and social inclusion.

Even when strong legal frameworks exist, their efficacy is reduced by implementation gaps, such as:

- The absence of rules and procedures that would help operationalize laws and a lack of adequately resourced facilities that would enable their adoption.
- Inadequate guidance at the provincial or local level on implementing federal laws, with limited local government capacity and insufficient technical assistance to adapt specific laws to the local context.

- Insufficient political will to implement laws that are designed to advance gender equality.
- Barriers to women accessing the rights and protections offered in legislation, including unawareness of one's rights or the processes involved in accessing services; literacy or language gaps; a lack of resources or support needed to overcome barriers, such as stigma; possible retribution or practical constraints, such as mobility problems; and a lack of trust in outcomes due to experiences of discrimination or not believing in one's 'right to have rights.'

## 3.4 NATIONAL POLICY FRAMEWORKS FOR ADVANCING GEWE



The national policy framework plays a critical role in advancing GEWE. In Nepal, a wide range of policies, plans and strategies have been initiated to further gender and social inclusion in government bodies and to guide national action, as shown in Annex 1. Yet, one of the most critical pieces of legislation for transforming discriminatory gender norms and practices – the National Strategy and Action Plan on Gender Empowerment and Ending Gender-based Violence 2012-2017 – has not been renewed. In addition to this, the One-Year Action Plan drafted by the MoWCSC has yet to be approved, leaving provincial governments to develop their own frameworks.



**International Conventions** - Nepal has ratified several key international treaties and global conventions that address the human rights of women, without reservations (shown below in Table 1). While Nepal is signatory to several International Labour Organization (ILO) conventions that offer protections and labour rights to women and vulnerable groups as noted below, Nepal has not signed and ratified several ILO conventions and other protective protocols important for assuring basic rights and equal opportunities. The conventions that have *not* been ratified by Nepal have particular implications for several vulnerable groups, such as migrant workers (especially women migrant workers and their families) and refugees and stateless persons. These groups are also most affected by Nepal's discriminatory citizenship law (Citizenship Act of 2006)<sup>25</sup> that bars women (but not men) from passing their nationality directly to their children. These discriminatory citizenship laws especially affect Madhesi women, given that marriage between Madhesi and Indian households in villages near the Nepal-India border are relatively common. In general, there has been longstanding, documented bias against Madhesi living in the Terai region. Women who are poor, illiterate and Dalit are

similarly affected and their children's ability to acquire citizenship is often blocked by state authorities as a result.<sup>26</sup>

## 3.5 GENDER RIGHTS ACTIVISM, ADVOCACY AND INSTITUTIONAL MECHANISMS



A significant driver of gender equality in Nepal is the country's long history of activism towards ensuring social inclusivity. Gender equality and the idea of women's empowerment gained traction in Nepal in the 1970s, with activists and development practitioners advocating for women's rights and emphasizing the inter-linkages between gender equality and social inclusion. After the first Jana Andolan (People's Movement) in 1990, advocacy by the women's movement was joined by advocacy for the rights of different social groups in the country – including Janajatis, Dalits, Madhesi, Muslims and members of other minority religious groups, as well as lesbian, gay, bisexual, transgender and queer (LGBTIQ+) communities. Their combined efforts were grounded in the idea that addressing the multiple forms of discrimination experienced by women – based on ethnicity, caste, disability status, class, sexual identity, gender identity and/or other factors – is necessary to achieve gender equality.

25 Nepal's citizenship law has a long and complicated history. The first Citizenship Act (1952) made no clear distinction between citizenship by descent or naturalization, which was subsequently rolled back in 1964 to make citizenship by descent possible only through the father and naturalization possible only for those who speak and write in Nepali (which disproportionately affected Madhesi who are not fluent in Nepali). The fall of Nepal's monarchy in 2006 led to a significant liberalization of citizenship provisions, and there have been gains since then in citizenship rights, including for Dalit and Madhesi women. Citizenship rights for gender minorities were also provisioned in 2007. However, the 2015 Constitution made citizenship by descent only possible through the father, making children of foreign fathers only eligible for naturalized citizenship (Lal 2020).

26 The FWLD (2016) estimated that in 2011, nearly one-quarter of Nepal's population aged 16 and above did not have citizenship papers. Many of these stateless people are women from the Madhesi community or other marginalized ethnic groups and the children of single mothers.



TABLE 2. INTERNATIONAL CONVENTIONS RATIFIED AND NOT RATIFIED BY NEPAL

Ratified	Not Ratified
CEDAW, 1991 and Optional Protocol to CEDAW, 2001	Convention relating to the Status of Stateless Persons
Convention on the Rights of the Child (CRC), 1990	Convention on the Reduction of Statelessness <sup>27</sup>
Convention Elimination of All Forms of Racial Discrimination (CERD), 1970	Slavery Convention
Convention on the Rights of Persons with Disabilities (CRPD), 2010	Convention Against Discrimination in Education
United Nations Declaration on Rights of Indigenous Peoples (UNDRIP), 2007	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families <sup>28</sup>
Convention Against Transnational Organized Crime, 2011	Protocol Against the Smuggling of Migrants
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 2002	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
Convention concerning Forced or Compulsory Labor, 2002	Abolition of Forced Labor Convention
ILO Convention 100 on Equal Remuneration, 1976	ILO Convention 155 on occupational safety and health
ILO Convention 111 on Discrimination (Employment and Occupation), 1974	ILO Convention 122 on employment policy, ILO Convention 87 on freedom of association and organizing
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1991	ILO Convention 189 on domestic workers, ILO Convention 177 on home-based work, ILO Convention 175 on part-time work and ILO Convention 183 on maternity protection
International Covenant on Civil and Political Rights (ICCPR), 1991	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Following Nepal's decade of armed conflict (1996 to 2006), the concept of gender equality and social inclusion as interlinked concerns came to be well-established. According to the GESI Working Group, the aim was to focus on "delivering equal rights, opportunities, and mainstream[ing]

*services to all citizens<sup>29</sup> rather than welfare to the needy. The approach also recognizes formal and informal institutions and, embedded in these institutions, power relations that disempower women, the poor, the vulnerable and the excluded."<sup>30</sup>*

27 The GoN has asserted that there are no issues of statelessness in Nepal (Mulmi and Shneiderman 2017).

28 Failure to ratify this convention will continue perpetuating limits on women's freedom to migrate for work and the likelihood of women resorting to irregular migration routes that expose them to unnecessary risks.

29 Citizenship rights are critical in Nepal, as there are many situations in which women are unable to pass their citizenship to their children.

30 GESI Working Group 2017.

## Gender Equality Monitoring

**Mechanisms** - The National Women Commission (NWC) developed a framework to monitor the implementation of CEDAW Committee recommendations and prepare implementation status reports in 2021. The GoN has also developed a robust monitoring and evaluation system (as discussed in Chapter 5), which could still benefit from strengthening, particularly to ensure its gender sensitivity and effectiveness in tracking progress on GEWE outcomes.

## Institutional Frameworks and National Gender Architecture

The establishment of institutional arrangements for advancing gender equality was one of the key mandates of the BPfA. Accordingly, the NWC of Nepal was established in 2002 and secured recognition in the 2015 Constitution. Through the National Women Commission Act of 2015,<sup>31</sup> the NWC is entrusted with protecting and promoting women's rights, gender equality and women's empowerment and addressing issues related to GBV. The NWC is further responsible for providing policy and programme advice to the government and ensuring the implementation of CEDAW Committee recommendations and other international and national laws and commitments on gender equality. The NWC is also entrusted with the task of monitoring the implementation of temporary special measures and filing cases against other bodies for infringing on women's rights, as necessary. However, the NWC's capacity to monitor laws intended to protect women's rights is limited due to a range of factors (HIDR and FWLD

2020). In sum, capacity gaps, financial and resource constraints and other challenges, including weak monitoring mechanisms on implementing laws and action plans, are undermining the potential of the national women's machinery, thus diminishing the possibility of long-term and transformative outcomes on gender equality (UN Women 2014).

## Institutions Addressing GEWE at the Federal Level

There are a number of institutions supporting GEWE efforts at the federal level.

- The MoWCSC, which was established in 1995, continues to be the lead agency responsible for all issues concerning women in Nepal (UN Women; OCHA 2014) but lacks sufficient resources and funding to carry out its mandate. The MoWCSC is responsible for formulating policies, plans, strategies and programmes on GEWE at the federal level and for ensuring that other ministries and sectors mainstream gender into their respective sector policies, plans and programmes (GoN, National Report for Beijing+ 25).
- The Department of Women and Children (DWC) is the implementing arm of the MoWCSC, with a mandate to empower economically poor, socially discriminated or otherwise vulnerable women; promote child rights; and mainstream gender issues into policies.<sup>32</sup> It provides services in all 75 districts through Women and Children Officers (WCO). Inadequate resources and capacity gaps hinder the DWC's effectiveness.

31 <https://nwc.gov.np/about/our-introduction/>

32 <https://www.dwc.gov.np/pages/mandate?lan=np>

- The Department of Women Development (DWD), which is also under the MoWCSC umbrella, oversees women and children's programmes. Its effectiveness is constrained by the absence of district offices, however. Furthermore, DWD programmes targeting women do not adequately address issues of diversity and intersectional discrimination, although there is an increasing awareness of the need to do so.
- The Gender Equality and Environment Section, which was established under the National Planning Commission (NPC)'s Social Development Division, works to mainstream GEWE into sectorial ministries.
- All ministries and their departments have Gender Focal Points (GFPs).
- The Women and Children Service Directorate (WCSD) of the Nepal Police is tasked with addressing issues related to access to justice for women and children. There are 240 centers in all 75 provinces and seven metropolitan circles in the Kathmandu Valley.<sup>33</sup>

In addition, many ministries (Agriculture, Education, Forest and Soil Conservation, Health, Federal Affairs and General Administration, Physical Infrastructure and Transport, Urban Development, Water Supply and Sanitation) have established GESI units, GFPs and units for gender-responsive budgeting. They are implementing GESI policies and guidelines

and have established dedicated units with specially trained staff and systems to monitor results (NSIS 2020).

### **Institutions Addressing GEWE at the Provincial Level**

- Prior to the promulgation of the 2015 Constitution, the MoWCSC had district offices responsible for coordinating and supporting services for women at the local level and provided GFPs and advocates to other local government bodies. Although most of the structures at the federal level have continued under federalization, specific entities to further gender equality have not been established at the sub-national level, even five years after the promulgation of the 2015 Constitution. Offices have been established in the provinces for the Ministry of Social Development (the focal ministry formulating policies and programmes on gender and other social issues), but these offices do not have clear links to their federal counterparts. Women and Children Sections have also been established under seven Provincial Government Social Development Ministries and 753 local government units (LGU). However, the local structures dedicated to advancing gender equality – the Women Development Offices – were dismantled in 2018 and no alternative mechanism has been created yet as part of the federalization process (UN Women 2020).

33 See official Nepal Police data: [www.nepalpolice.gov.np](http://www.nepalpolice.gov.np)

### **Institutions Addressing GEWE at the Local Level**

Several structures are in place at the local level to advance gender equality, although there have been calls to improve their effectiveness.

- Village Development Committees (VDC) were the focal units at the local level responsible for addressing the concerns of women, children, senior citizens and people with disabilities. They were tasked with ensuring the participation of women and girls in various local-level activities, required 20 per cent representation of women in all development committees and were expected to facilitate various committees and groups dedicated to GEWE (UN Women and OCHA 2014). The VDCs were dissolved in 2017, however, and have been replaced by the Gaunpalika ('village body') in an effort to end the vacuum in local governance and the dominance of centralized bureaucracy (Asia Foundation 2018). The Gaunpalikas are now expected to form 'Gender Units.'
- The Community Forest User Groups (CFUG) are expected to include women as 50 per cent of their membership (UN Women and OCHA 2016).

**Chapter Summary** - This introductory chapter highlighted key aspects of the national context in order to shed light on how they shape and influence gender equality outcomes. Women's lives in Nepal are shaped by the complex geography and topography in which communities reside, as well as the diverse caste, class, ethnic and regional adaptations of such communities in terms of household and kinship structures, economic activities and the management of community affairs. Deeply rooted patriarchal norms shape gender dynamics in Nepal, which manifest in hierarchical and discriminatory gender norms, beliefs and practices. Although Nepal has embarked on many progressive measures, legislation and policies to redress stark gender inequities, further efforts are needed to ensure their effectiveness and bring about gender-responsive transformations at the individual and systemic level and in internalized, informal and institutionalized practices. Chapter 5 includes a detailed discussion of the necessary next steps in this regard.

## REFERENCES

Andrew Young School of Policy Studies (AYSPS). (2019). "Nepal Capacity needs assessment for the transition to federalism." Atlanta, Georgia: AYSPS.

Asia Foundation. (2018). "Diagnostic Study of local governance in Federal Nepal." Kathmandu: The Asia Foundation.

Asian Indigenous Women's Network (AIWN). (2018). "Participation & Representation of Indigenous Women in Decision Making: Home to Policy Level," draft report submitted to AWIN & Tebtebba Foundation by CIPRED, NIWF, NIWF in August 2018.

Basnet, Chudamani and Jha, Ratnakar. (2019). "Crossing the Caste and Ethnic Boundaries: Love and Intermarriage Between Madhesi Men and Pahadi Women in Southern Nepal," *South Asia Multidisciplinary Academic Journal*. DOI: <https://doi.org/10.4000/samaj.5802>

Care Nepal and Nepal Research Institute. (2020). Rapid Gender Analysis Report on COVID-19 Nepal. Kathmandu: Nepal Research Institute and CARE Nepal. [http://www.careevaluations.org/wp-content/uploads/Nepal-Final-Report\\_RGA.pdf](http://www.careevaluations.org/wp-content/uploads/Nepal-Final-Report_RGA.pdf)

CEDAW. (2018). Situation of the rights of indigenous women in Nepal. Shadow Report for the Sixth Periodic Report of Nepal CEDAW/c/NPL/6.

GESI Working Group. (2017). A Common Framework for Gender Equality and Social Inclusion. International Development Partners Group/Nepal.

Ghimire, Anita and Samuels, Fiona. (2017). "Understanding intimate partner violence in Nepal through a male lens." March. London: ODI.

Government of Nepal (GoN). (2020). "National Review report, submitted for Beijing+25." Kathmandu: Nepal.

GoN and Ministry of Education. (2016). "School level educational statistics of Nepal." Bhaktapur: Department of Education.

GoN and National Planning Commission. (2015). "Post Disaster Needs Assessment. Kathmandu: Nepal." <http://drrportal.gov.np/> as of 11 June 2015.

Gurung, Pratima. (2021). "All too often, indigenous women with disabilities are invisible." UNDRR. 19 November 2021. <https://www.preventionweb.net/blog/pratima-gurung-all-too-often-indigenous-women-disabilities-are-invisible>

Holmelin, Nina Bergen. (2021). "National specialization policy versus farmers' priorities: Balancing subsistence farming and cash cropping in Nepal," *Journal of Rural Studies*, vol. 83, pp. 71-80.

Human Rights Watch (HRW). (2020). World Report. New York: HRW.

International Trade Administration (ITA). (2021). "Nepal Country Commercial Guide." 18 September 2021. <https://www.trade.gov/country-commercial-guides/nepal-market-overview>

Lal, Abha. (2020). "Nepal's citizenship battles." *Himal South Asian*. 17 November 2020. <https://www.himalmag.com/nepals-citizenship-battles-2020/>

Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP). (2014). "A Study on the Socio-Economic Status of Indigenous Peoples in Nepal." Kathmandu: LAHURNIP.

Malagodi, Mara. (2018). "Challenges and opportunities in gender equality litigation in Nepal." *International Journal of Constitutional Law*, vol. 16, No. 2, pp. 527-551.

McKinsey Global Institute. (2015). "The Power of Parity: How Advancing Women's Equality can add \$12 Trillion to Global Growth."

Ministry of Health (MoH) and New Era. (2017). Nepal Demographic Health Survey 2016. Kathmandu: MoH.

Minority Rights Group International (MRGI). (2020). Dalits with disabilities hit hardest by lockdown in Nepal (Part 1). Website article. 21 July 2020. <https://minorityrights.org/2020/07/21/covid19-dalits-nepal/>

Mulmi, Subin and Shneiderman, Sara. (2017). "Citizenship, gender and statelessness in Nepal," in *Understanding Statelessness*. Tendayi Bloom, Katherine Tonkiss and Phillip Cole, eds, London: Routledge.

Nepal Disabled Women's Association (NDWA). (2019). "Invisible Realities: Understanding the lived experiences of women with disabilities in rural Nepal." Kathmandu: NDWA.

Nepal Research Institute and CARE Nepal. (2020). Rapid Gender Analysis Report on Covid-19 Nepal, 2020. Kathmandu: MoWCSC, UN Women, CARE Nepal and Save the Children.

NSIS. (2020). State of social inclusion in Nepal: Caste, ethnicity and gender. Evidence from Nepal Social Inclusion Survey 2018.

NIWF, LAHURNIP and FPP. (2011). The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4<sup>th</sup> and 5<sup>th</sup> Periodic reports of Nepal, *CEDAW/c/NPL/4-5, 29 July, 2011*.

Paudel, Anil. (2019). "For girls in Nepal, an educational gap hinders their transition to work." Brookings Institute, 26 June 2019. <https://www.brookings.edu/blog/education-plus-development/2019/06/26/for-girls-in-nepal-an-educational-gap-hinders-the-transition-to-work/>

Permanent Mission of Nepal to the United Nations. (2021). "CDP recommends for Nepal's graduation from the LDC category." Press Release. 26 February 2021. [https://www.un.int/nepal/statements\\_speeches/press-release-cdp-recommends-nepal%E2%80%99s-graduation-ldc-category](https://www.un.int/nepal/statements_speeches/press-release-cdp-recommends-nepal%E2%80%99s-graduation-ldc-category)

Poudel, Kritika and P. Subedi. (2020). "Impact of COVID-19 pandemic on socioeconomic and mental health aspects in Nepal." *International Journal of Social Psychiatry*, vol. 66, Issue 8, pp. 748-755.

Raut, Nirmal K. and Tanaka, Ryuichi. (2018). "Parental absence, remittances and educational investment in children left behind: Evidence from Nepal." *Review of Development Economics*, vol. 22, Issue 4, pp. 1,642-1,666.

Santos, Judy. (2020). "COVID-19: National Indigenous Disabled Women Association Nepal (NIDWAN Nepal)." Blog post, Disability Rights Fund May 5 2020. <https://disabilityrightsfund.org/nidwan-nepal/>

Trading Economics. (2021). "Nepal Out-of-School Children Of Primary School Age, Percentage Female." Web post. <https://tradingeconomics.com/nepal/out-of-school-children-of-primary-school-age-percentage-female-per-cent-wb-data.html>

UNICEF, ILO, and UN Women. (2020). "Family friendly policies and other good workplace practices in the context of Covid-19: Key steps employers can take." Geneva: UNICEF.

UN Women. (2020). "Mapping progress on women's rights in Nepal." 2<sup>nd</sup> Edition. Kathmandu: UN Women.

UN Women. (2018). "Country Gender Equality Profiles: Guidance Note." New York: UN Women.

UNCT Nepal. (2018). Nepal Joint Submission to CEDAW Committee's Pre-Session Working Group Meeting for the 71<sup>st</sup> Session to Consider the Report of the Government of Nepal. UNDP 2018. Economic Empowerment of Indigenous Women in Nepal. Page 104. Available at: <http://bit.ly/2N2xSKM>

USAID. (2018). Nepal Social Inclusion Survey (NSIS). Unpublished.

World Health Organization (WHO). (2021). "Covid-19 Response Plan Nepal." Kathmandu: WHO Nepal.

WOREC. (2020). "Covid-19 Response." Website article. 21 April 2020. <https://worecnepal.org/camp/18>

World Bank. (2013). The Enterprise Survey. Washington, D.C.: The World Bank. <https://www.enterprisesurveys.org/content/dam/enterprisesurveys/documents/country-highlights/Nepal-2013.pdf>

World Bank. (2019). "Nepal Gender Brief." Washington, D.C.: The World Bank.



# CHAPTER 2

## WOMEN'S PARTICIPATION, REPRESENTATION AND LEADERSHIP IN KEY ARENAS



# 1. OVERVIEW



Despite many constitutional guarantees for gender equality, women's participation at the highest levels of decision-making and in every government sector/structure continues to be significantly lower than that of their male counterparts, as noted by the CEDAW Concluding Observations (2018). Dalit and indigenous women are even less visible in this regard, although the 2015 Constitution guarantees the inclusion of women in all state organs on the basis of proportional representation, through Article 38 (UN Women and OCHA 2016). Women's low levels of participation in leadership positions is attributable to the entrenched nature of patriarchy in Nepali society, including restrictive gender norms that relegate women's 'proper' place as the household, as well as practices of nepotism (Search 2018).

CEDAW and the BPfA call for the equal participation of women and men in public life, decision-making and policy formation. In addition to gender equality, inclusivity in public institutions is recognized as critical for ensuring governance that is more representative and more responsive and accountable to the diverse publics they serve (UNDP 2021). This calls for amplifying the voices of women, including those experiencing various forms of exclusion and marginalization, and promoting their participation and leadership in crucial spaces of governance, including parliaments, the judiciary, public administration, the private sector and civil society. The concept of representative

bureaucracy (Jamil 2019) states that public administration should be characterized by a civil service mechanism that embodies the demographic diversity of the society, which is one of the aims of the GESI principles embraced by the GoN. The rationale for this approach is that equality and diversity at all levels and in all sectors of public administration improves government function, enhances the quality of public services and builds trust and confidence in public institutions (UNDP 2021). Nepal's 2015 Constitution ensures the fundamental right of women to participate in all organs of the state, and their representation in government structures and in leadership positions has been incorporated into policy. Yet, this guarantee is yet to be fully realized in practice.

This chapter highlights key aspects of women's engagement in national leadership roles (section 1.1); advances in women's representation and participation in the political arena and in public administration, capturing how diversity is also meaningfully addressed across key domains (section 1.2); gaps in women's leadership roles in governance arenas, including the judiciary (section 1.3); legislative provisions (section 2); women's representation and leadership in various levels of governance (section 2.1); and the drivers and barriers to women's meaningful representation in leadership roles (section 3). The low availability of research and data in certain domains, including the private



sector and in some areas of governance, pose limitations to the ensuing analysis. The analysis in this chapter is framed around the concepts of transformative leadership (Barriteau 2003) and substantive representation,<sup>34</sup> with the intention of identifying constraints to women's meaningful participation in leadership roles that go beyond mere symbolic or numerical representation (Kurebwa 2015). This chapter aims to provide a nuanced understanding of women's experiences and challenges in government at the intersection of caste, ethnicity, class and religious and regional identities.

## 1.1 HISTORY OF WOMEN'S LEADERSHIP AND REPRESENTATION IN NATIONAL GOVERNANCE



Even within the constraints of a patriarchal society, Nepali women have historically been engaged as key actors in ushering socio-political change for equality and inclusivity (Upreti et al. 2020). Their efforts date back to the mid-1800s and are evident through their engagement in political movements, parliamentary initiatives and the armed Maoist insurgency in the 1990s and early 2000s. Exemplary female leaders include Queen Rajendra

34 'Substantive representation' means that female politicians are not only elected but also responsiveness to gender concerns. The term derives from feminist theory about women's underrepresentation, male dominance and male prerogatives in defining politics.

Laxmi who led a process to unify Nepal, Kamala Kunwar who participated in the Nalapani Fort battle in the Anglo-Nepal war of 1814-1816 and Yogmaya Neupane who agitated with the Rana ruling elite for the rights of women.<sup>35</sup> In modern history, women's involvement in political processes dates back to the 1950s, during the beginning of the women's movement in Nepal, and has continued into the present (Pandey 2019; Upreti et al. 2018; Upreti 2009). Women's formal participation in politics can be traced to 1968, when Dwarika Devi Thakurani became the first female lawmaker and the first female minister in Nepal's first bicameral parliament. At the time, she was the only woman out of 109 members (Adhikari 2020).

A key milestone in Nepal's women's movement was the establishment of the women's rights organization, *Nepal Mahila Sangh* (NMS), in 1947 by Mangala Devi Singh. NMS called for equal opportunities for women in education and employment and equal inheritance rights (Nepali Times 2021). With the backing of the Nepali Congress (NC) and Nepal Communist Party (NCP), NMS led the demand for women's voting rights<sup>36</sup> and raised awareness about oppressive norms and harmful practices, such as child marriage, polygamy and the marriage of young women to much older men (IDEA 2011). Another notable example is women's active roles in the Maoist insurgency, during which women constituted one-third of the insurgents, 70 per cent of whom were from

35 Her efforts included organizing and leading protests against discriminatory practices under the banner of Dharma Rajya (good governance).

36 Women's Caucus et al. 2011.



“Despite an increased participation of women in politics over the past two decades or so, their progress in leadership positions continues to be hindered, primarily by male leaders who are unwilling to make way—or even choose qualified women. As a result, female politicians have often been sidelined by their male counterparts from leadership and decision-making roles, a pattern that reflects just how patriarchal Nepal still is.”

(Shrestha 2020)

indigenous ethnic communities (Baskota et al. 2001). Propelled by their opposition to class and gender-based oppression, these female insurgents were considered to have redefined their customary roles as women in society, and their involvement helped pave their way to the Constituent Assembly (Manchanda 2010; 2004).<sup>37</sup> Additional milestones in paving the way to women's increased political participation include provisions for inclusivity in the Interim Constitution of 2007, the promulgation of the 2015 Constitution and the 2006 Comprehensive Peace Agreement (CPA).

37 The delegation of women leaders, which included Mangala Devi Singh, Sahana Pradhan, Sadhana Pradhan, Kanak Lata Shrestha and Sneha Lata, demanded equal voting rights (IDEA 2011; Sellars-Shrestha and Tamang 2015), providing inspiration and encouragement to other women leaders. In 1945, Rebenta Kumari Acharya established Aadarsha Mahila Sangh (Ideal Women's Association) (Thapa, 2008). In 1947, Punya Prava Devi Dhungana created the 'All Nepal Women's Association.' In 1952, Kamal Rana created the Women's Volunteer Services and Rohini Shah established the Birangana Dal (The Association of Brave Women) (Dhungana 2014).

## 1.2 ADVANCES IN WOMEN'S REPRESENTATION IN THE POLITICAL ARENA AND PUBLIC ADMINISTRATION



The 2017 general elections proved to be a significant turning point for women's representation in the political arena.<sup>38</sup> It resulted in the election of Nepal's first female head of state, Bidhya Devi Bhandari, as President; Onsari Gharti Magar as the first female Speaker of the House of Representatives; and the appointment of Sushila Karki, the first female Chief Justice of the Supreme Court, the following year, upon the recommendation of the Constitutional Council. These advances can be credited to the law in the 2015 Constitution stipulating that women must comprise 33 per cent of representatives elected to each legislative body, as well as decades of activism by women's rights and human rights advocates on improving the substantive and meaningful representation of women and marginalized groups in Nepal's political structures and systems. The establishment of the quota resulted in improving women's numeric representation (33.8 per cent)<sup>39</sup> in the federal Parliament and in the newly established Provincial Assemblies (34.4 per cent). The quota system has also been instrumental in fast-

38 Article 38(4) of the 2015 Constitution (pertaining to the rights of women) captures the legal provisions that facilitate women's rights to participate in electoral politics and engage in governance matters of the nation.

39 Paswan 2018.



tracking the presence and participation of women in politics and leadership positions, albeit in secondary roles, mainly as deputy mayors and deputy chairpersons (IFES 2020). For example, the 2017 elections resulted in an unprecedented proportion of female elected representatives at the municipal level (41 per cent of elected local seats), but women were represented more in secondary levels of authority, with 92 per cent elected as deputy mayors (693 of 753), only 2 per cent elected as mayors and less than 1 per cent (.9) elected as ward chairs (IFC 2020; Paswan and Gill 2018).<sup>40</sup> Furthermore, across all seven provinces, a mere 1.87 per cent of women are heads of their local government, as compared to 98.13 per cent of men (as shown in the Statistical Annex, p. 19, based on data from the Election Commission of Nepal 2020). However, many of these significant gains in women's political leadership were undermined during the local elections of 2022. Fewer women contested in 2022 (55,698) than in 2017 (57,847), which is a worrying downward trend. During the 2022 local elections, women came to represent only 4 per cent of mayors in metropolitan cities and municipalities. Currently, women represent 78 per cent of deputy mayors; 3 per cent of chairpersons in rural municipalities ('chairpersons' occupy the top leadership position in local governments); 72 per cent of vice chairpersons; and 1 per cent of ward chairpersons. Although the percentage of women elected as mayors during local elections is higher in 2022 compared to 2017, the number of women holding deputy mayor positions decreased during

the 2022 election (it is now 78 per cent compared to 92 per cent in 2017). More importantly, a total of 123 Dalit women quota positions remain vacant, which points to the need for more investment to recruit, prepare and train Dalit women for candidacy in local elections.

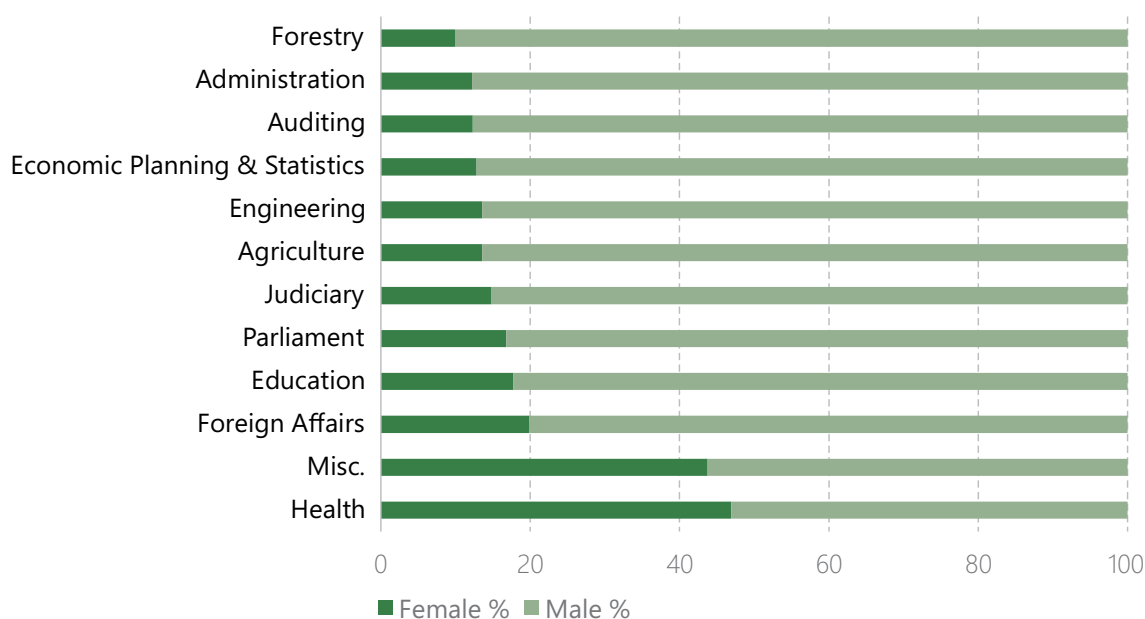
### Gender Equality in Public

**Administration** - Although about 11 per cent of women are represented in Nepal's public administration (2015 data; UNDP 2021), their representation in leadership and decision-making roles is much lower (UNDP Gender Parity in Civil Service Gen-PaCS dataset, December 2020). Their appointment in top leadership roles in public administration is a mere 4 per cent and 5 per cent in senior managerial roles (ibid), which is also reflected in their low levels of involvement in COVID-19 task forces and pandemic-related leadership positions (ibid). Although the civil service bureaucracy has shown increasing trends over the past decade,<sup>41</sup> women's representation was at 25.09 per cent in 2019 (see Statistical Annex) (Wagle 2019), but their sector-wise representation is below 20 per cent (as shown in Figure 2 below) except for the health sector and miscellaneous sectors (ibid). An equity and inclusivity-related concern in this regard is the fact that higher civil service positions are primarily occupied by men from so-called higher caste groups (Acharya 2017; Askvik et al. 2011), a reality that is at odds with the GESI principles embodied in the 2015 Constitution. Dalit representation in the civil service was only 2 per cent in 2018 (DeSchuter 2021). Furthermore, research

40 IFES 2020.

41 Eight per cent in 2003, 15 per cent in 2010, 18 per cent in 2015 (ibid) and 23.72 per cent in 2018 (PSC 2018).

**FIGURE 1. WOMEN AND MEN IN NEPAL'S CIVIL SERVICE, BY TYPE  
(PUBLIC SERVICE COMMISSION 2018)**



has revealed that a male-dominated organizational culture is pervasive within the civil service bureaucracy, evident in gender-hierarchical demeanours, attitudes and practices that mirror society-wide gender biases (Gupta et al. 2020).

### 1.3 GAPS IN WOMEN'S REPRESENTATION IN GOVERNANCE ARENAS



Even though the adoption of the 2015 Constitution and the 2017 elections are considered milestones in increasing women's representation in the political arena, women continue to be underrepresented in the judiciary (detailed below), law enforcement and the

foreign service, as noted by the CEDAW Committee.<sup>42</sup> Women and individuals from marginalized caste and ethnic groups are heavily underrepresented in the Nepali bureaucracy, as outlined in the table above (Statistical Annex, p. 20). Although women are increasingly working in non-traditional sectors, such as the police and army, men greatly outnumber women in the Nepal Police (89.8 per cent compared to 10.2 per cent). Research from the 2017 Nepal Labour Force Survey (CBS 2018) reveals that women occupy only 13.2 per cent of managerial positions across various sectors and a higher proportion of males (59 per cent) are in professional roles as compared to women (41 per cent). As these data indicate, despite some gains, women's occupation in high authority positions is still limited (UN Women 2020).

<sup>42</sup> CEDAW Committee 2018. Concluding Observations on the Sixth Periodic Report.



**Women in the Judiciary** - Marked gender disparities in the Nepal judiciary reflect gender stereotypes and gender-discriminatory practices in the field of legislation as well as flawed decision-making by the Judicial Council Secretariat (Singh 2021). Only 4.5 per cent of the judiciary in Nepal is occupied by women and a mere 3.8 per cent of judges in all tiers of Nepal's judiciary are women (UNDP 2021). A reported example of women not being prioritized for judicial appointments came in 2016, when the Judicial Council Secretariat recommended 80 individuals for different roles in the courts, out of which only five were women, despite the availability of many more women and caste/ethnic minority applicants (i.e. Madhesis, Tharus, Janajatis and others) on the roster. Although Nepal's 2015 Constitution has specific provisions on proportional representation in the judicial sector, Khas Arya<sup>43</sup> men continue to dominate the judiciary. They comprise 85 per cent of judges even though they represent approximately 14.4 per cent of Nepal's population (Singh 2021). Similarly, out of 18,160 lawyers (licensed by the Nepal Bar Association) only 2,200 (12 per cent) are women (Chicago Daily Law Bulletin 2017). These inclusivity gaps in the justice system may contribute to marginalized populations in Nepal having insufficient access to justice. These gaps may reduce these communities' trust in the justice system to render impartial decisions, which is critical for Nepal, given its long history of gender and social discrimination. In terms

of women's political participation, their numeric and substantive representation still lags at the national and provincial level, including some reversals from previous years, i.e. 2013 and 2008. For example, the House of Representatives saw a decrease in women elected to represent geographic constituencies (only six women successfully won first-past-the-post seats compared to 10 in 2013 and 30 in 2008). Moreover, women make up only 5 per cent of directly elected seats in Provincial Assemblies (see Figure 4 below) and are pegged mostly for deputy-level positions, as noted above. Moreover, the majority of women representatives – ward members – receive no salaries and only some reimbursement for attending official meetings and transportation (Asia Foundation & Samjhauta Nepal 2018). Another setback for elected women officials was the 2017 verdict of the Supreme Court invalidating salaries and perks to elected local officials under locally promulgated laws. Given their lower access to economic resources, the loss of this source of income is likely to encumber women officials' capacity to fully perform their duties (Asia Foundation & Samjhauta Nepal 2018; Kamat 2019; MyRepublica 2019).

The culture of male dominance in politics, combined with gender norms that shape and constrain women's public roles, often deter women's entry into politics and public service. This includes gender-biased perceptions that deem women as incapable of decision-making in general and in assuming governance responsibilities (Asia Foundation and Samjhauta

43 The Constitution of Nepal 2015 defines Bahun, Kshetris, Thakuris, and Sanyasis (Dashnami) caste groups as "Khas Arya."

Nepal 2018). In parallel, women's internalization of gender stereotypes often hinders their political agency while the numerous obstacles they face within families and in institutional practices encumber their efforts to navigate the complex labyrinth of governance/power structures (ibid). Broader social transformations are necessary to ensure women's substantive representation and meaningful participation in Nepali governance. The main factors that hamper women's participation include the unequal, gendered division of labour within households and other institutions, such as workplaces, public organizations and political parties; gender norms and perceptions that result in discriminatory and harmful practices; and paternalistic, exclusionary and undemocratic practices within political parties and institutions (Manandar 2021). Women's entry into politics has often been possible through their affiliation to male politicians or their so-called higher caste and/or class status. This type of 'elite capture' has inevitably resulted in their subordination to male leaders (Upreti et al 2020) and the exclusion of women from marginalized caste, class and ethnic groups, which hinder the goals of gender equality and women's empowerment. Yet another factor constraining women's participation in politics has been the low levels of campaign finance available to women candidates, which is discussed in section 3.

**Caste and Ethnic Inequities in the Political Arena** - Nepal's proportional representation system is meant to facilitate inclusiveness, i.e. the representation

of individuals from marginalized and disadvantaged groups. In addition to women, this includes Dalit, Janajati, Madhesi, Tharu, Muslim and Khas Arya individuals (especially women from those communities) and other minority communities from certain regions. In adherence to these principles,<sup>44</sup> the 2015 Constitution includes a provision for the election of two women to the ward committees of municipal and village assemblies, one of whom must be Dalit. Although the latter quota was met, the 2017 election results show an underrepresentation of Dalit, Muslim and indigenous communities and an overrepresentation of high caste groups, as shown in Figure 3. The notable exception is the historically marginalized Madhesi, who gained a higher degree of political representation (18.2 per cent of the lower house of Parliament) through identity-based political assertion. By contrast, Khas Aryas, who have been the privileged class throughout Nepal's history, are overrepresented in local government in comparison to their composition in the population (Jha 2017). In 2018, the CEDAW Committee commented on the insufficient enforcement of electoral quotas in Nepal, including the constitutional provisions on proportional representation, in particular regarding Dalit women, and as noted above, the overrepresentation of women in lower positions (Dalit and indigenous women in particular).

<sup>44</sup> The establishment of quotas for women and ethnic and caste groups are stipulated in Article 84 (8) of the Constitution and the House of Representatives (HoR) Election Law 2017, respectively.



FIGURE 2. ETHNIC WOMEN'S REPRESENTATION IN LOCAL GOVERNMENT (PASWAN 2017)

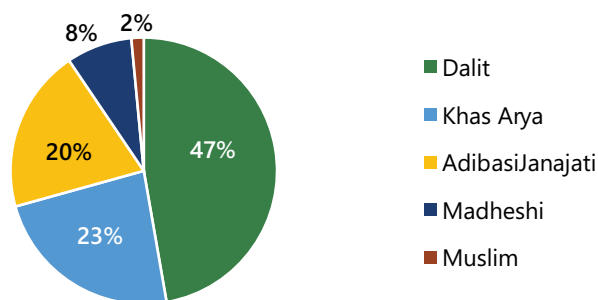
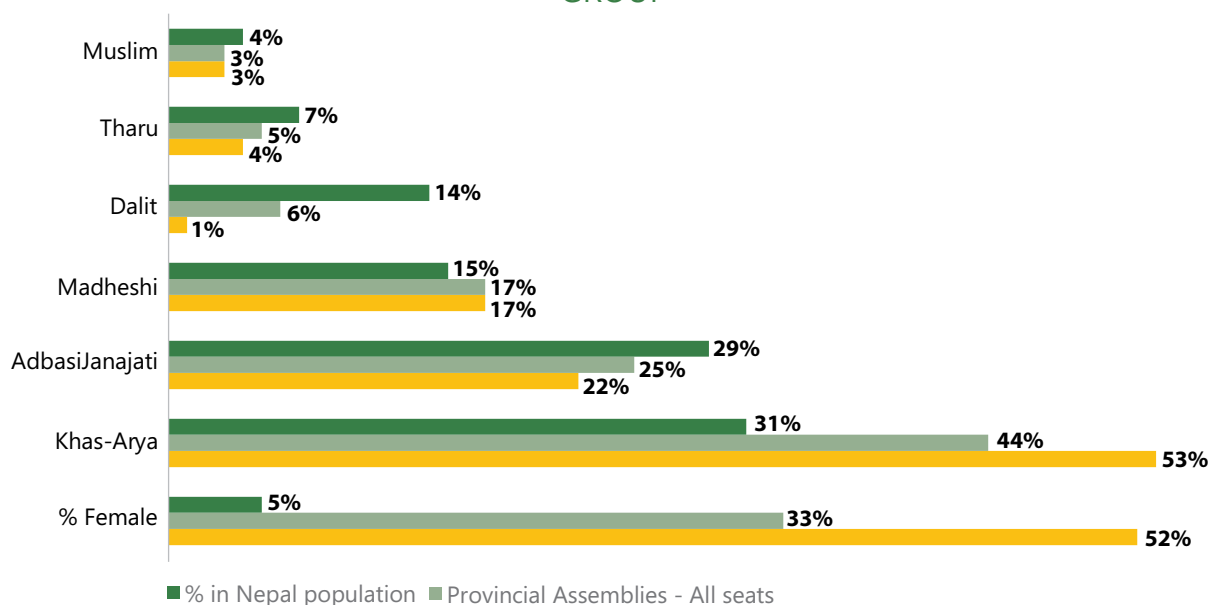


FIGURE 3. WOMEN'S REPRESENTATION IN PROVINCIAL ASSEMBLIES, BY ETHNIC GROUP



## 2. LEGISLATIVE PROVISIONS SUPPORTING WOMEN'S PARTICIPATION AND REPRESENTATION



The primary mechanism to ensure women's representation and participation in the political arena has been the establishment of quotas. Despite ample

evidence elsewhere in the world on their role in improving women's political representation, the adequacy of relying on quotas alone to foster women's engagement in public decision-making is a concern. Given the deeply entrenched gender hierarchy in Nepal, even when the numeric requirement of quotas is met, women are often not accepted as leaders in their own right (Silawal-Giri et al. 2015). The two main obstacles to ensuring women's meaningful participation and substantive representation in the political arena – the limitations of the quota system and the lack of inclusivity – are discussed below.

The 2015 Constitution stipulates that women must occupy one-third of seats in Nepal's federal Parliament. If elected women candidates do not reach this quota, women must be elected by the party under proportional representation to ensure that the 33 per cent quota for women is filled. Additionally, 50 per cent of the nominated positions for chairperson, vice chairperson, mayor, deputy mayor, chief of district coordination committee (DCCs) and deputy chief of DCCs must be filled by women, with a minimum of three women elected to the DCC. Two seats in the ward council must be occupied by women, one of whom must be Dalit. Dalit women must also be nominated for membership on ward councils in their rural municipality or municipality (Election Observation Committee 2017).

**Ineffectiveness of Quotas** - Despite the constitutional stipulation of a 33 per cent quota for women in all committees, women's representation on the Central Committees of the main political parties is substantially below quota, as shown below in Table 1. During the 2017 local elections, a mere 2.7 per cent of the mayor and chairperson positions went to women, while women were elected to 91 per cent of deputy mayor positions (Manandhar 2021; Paswan 2017). While this reflects gaps in women's numeric representation, such gender-disproportionate numbers also signal the continuous challenges facing women's substantive representation in politics. The concentration of political power among men is attributable to deep-seated gender norms and perceptions; inadequate regulation of political parties;

**"After I was elected, a male parliamentarian came up to me and talked about how he was there because of his capacity and how I was present only to fulfil the 33 per cent quota."**

- A female parliamentarian on what she faced within the Constituent Assembly (ALIGN 2021)

gaps in enforcing electoral rules and codes of conduct; insufficient awareness among the voter base, including among women voters;<sup>45</sup> and inadequate access to campaign finance among female candidates (discussed above). Even though Nepal has made dramatic strides in adopting principles of inclusion and equality, in practice, the 33 per cent quota for women's representation is only abided by when constitutional mandates compel political parties to do so. Research suggests that top political leaders are not ready to give due space to women in their own parties or in other state organs due to a patriarchal perception that women are subordinate to men (Bhattarai 2019).

The Election Commission of Nepal's (ECN) weak oversight of political parties<sup>46</sup> is

45 The NSIS 2018, for example, revealed that among 88 caste and ethnic groups surveyed, 75 per cent of women reported 'no knowledge' about any of the new proportional representation provisions granted in the 2015 Constitution.

46 The ECN is an autonomous constitutional body authorized to organize and regulate electoral democracy through several regulations, including the Election Commission Act 2017, Election (Offense and Punishment) Act 2017, Political Parties Act 2017, Local Election Act 2017, House of Representative Member Election Act 2017 and the Provincial Assembly Member Election Act 2017. The ECN itself has been accused of violating election codes of conduct (Election Observation Committee 2017).

**TABLE 1. WOMEN'S NUMERIC REPRESENTATION IN CENTRAL COMMITTEES OF THE MAJOR POLITICAL PARTIES (ADHIKARI 2020)**

Party	Number of Members in Central Committee	Number of Women	Percentage of Women
Nepali Congress <sup>47</sup>	85	18	21%
Rastriya Janata Party <sup>48</sup>	800	70	8.8%
Samajbadi Party	425	52	12.2%
Nepal Communist Party	441	75	17%

considered a possible factor in preventing the quota system from functioning in a truly representative and inclusive manner. The lack of mechanisms to impose sanctions for non-compliance is a related issue. For example, the ECN's lack of effective enforcement of election codes designed to ensure electoral integrity has been identified as a key factor (ibid). The lack of monitoring media coverage, which has led to the spread of biased and misleading information, is also a key factor in electoral shortcomings (ibid). Insufficient awareness among voters about their rights and responsibilities and the pervasive thread of normative gender constructs<sup>49</sup> are other possible reasons for disproportionate election outcomes.

**Lack of Social Inclusivity in the Quota System** - Besides caste and ethnic minorities, other groups that experience discrimination in society are not specifically included in the quota system. Even though Article 42(1) of the 2015 Constitution guarantees the right of people with disabilities to participate in state bodies and mechanisms, there are no specific quotas set aside for them and there are currently no members of national and provincial bodies who have a disability. Similarly, there are currently no LGBTIQ+ elected members in national and provincial bodies.<sup>50</sup> The lack of specific measures and mechanisms for their participation in the political arena leaves the responsibility of addressing their concerns to individuals and groups empathetic to the issues they face in Nepali society, i.e. abuse, violence, stigma and discriminatory treatment (IDS 2020). This lacuna also hinders access to justice among diverse populations in Nepal, based on disability, location, caste, socioeconomic status and gender.

47 Nepal's leading political party.

48 Formed after the merger of six parties.

49 For example, public perceptions of female candidates that are based on patriarchal gender roles and responsibilities, such as housewives and caregivers.

50 Although Nepal recognizes a 'third gender', the quotas are based on women and men and therefore do not work towards addressing discrimination faced by gender and sexual minorities.

## 2.1 WOMEN'S PARTICIPATION AND REPRESENTATION IN LEVELS OF GOVERNANCE



### Women's Representation in Ministerial Positions

Women's representation in ministerial positions has largely depended on the commitment of Prime Ministers (who have all been male up to now) to promote women to leadership and decision-making roles. In the five-party ruling coalition – which includes Nepali Congress (NC), Communist Party of Nepal (CPN) - Unified Socialist, Janata Samajbadi Party (JSP), CPN - Maoist Centre and Democratic Socialist Party-Nepal – that came to power in July 2021, led by Sher Bahadur Deuba, women hold five cabinet ministry positions and one state minister post, as shown in Annex 4. This is the first time that this many women have been appointed as ministers, albeit the number is still far below that of men. Over the past two decades, from 1998 to 2021, at least 20 women politicians have become ministers. Thus, women's inclusion in the Council of Ministers is a story of achievements, though inconsistent and not without challenges.<sup>51</sup>

51 Women's presence in ministerial roles has increased since 1959, but their ability to secure higher positions was only possible after the restoration of multi-party democracy in 1990. Sahana Pradhan became the first woman to reach the second position in the cabinet hierarchy as Minister for Industry and Commerce in 1997, and for the first time in Nepal, two women became full ministers — Sahana Pradhan as the Minister for Women and Social Welfare and Bidya Bhandari as the Minister for Population and Environment. In 1998, Shailaja Acharya became the first woman appointed deputy prime minister and Minister of Agriculture and Water Resources. Over time, women have made forays into non-traditional sectors, becoming powerful ministers in foreign affairs; defence; law, justice and parliamentary affairs; labour and migration; water supply; energy; peace and reconstruction; urban planning; physical infrastructure and transport; and land management.

### Women's Participation in Local Government

The participation of Nepali women in local governance falls into two categories that are discussed in this section: their representation in the political arena (local elections) and their representation in community associations. Numerous avenues for women's participation in governance at the community level have been in place over the past four decades, including mother's groups, credit and savings associations and most importantly, Community Forestry User Groups (CFUG), which are known for generating environmental and socioeconomic benefits (Pagdee et al. 2006).

### Women's Representation in Local Government

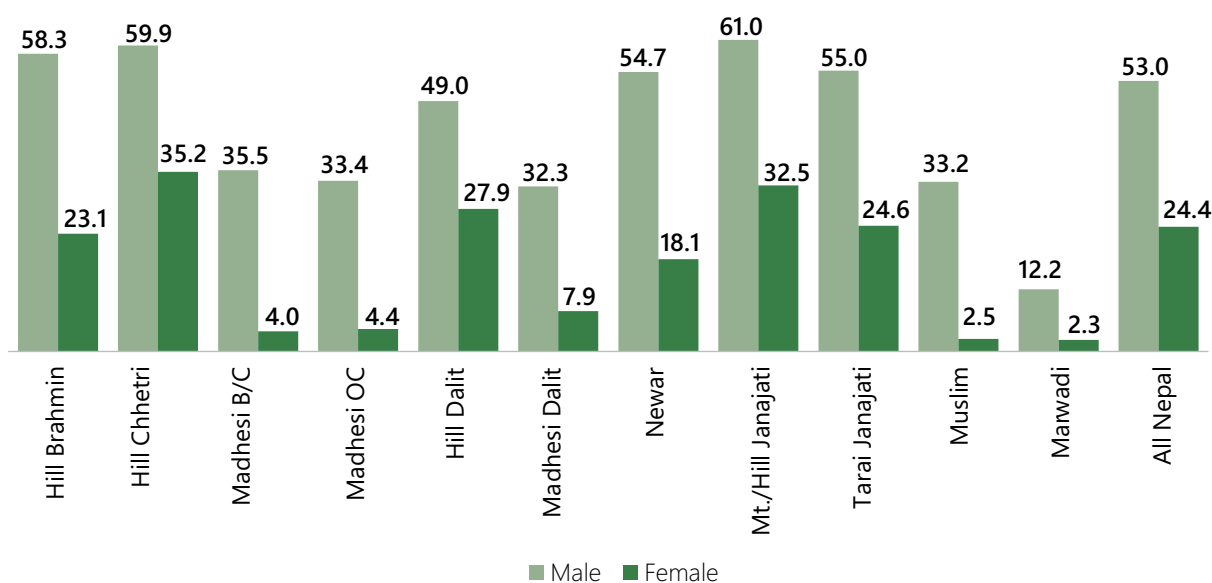
Local elections were held in Nepal in 2017 after a hiatus of nearly two decades. The increased representation of women in elected office, including women from marginalized groups, has been possible due to the devolution of powers to local governments, which was expected to create more inclusive and participatory governance structures.<sup>52</sup> Despite their low levels of previous political experience (4 per cent), the majority of elected women representatives surveyed (89 per cent) had been involved in social groups, development projects, community activities, party politics and various other engagements prior to their election wins (ibid). Nonetheless, a significant gender gap is evident in their participation in local governance processes,<sup>53</sup> with women reporting much lower involvement than

52 Asia Foundation and Samajauta 2018.

53 NSIS 2018.



FIGURE 4. PERCENTAGE OF MEN AND WOMEN WHO PARTICIPATED IN LOCAL DEVELOPMENT PROCESSES, BY SOCIAL GROUP (NSIS 2018)



men,<sup>54</sup> as shown below in Figure 4, and a higher proportion of women reporting that they feel their voices are not heard or adequately registered by community organizations (NSIS 2018).

The increase in women's participation in local elections is partly due to their involvement in community savings and credit groups over the past four decades, which serve as an entry point and a source of legitimacy for their engagement in activities beyond the household (NSIS 2018). Other avenues for women's participation in community activities include provisions in resource management groups, such as CFUGs, which mandate that more than 50 per cent of women's involvement in decision-making processes (Pandey and Pokhrel 2021).

54 A little over half of the men reported participating in meetings related to development planning, budgeting and implementation and public meetings related to conflict resolution and/or GBV.

**Community Organizations** - Community organizations provide women the opportunity to move out of the domestic sphere and engage in economic and social activities beyond the household. This engagement happens through cooperatives; voluntary self-help groups, like Mother's Groups (discussed below); and community organizations that focus on specific issues, i.e. savings and credit, literacy, health, forestry, water and sanitation and GBV prevention/response. Participating in community groups have provided women support in combatting GBV, discriminatory practices and social injustice while also helping bolster their confidence.

**Mothers' Groups** - Aama Samuha (Nepali: आमा समूह) are one of the oldest types of CSOs in Nepal, dating back to the 1800s.<sup>55</sup> Established all over the country in 2006, the Aama Samuha are

55 Pokharel 2015.

informal, volunteer-based 'Mothers' Groups' that raise awareness on social issues, gender equality, community conflict mediation and other key issues affecting women. In remote areas, the Aama Samuha have enabled women to voice their concerns about excessive alcohol sales and have been successful in declaring some districts as alcohol-dry zones (Pokharel 2015). They have also been discreetly involved in reuniting and rehabilitating displaced conflict victims and in supporting their re-integration into society. In some districts, Aama Samuha have been involved in improving primary health care access, nutrition and literacy projects, sanitation, skills development and income-generating activities for women and in other community development activities (Budhathoki 2017). The Aama Samuha have also been recognized for their effectiveness in ensuring women's participation in improving maternal and child health outcomes in Nepal. Their success derives from their recognition as trusted representatives of women and intermediaries in social accountability interventions (Hamal et al. 2019). However, a clear policy mandate that officially sanctions their role in social accountability processes and capacity building is required to strengthen their effectiveness (Nepal et al. 2020).

**Cooperatives** - The GoN has recognized the potential of cooperatives in community development, with the 2015 Constitution affirming the cooperative sector as one of the three pillars for national development (the two other being public and private

sectors).<sup>56</sup> Over the past few decades, there has been a rise in women-only cooperatives that focus on empowerment, livelihood security and economic autonomy through savings and credit access. A plethora of women's cooperatives are established across Nepal, ranging from Small Farmer Cooperatives,<sup>57</sup> Women's Social Entrepreneurs Cooperatives and Savings and Credit Cooperatives. While the role of cooperatives in creating a space for women to network, voice their concerns and help transform patriarchal culture (Ona and Mukhia 2020) and social structures is considerable (Poudel 2017), the potential role they could play in shaping politics has also been documented. Research has also identified the concern that Hill Brahmin and Chhetri castes (the socially dominant castes in Nepal) and larger landholders are more likely to become cooperative members, which may be factors that work to the detriment of other women, especially women from marginalized groups (Dhakal 2021).

**Community Forestry** - Partly due to the GESI strategy of 2008, women's inclusion in all forestry programmes in Nepal has helped boost their involvement in this critical community issue. Women in Nepal have long been recognized as primary forest users, yet their marginality in decision-making processes has been a longstanding concern (Giri and Darnhofer 2010). In recent years, increasing leadership roles among women in CFUGs (i.e. in the decision-making processes of forestry executive committees) signals

56 By 2017, 34,512 cooperatives with 6.5 million members were operating in Nepal (Dhakal 2021).

57 Poudel and Pokharel 2017.

an important development. However, there is evidence that male-headed CFUGs tend to be more dominant in forestry decisions (Thapa et al. 2020), thus undermining the potential contributions of women (Christie and Giri 2011; Lidestav 2010). By contrast, women-only CFUGs were found to have contributed towards governance (transparency, communication and accountability) and forest cover management (Thapa et. al 2020; Buchy and Rai 2008). Ample evidence suggests that women's meaningful participation in CFUGs is a source of agency and empowerment that produces broader benefits, such as increasing biodiversity management and paving the way for societal recognition that women's roles in resource management benefit communities overall. Yet, the tendency has been to fulfil quota requirements rather than ensure women's genuine engagement in forestry decision-making processes, a factor that has also reduced the effectiveness of forest management (Thapa et. al 2020).

## 2.2 AGENCY, VOICE, DECISION-MAKING AND MOBILITY ISSUES



Women's capacity to participate in governance processes, speak out on issues that matter to them and influence decisions that affect their lives are related to the extent to which social norms and practices allow them voice and visibility, decision-making power within households and space for asserting

agency. As discussed above, women in Nepal continue to be marginalized in governance decisions, thus reducing their ability to exercise agency and voice. This section provides further details on women's decision-making in major life choices (i.e. marriage), key household issues (i.e. health care and education) and economic resources. Nepal Social Inclusion Survey (NSIS) data from 2018 on women's involvement in household decisions indicate variations between social groups in terms of:

- Decisions over their own health and children's schooling (predictive of women's ability to choose services and hold service providers accountable).
- Decisions over their own income and assets (indicative of access to and control over resources).
- Mobility (reflecting women's social connectedness, economic autonomy and personal freedom).

**Decision-Making** - Women's autonomy in decision-making within the household (i.e. in matters related to health, education and household production activities) and at the community level is considered a strong indicator of their level of empowerment and also mirrors their decision-making roles in public institutions. Nepali women generally have less power and autonomy than men in household decisions and thus unequal access to and control over resources and services (Acharya et al. 2010). The degree of decision-making power varies based on ethnicity, deprivation level, urban/rural classification, education and number of living children

(Kabeer 2002). Furthermore, gender-specific roles and levels of participation in decision-making can vary across domains (i.e. women may have greater say in childcare yet less so on economic/production decisions). It is important to note that while intra-household decision-making as a direct measure of empowerment is valuable, it is difficult to capture who the key decision makers are based on a single question because of the complex processes through which decisions are made within households (Acharya and Bennett 1983; Agarwal 1997).

Considered a central social institution, marriage serves as the main route to respectability and prestige (Zharkevich 2019), yet decision-making on issues of marriage is a source of considerable tension in Nepali society. The expectation of marriage as a norm, parental wishes regarding marital partners and the age of marriage are often imposed on Nepali women, causing conflict and affecting their decision-making. Women's ability to influence decisions about their marriage (a critical indicator of empowerment) is

reported to have increased across social groups in Nepal between 2012 and 2018 (NSIS 2018), except among Muslim women, who showed a drop from 60 per cent in 2012 to 32 per cent in 2018. NSIS 2018 data show that women from privileged caste groups tend to have more influence over their marriage decisions (84 per cent of Hill Brahmin women, 85 per cent of Chhetri and 97 per cent of Newar), as well as Dalit women (87 per cent) and Hill Janajati women (93 per cent), compared to only 34 per cent of Madhesi Dalit women.

Women's decision-making power in health care decisions appears to be relatively high across social groups, as shown in Figure 5 below. Similarly, a relatively high percentage of women (an average of 82 per cent) reported making decisions alone or jointly with their husbands on children's schooling, albeit with some inter-group variations: 66 per cent of Muslim women, 75 per cent of Terai Janajati, 76 per cent of Madhesi Dalit and Madhesi Other Castes (OC) and 90 per cent of Newar women. In terms of decision-making in the economic

**FIGURE 5. PERCENTAGE OF WOMEN WHO MAKE HEALTH-CARE DECISIONS ALONE OR WITH THEIR PARTNER (NSIS 2018)**

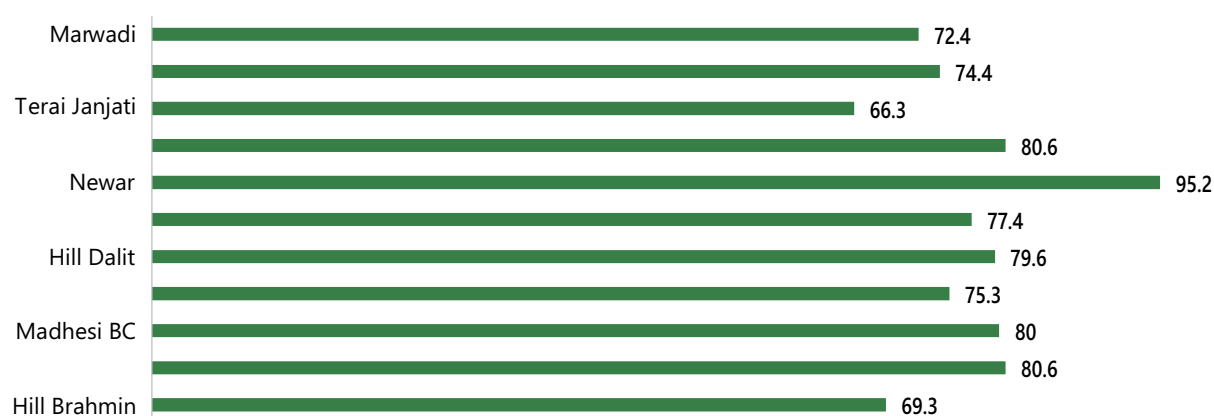
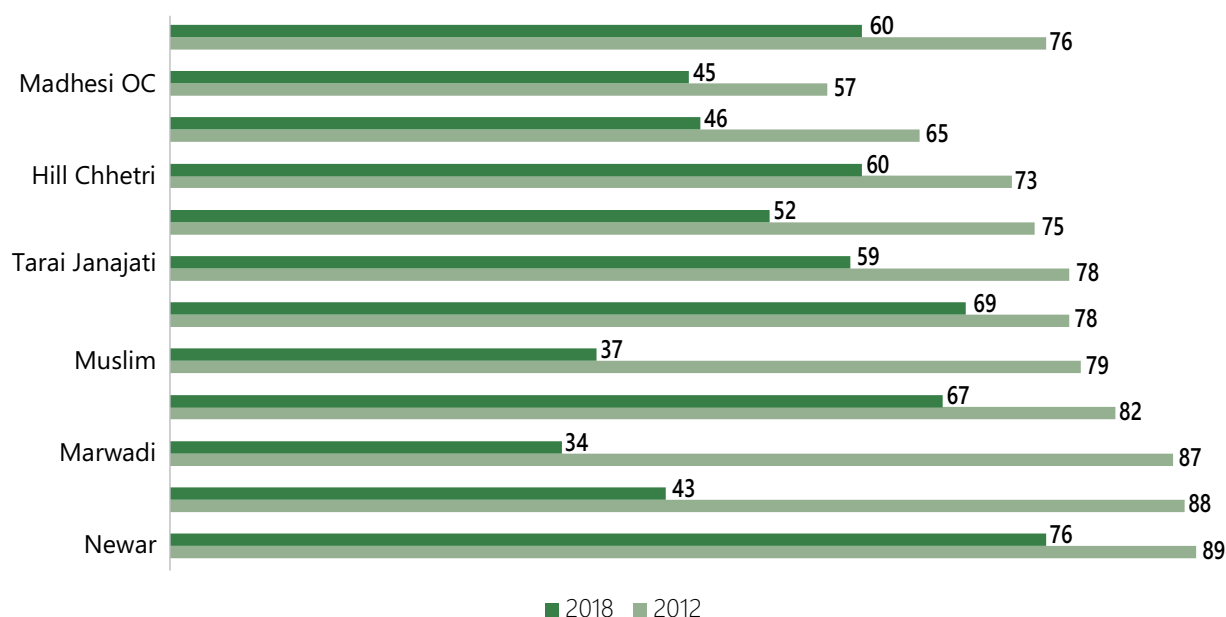




FIGURE 6. PERCENTAGE OF WOMEN WHO CAN MAKE DECISION ABOUT SELF-EARNED INCOME (NSIS 2012 & 2018)

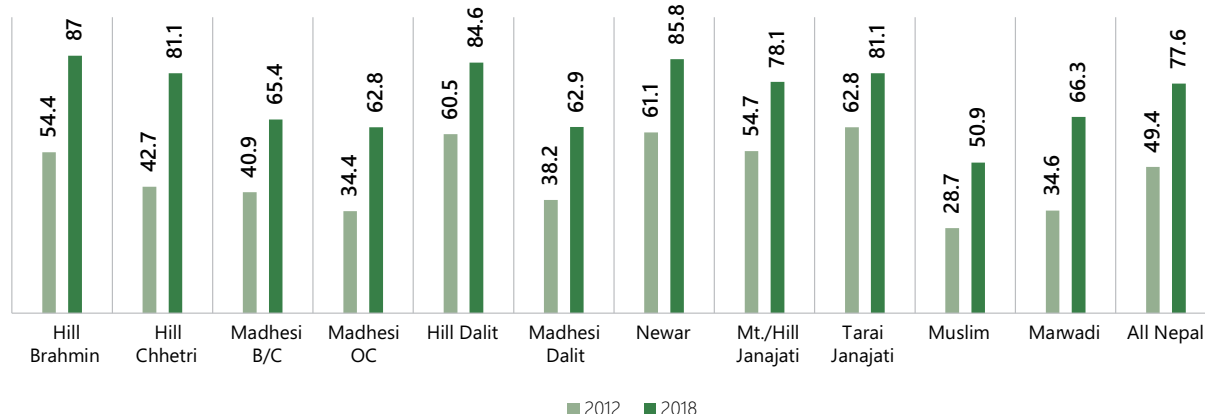


sphere, women's influence<sup>58</sup> has reportedly decreased between 2012 and 2018 and is lower than other realms, averaging 60 per cent, as shown below in Figure 6. The reason for this drop remains unclear, apart from gender-specific restrictions on women's engagement in productive activities beyond the household. As Figure 6 depicts, women's economic decision-making is significantly higher among the more privileged caste/ethnic groups, i.e. Newar, Hill Brahmin and Hill Chhetri communities. By comparison, only around one-third of Marawadi and Muslim women (compared to over three-fourths of Newar and over two-thirds of Mountain/Hill Janajati women) reported their ability to make decisions over their income.

**Gender and Mobility in Nepal** - The gendered nature of women's mobility offers insights into norms that govern women's freedom of choice and the social regulation of women's physical activities. In turn, these norms shape practices that restrict women's access to resources, services and networks, which are a potential source of autonomy and empowerment in general, including their ability to engage in the political arena (i.e. attending meetings, political gatherings and social networking). In Nepal, women's mobility is curtailed in many ways. They are often restricted from venturing outside the household without informing or securing consent, even to engage in productive activities such as marketing; social activities, like visiting family/friends; or participating in broader community events. Comparative data for 2012 to 2018 show an increase in women's mobility indicators, albeit with significant variations for women from diverse social groups, as shown below in Figure 7.

58 This refers to women's ability to make decisions on spending their self-earned income and selling land and other assets in their own name.

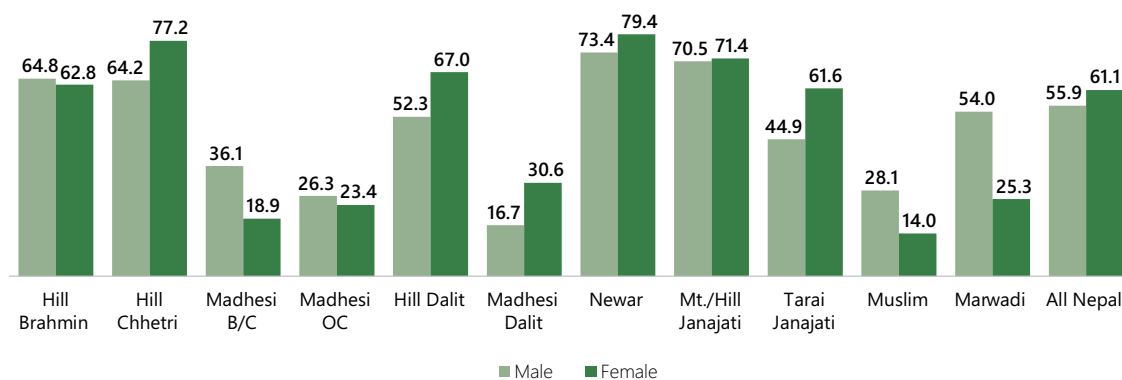
FIGURE 7. PERCENTAGE OF WOMEN REPORTING ON MOBILITY (NSIS 2018)



Considering the extent to which Nepali women participate in various community organizations, as discussed above in section 2.3, the strategies through which women negotiate their mobility and exert agency while participating in activities outside the household are significant for their empowerment. For example, their participation in women’s savings and credit groups has led to communities becoming more ‘accepting’ towards women’s activities (NSIS 2018). Furthermore, in contexts where independent mobility by women may pose the risk of physical danger or loss of status, women may be more amenable to adhering to the gender norm of restricted mobility as a

means of protection from harassment, assault or other repercussions. Therefore, in such contexts, women’s choice to limit their mobility may represent an act or agency out of self-interest. Conversely, unaccompanied mobility may be due to a lack of social capital rather than independence (Gram et al. 2017; Kabeer 1999; Mumtaz and Salway 2005), or in the case of the wives of men working overseas as migrants, a temporary respite. Their everyday mobility in spatial and social terms, i.e. working in the fields/jungle, travelling for business or attending festivals and visiting family (Zarkevich 2019), might pave the way for transforming gendered perceptions and proscriptions on mobility.

FIGURE 8. PERCENTAGE OF MEN AND WOMEN REPRESENTED IN LOCAL ORGANIZATIONS, BY SOCIAL GROUP (NSIS 2018)



For example, the arrival of scooters in the Kathmandu Valley was instrumental in expanding college girls' everyday mobility, allowing them to reach previously inaccessible spaces and assert their independence from male kin (Brunson 2014).

**Women's Agency** - Women's perceptions of their own agency – their 'right to have rights' – is a critical component in their actual assertion of that agency, especially in terms of taking action to change things in their lives that are important to them. Findings from the NSIS 2018 study reveal significant gender differences, with men reporting markedly higher rates of agency (55.2 per cent national average) as compared to women (39.8 per cent). Hill Brahmin women (59.3 per cent) reported the highest levels of agency, while Hill Dalits (both men and women) reported the lowest levels. This reflects the impact of discrimination and exclusionary practices in impeding their meaningful participation across arenas.

## 2.3 WOMEN'S COLLECTIVE ORGANIZING AS CITIZENS AND RIGHTS HOLDERS



Nepal is home to a long and vibrant history of collective movements for social justice and gender rights. Many social justice organizations in Nepal, including trade unions, housing rights groups and

ethnic and indigenous minority rights movements, have made commitments to address gender inequality to some extent (ActionAid 2016) and include quotas for women's representation and leadership. These efforts have been instrumental in creating space for women's voices and strengthening the visibility of gender inequities and discriminatory practices. Yet, their efficacy in ensuring the substantive and meaningful engagement of women in the political arena is undermined by the persistence of discriminatory practices. As such, the potential of political movements and organizations at the national and local level to bring about equitable, gender-transformative and socially inclusive outcomes in the life trajectories of diverse groups of women is curtailed.

**National Organizations and Social Movements for GEWE** - A number of organizations committed to advancing women's rights, gender equality and social inclusivity are active in Nepal, regularly mobilizing around women's political, civil, economic and social rights, and are allied through networks and coalitions often linked to political parties (ActionAid 2016). They focus on a diversity of issues and sectoral interests, from women's political representation and human rights (e.g. the National Alliance of Women Human Rights Defenders or NAWHRD) to the specific interests of social groups (e.g. the Indigenous Women Rights Movement, Muslim Women Rights Movement and Dalit Women Rights Movement, to name a few). The broader achievements of these organizations are noteworthy and include: the capacity building of women to claim their rights and hold duty bearers

accountable; stronger alliances forged to address common gender concerns across caste, class, ethnic, religious and other affiliations; and engagement in awareness-raising activities and mass mobilization on common issues, such as GBV, the persistence of patriarchal gender norms and institutional practices (ActionAid 2016). However, given the deeply entrenched gender norms present in Nepali society, further efforts are needed to address internal power hierarchies and improve the management of structural and procedural inequities within women's movements and organizations. Recognizing and redressing such structural inequalities would be vital for transforming gendered power relations across the spectrum and for achieving social and economic justice for all Nepalis.

### **Women's Representation and Participation in Community Organizations**

- In Nepal, community organizations have paved the way for women's physical and social mobility out of the domestic sphere/household, as noted above. Previous research has demonstrated the benefits of women's affiliation in collective groups<sup>59</sup> in terms of higher decision-making power at the household and community level; improved living conditions; greater access to health care, economic and employment opportunities; an enhanced sense of independence; and engagement in the broader affairs of the community. The role of women's collectives in facilitating economic and social support to women to address GBV, social injustices and discriminatory practices has long been

recognized. Women's participation in development activities (e.g. projects for roads, bridges, canals, agriculture, health, water and sanitation, community forests and schools) has served as an avenue for building their social capital, exercising their agency in influencing the quality and course of their lives and improving the health and well-being of household and community members. This is because participation in community groups can lead to exposure to knowledge, the opportunity to acquire new skills and the assumption of diversified roles if there are organizational mechanisms and processes in place to ensure women have equitable access to such opportunities.

Although many community organizations in Nepal are equally accessible to all, research (Atteraya et al. 2016) has also demonstrated that women from historically marginalized and discriminated caste, ethnic and social groups are less likely to participate in women's groups, partly due to social norms on 'untouchability' and other socially exclusionary practices. The latter research indicates that women with higher levels of capabilities (employment opportunities, assets ownership, educational opportunities and household decision-making autonomy) are more likely to participate in women's groups. In addition, gender and social norms governing women's conduct and engagement in activities beyond the household, as well as caste proscriptions, are likely to determine women's level of involvement and influence in local organizations.

59 Atteraya et al. 2016; Aoki & Pradhan, 2013; Acharya et al. 2007; Biggs et al. 2004

An additional concern is that high levels of women's representation in local organizations (as shown above in Figure 8) may not necessarily translate to their meaningful engagement in leadership and decision-making – and might even obscure the quality of their participation. Even though Figure 8 shows a high rate of women's representation in local organizations, often higher than that of men, such representation may not necessarily mean that these women are included in leadership and decision-making roles and can leverage influence on the key issues addressed by each organization. Women currently form approximately 41 per cent of elected representatives in local bodies, due to policies on proportional representation/quotas. However, research suggests that women are merely present in many mixed gender organizations and have little decision-making power or voice, as noted above. Their meaningful participation in decision-making is stymied by longstanding male perceptions of their lower levels of experience, knowledge and skills, which often results in self-selection out of governance decisions. Political interests and hidden political agendas<sup>60</sup>

**“A chicken should not crow like a rooster” is a Nepali saying that one woman referenced as she described the gender expectation that was conveyed to her about women's secondary roles in society and their incapability of assuming leadership roles.**

(IFES 2020), p. 12

also cloud the complex processes through which community organizations operate, compounding patriarchal norms that marginalize women and caste/ethnic minorities.

### 3. DRIVERS AND BARRIERS TO WOMEN'S PARTICIPATION IN THE POLITICAL ARENA



Many diverse factors impede women's meaningful participation and substantive representation in Nepal's political arena, as well as their ability to exert influence on the national political landscape. The foremost of these is the context of patriarchy, especially disparaging gender norms that permeate every aspect of Nepali society. Other factors that hamper women's power, influence, roles and participation in the political arena include women's lower access to finances and other resources, their lack of access to/ participation in power-based networks and gaps in monitoring electoral process that could expose non-transparency and ensure systematic regulation, as discussed in this section.

**Social Norms and Attitudes** - In the context of Nepal's highly patriarchal society, men are considered natural leaders and guardians of their dependents, while

60 Acharya and Zafarullah 2019.

women are relegated to the subordinate status of supporting those guardians. Women are subjected to judgment based on their appearance rather than their capacities (ALiGN 2021). Dismissive and berating attitudes about women, which are tantamount to emotional abuse, permeate the parliamentary environment, while some women representatives have reported direct verbal abuse (ALiGN 2021).

The specific gender norms that limit women's full ability to engage in political representation include constraints to women's mobility (discussed above) and the risk of violence that often hinders their ability to attend political meetings, which tend to be scheduled at inconvenient and unsafe times for women; indictments against women's public visibility, which go hand-in-hand with social surveillance of women's interactions with men who are not their relatives; and the social expectation that women should assume full responsibility for household work, care and unpaid productive activities. These gender norms result in concerns that female representatives are unable to prioritize their political party over domestic responsibilities, despite there being ample examples of Nepali women leaders who have successfully managed both (Women's Caucus et. al 2011).

Gender role internalization also means that women often subscribe to the norms governing their assigned gender roles in the realm of household responsibilities. Under these circumstances, women interested in participating in political organizations expressly acknowledge the importance of family support in fulfilling their elected roles as a means of

safeguarding their role and relationships within the household (International Alert and Saferworld 2019). As such, many women feel it is important to secure the approval of their husbands before getting politically involved – and many secure this approval by negotiating with their husbands that they will still fulfil their household and care responsibilities without fail.

### **Institutional Norms and Practices -**

Established practices and gendered power hierarchies within governance institutions function as formidable barriers to women, given that men, and in particular the dominant men in organizations, hold power and are often reluctant to accept, include or perceive women as capable of participating equally with them. Men dominate the leadership and decision-making positions in Nepal's political parties, while the majority of women are placed in the lower echelons of the party (Manandhar 2021). Reports are common of elected male representatives and even junior officers in local and provincial governments undermining the authority of female deputy mayors or parliamentarians during meetings (UNFPA 2020).

Research suggests that this pattern is intertwined with men's sense of entitlement to these roles, their sense of patronage and their perception of women as less skilled and incapable of assuming leadership roles. In such cases, women face difficulties in exerting their authority, given male beliefs that women should not be in positions of power and influence (ibid). Although women are active at all levels of political parties, especially in 'sister organizations,' their access to decision-

making and opportunities for advancing within the party is mostly dependant on their affinal relationships and loyalty to leaders rather than their competencies and capabilities as leaders (Limbu 2018).

### **Low Awareness, Knowledge and Experience in Governance**

- A serious constraint to women's ability to enter and exercise authority and agency in the political arena is their lower levels of awareness, knowledge and experience in governance (Search 2018), which are shaped by the larger processes of gender discrimination and exclusionary practices in Nepal. Women entering politics are constrained by the latter, which include their assignment to traditional gender roles; the 'double burden' of balancing leadership responsibilities with unpaid household work and care responsibilities; and the overall context of patriarchy in their communities, the political systems and the media (ibid). Research has identified a host of challenges faced by female elected representatives, including in financial and budget management (according to 53 per cent of women surveyed);<sup>61</sup> limited knowledge of the rules and functions of local government;<sup>62</sup> changes/restructuring at the local level, including within governance structures; shifts in local control and authority in terms of the management and utilization of resources; a lack of knowledge on budget provisions for women in VDCs, which affects their access to the available

facilities, resources and services; and the guarantee of representation for women and marginalized individuals and communities.<sup>63</sup> These challenges reflect the paucity of efforts to disseminate information to women and marginalized groups, which likely exacerbates their social exclusion despite their nominal representation in governance. This undermines Nepal's goal of becoming an inclusive democracy, thus hindering the potential for transformational leadership and representation of women.

**Finances** - The cost of campaigning is a major barrier to women's participation in the political arena because they own fewer assets (e.g. property) and lack access to and control over their own resources or their family's resources (Cantrell et. al 2020). Data on funding for election campaigns among political parties and candidates are not available in Nepal. In this context, the general strategy among party leadership is to support the candidates whom they expect have a good chance of winning, which places female candidates at the lowest category for receiving campaign-funding support. Given that few women are able to meet their election campaign costs through their own finances, this alone serves as an impediment to their equal participation in the political arena. Although the ECN reduced candidacy fees for women by half, significant deterrents remain, including women's lower asset base, barriers hindering their ability to secure loans and evidence suggesting that male family members often control women's campaign expenditures (Manandhar 2021).

61 Asia Foundation and Samjhauta Nepal 2018. This is in the context of female representatives being entrusted with the role of convening the Local Level Revenue Consultation Committee and Budget and Programme Formulation Committees, which are roles encoded in the Local Government (Operation) Act, 2017.

62 IFES 2019.

63 Search 2018.

Financial barriers also prevent women from advancing to candidacy because political parties tend to favour candidates who have wide networks involving powerful people, wealth or an ability to fundraise. Women's limited access to wealthy financiers or networks of individual donors is another limiting factor that works to the advantage of men, who are more likely than women to own land and have independent wealth and networks with political and business leaders (IFES 2020).

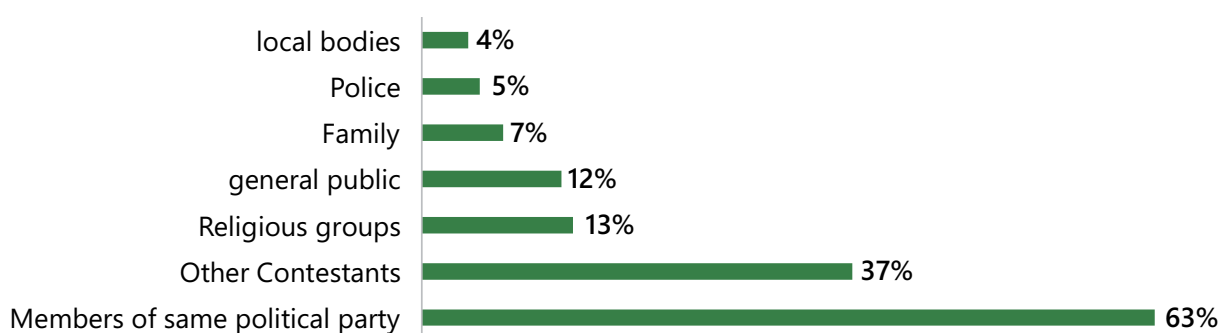
**Lack of Monitoring by the ECN** - The lack of transparency and regulation of campaign income and expenditures has been noted by the Nepal Election Observation Committee (2018). The non-availability of campaign expenditure reports to the public has also limited transparency and public accountability (IFES 2020), in addition to the lack of enforcement of political finance regulations.

**Fewer Political Connections** - Women are underrepresented in party committees and leadership, which serves as a source of networking and political advancement. As a result, women tend to be clustered

primarily at the membership level.

**Violence and Harassment** - Women entering politics in Nepal often encounter various types of violence. Even female elected representatives are not exempt from experiencing GBV in their homes and offices (Asia Foundation 2018). This form of GBV prevents women from exercising and realizing their political rights in both public and private spaces. It is perceived as a breach of their assigned gender roles and a threat to the established male-dominated power structure (UNDP and UN Women 2017). In general, the purpose of GBV is to re-confirm the gender-hierarchical social order, and it has a dampening effect on women's agency. Early research on violence against women entering politics in Nepal revealed that as more women entered the political arena and became more visible in politics, there has been a correlating increase in VAW (IDEA and SAPI 2008). Ascertaining the incidence and type of perpetrator behind these acts is difficult, due to the absence of data and low levels of reporting among female candidates and elected representatives (especially in a context where different forms of GBV are so rampant). The main sources of violence

FIGURE 9. PERPETRATORS OF VAW IN POLITICS IN NEPAL  
(KUMARI ET. AL 2008)





against female candidates surprisingly take place within political parties (Kumari et al. 2008), as shown in Figure 9 below.

These data points are indicative of the institutionalized nature of gender norms and gender hierarchies within Nepal's political party system. Violence from external sources, i.e. local bodies and the general public, as well as violence within the family related to women's involvement in politics, undermines the work of elected women, reinforces discrimination and negative stereotypes about women in politics and discourages other women from participating in politics. Half of the respondents (both women and men) in one survey undertaken during the 2017 local elections reported facing harassment (Cantrell et al. 2020), while other forms of GBV have also been reported by female candidates, including physical, sexual or psychological harm and threats or acts of "coercion or arbitrary deprivation of liberty within the family and at the inter-or-intra political party levels."<sup>64</sup> These findings signal the dire need to properly recognize and institutionalize substantive representation in Nepal, beyond the fulfilment of numeric quotas.

**Chapter Summary** - Women's own efforts and lobbying, as well as progressive laws that guarantee women's numeric representation, have resulted in women (including some from marginalized groups) occupying over one-third of elected positions across all three tiers of government. However, women entering politics face several constraints, including access to financing, mobility restrictions,

gender-biased party practices, the challenges of simultaneously managing household work and care responsibilities and most grievously, GBV.<sup>65</sup> Most of these challenges can be traced to the overall social context of patriarchy and gender-discriminatory norms. Therefore, further efforts are needed to address the complex and interwoven aspects of gender norms with individual, household and institutional practices in order to ensure women's meaningful and substantive representation and participation in Nepali politics. While gender quotas pave the way for numeric representation and hold symbolic value, a gender-transformative strategy that re-configures harmful norms and institutes gender-responsive policies and interventions is necessary to translate descriptive representation into meaningful engagement.

## Priority Action Areas

### Policy Measures

- Formulating policies to ensure women's substantive representation, participation and leadership roles (beyond numbers), including provisions to increase their influence in decision-making and constitution-building processes and to avert the gender-hierarchical placement of women in secondary positions at the federal, provincial and local levels. This would entail women's placement in leadership roles in government bodies, including the judiciary and police, and strengthening their leadership and

64 Dhakal et al. 2012, p. 17.

65 UNDP and UN Women 2017.

decision-making capacities. It would also involve women's placement in decision-making at central/higher levels within political parties. Efforts to shift the underlying attitudes that posit men as 'natural leaders' are also needed to transform existing attitudes and institutional practices in this regard.

- Improving the effectiveness of existing GESI policies, including those related to women's ability to enter the political arena and public office, and engage meaningfully in governance across the three tiers of government. Regulations and guidelines should also be developed to ensure the full implementation of GESI policies. Additional efforts are needed to ensure the participation of women from all marginalized caste and ethnic groups in political, public administration and other leadership roles, given that many are still inadequately represented (e.g. Madhesi women). Such efforts could include capacity-building support, increasing access to financial resources and leadership/management training that would equip them with the skills to successfully contest and subsequently manage their mandates/portfolios.
- Strengthening existing GESI policy mandates on proportional representation so that marginalized groups of women are able to enter and meaningfully participate in politics. This would involve efforts to protect female candidates and female elected officials from marginalized caste and ethnic groups from gender and caste-based discrimination, recruiting women with strong capacities rather than those with

political connections and improving women's knowledge of political processes.

- Instituting policy measures to address the numerous constraints that hamper women's participation and engagement in the political arena, including gender gaps in assets/finance and the ongoing GBV and harassment faced by female candidates and elected representatives.
- Ensuring that GBV legislation explicitly captures and prohibits violence against women who are entering politics and elected to public office, including stronger justice procedures and their enforcement.

### Programme Efforts

- Strengthening legal literacy, awareness and knowledge among female candidates, elected officials and community members on their rights, strategies to claim those rights and on addressing hindrances to the realization of those rights.
- Hold capacity-building trainings for female candidates and elected local representatives on leadership and how to effectively discharge their duties, including on planning/budgeting, points of interface between and among the three levels of governance, the role of different tiers of governance and other matters relating to their ability to fully execute their roles and functions.
- Introducing strategies to strengthen and safeguard the integrity and independence of the ECN so that parties, candidates and other influential

actors are deterred from manipulating electoral lists, candidacy and campaign finance rules.

- Implementing advocacy and community-based efforts to address the roots of women's low-representation in the political arena, as evident through deeply entrenched gender norms and persistent stereotypes. These roots include GBV, mobility restrictions, decision-making challenges, disproportionate childcare and domestic responsibilities and the relegation of women to 'secondary' roles across different domains in society.
- Promoting the meaningful participation of Dalit and other disadvantaged groups of women (beyond numeric quotas) in decision-making roles in federal and provincial political assemblies/office.
- Ensuring the collection and analysis of disaggregated data on women's entry into and levels of engagement in various political bodies (including community organizations) in order to enhance women's participation in leadership roles, in accordance with BPfA guidelines on monitoring and evaluating progress on the representation of women in politics. It is critical that the data are disaggregated along variables on gender, caste, class, ethnicity, disability, religion and region.
- Utilizing existing and new data to raise awareness among the general public about gender gaps in women's participation and leadership in public roles and the implications of such disparities in perpetuating harmful stereotypes and undermining the inclusivity goals embedded in the 2015 Constitution.

### Data Gaps

- Ensuring the regular collection, analysis and use of quantitative and qualitative data on women and men at all levels of decision-making in public office, including in the legislature, civil service positions and the judiciary (as per the general recommendations of the UN's Human Rights Committee).

## REFERENCES

- Acharya, T. (2017). "Nepal Himalaya: Women, politics, and administration." *Journal of International Women's Studies*, vol. 18, pp. 197-208.
- Acharya, Dev R. et al. (2010). "Women's autonomy in household decision-making: a demographic study in Nepal." *Reproductive Health Journal*, vol. 7, No. 15. <https://reproductive-health-journal.biomedcentral.com/track/pdf/10.1186/1742-4755-7-15.pdf>
- Acharya, M., and Bennett, M. (1983). "Women and the Subsistence Sector. Economic Participation and Household Decision-Making in Nepal." World Bank.
- ActionAid. (2016). "Integrating women's rights into wider social movements in Kathmandu, Nepal: challenges, opportunities and effectiveness." Kathmandu: ActionAid.
- Adhikari, Aashiyana. (2020). "Women representation in politics merely tokenism in Nepal." *The Geopolitics*. 19 June 2020. <https://thegeopolitics.com/women-representation-in-politics-merely-tokenism-in-nepal/>
- ALiGN. (2021). "Women and gender norms in Nepal's parliament." Briefing paper. Kathmandu: YUWA. <https://www.alignplatform.org/resources/women-and-gender-norms-nepals-parliament>
- Asia Foundation and Samjhauta Nepal. (2018). "Nepal's Locally Elected Women Representatives: Exploratory Study of Needs and Capacity." Kathmandu: Asia Foundation and AusAid.
- Asia Foundation. (2018). "A Survey of the Nepali People." Kathmandu: The Asia Foundation.
- Askvik, S. et al. (2011). "Citizens' trust in public and political institutions in Nepal." *International Political Science Review*, vol. 32, pp. 417-437.
- Atteraya, Madhu S., et al. (2016). "Women's participation in self-help groups as a pathway to women's empowerment: A case of Nepal." *International Journal of Social Welfare*, vol. 25, Issue 4. DOI:10.1111/ijsw.12212
- Barriteau, V. E. (2003). "Constructing a Conceptual Framework for Developing Women's Transformational Leadership in the Caribbean." *Social and Economic Studies*, vol. 52, No. 4., pp. 5-48.
- Baskota, A., Gautam, S. and Manchanda, R. (2001). "Women in the Maoist Insurgency in Nepal Women's Narratives from the Chittagong Hill Tracts." In *Women, War and Peace in South Asia: Beyond Victimhood to Agency*. Manchanda, ed. Delhi: Sage.
- Biggs, S. D., Gurung, S. M. and Messerschmidt, D. (2004). "An exploratory study of gender, social inclusion and empowerment through development groups and group-based organizations in Nepal: Building on the positive." Report submitted to the Gender and Social Exclusion Assessment (GSEA) Study National Planning Commission of Nepal. Kathmandu: The World Bank and DFID.
- Brunson, Jan. (2014). "Scooty Girls": Mobility and Intimacy at the Margins of Kathmandu. *Ethnos*, vol. 79, Issue 5, pp. 610-629.
- Buchy, M. and Rai, B. (2008). "Do women-only approaches to natural resource management help women? The case of community forestry in Nepal." *Gender and natural resources management: livelihoods, mobility, and interventions*. Resurreccion, B. P. and Elmhirst, R., eds. Oxford, England: Earthscan.

- Budhathoki, Sarita. (2017). "Role of Mother's Group to Women's Empowerment." M.A. Thesis, Tribhuvan University. <http://107.170.122.150:8080/xmlui/bitstream/handle/123456789/653/12753.pdf?sequence=1&isAllowed=y>
- Chicago Daily Law Bulletin. (2017). "Firm trains female lawyers in Nepal." Website article, vol. 163, No. 74, 17 April. 2017. <https://www.chicagolawbulletin.com/archives/2017/04/17/nepal-female-lawyers-4-17-17>
- Christie, M. E. & Giri, K. (2011). "Challenges and experiences of women in the forestry sector in Nepal." *International Journal of Sociology and Anthropology*, vol. 3 (5): 139- 146. DOI: <http://www.academicjournals.org/ijasa>.
- Dhakal, Dinesh, O'Brien, D. and Mueser, P. (2021). "Government Policy and Performance of Agricultural Cooperatives: A Case Study in Chitwan District, Nepal." *Journal of Sustainability*, vol. 13, 12282. DOI: <https://doi.org/10.3390/su132112282>.
- Dhakal, S.P. (2018). "Cooperative Enterprises and Sustainable Development in Post-Crisis Nepal: A Social Responsibility Perspective on Women's Employment and Empowerment." *Entrepreneurship and the Sustainable Development Goals (Contemporary Issues in Entrepreneurship Research)*, vol. 8, pp. 185-200. DOI: <https://doi.org/10.1108/S2040-724620180000008016>.
- Dhungana, R. K. (2014). "Nepali Hindu women's thorny path to liberation." *Journal of Education and Research*, vol.4, No.1, pp. 39-57.
- Election Observation Committee (EOC). (2017). "Study on the Election Campaign Finance: Local, Provincial and Federal Elections in Nepal, 2017." Kathmandu: EOC Nepal.
- Forum for Women, Law and Development (FWLD). (2016). "Legal analysis of citizenship law of Nepal: a comparative study of the Nepal Citizenship Act, 2006 with the constitution, precedents, international human rights obligation and best practices." Kathmandu: FWLD.
- Giri, K. and I. Darnhofer. (2010). "Nepali women using community forestry as a platform for social change." *Society & Natural Resources*, vol. 23 (12): pp. 1,216–1,229. DOI: <https://doi.org/10.1080/08941921003620533>
- Gram, Lu et al. (2017). "Validating an Agency-based Tool for Measuring Women's Empowerment in a Complex Public Health Trial in Rural Nepal." *Journal of Human Development and Capabilities*, vol. 18:1, pp. 107-135. DOI: 10.1080/19452829.2016.1251403
- Hamal M. et al. (2019). "Social accountability in maternal health services in the far-western development region in Nepal: an exploratory study." *International Journal of Health Policy Management*, vol. 9, Issue 8, pp. 280-291. DOI: <https://doi.org/10.15171/ijhpm.2019.05>.
- IDEA and SAPI. (2008). "Analysis of the Elections from the perspective of representation and violence against women." Kathmandu: International IDEA and South Asia Partnership International.
- International Foundation for Electoral Systems (IFES). (2020). "The Cost of Representation: A Study of Women's Representation and Political Finance in Nepal." Arlington: IFES.
- IFES. (2019). "'She Leads' Women's leadership program piloted in Nepal." Website article, 18 July 2019. <https://www.ifes.org/news/she-leads-womens-leadership-program-piloted-nepal>.

International Institute for Democracy and Electoral Assistance (IDEA). (2011). "Women members of the constituent assembly: a study on contribution of women in constitution making in Nepal." Kathmandu: Women's Caucus.

Institute for Development Studies. (2020). "Nepal Situation Analysis: Disability Inclusive Development." June 2020.

International Alert and Saferworld. (2019). "'I can Speak': Navigating masculine spaces in federal Nepal." <https://www.international-alert.org/wp-content/uploads/2021/08/Nepal-Federalism-Vol5-EN-2019.pdf>. Kathmandu: Saferworld.

Jha, Dipendra. (2017). "Comparing the 2007 and 2015 Constitutions." *Accord*, Issue 26. [https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/Two\\_steps\\_forward\\_one\\_step\\_back\\_The\\_Nepal\\_peace\\_process\\_Accord\\_Issue\\_26.pdf](https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/Two_steps_forward_one_step_back_The_Nepal_peace_process_Accord_Issue_26.pdf)

Kabeer, Naila. (2002). "Resources, agency, achievements: reflections on the measurement of women's empowerment." *Development and Change*, vol. 30, pp. 435-464.

Kamat, Ram K. (2019). "SC halts salaries of local level office bearers." *The Himalayan Times*. 19 October 2019. <https://thehimalayantimes.com/nepal/supreme-court-halts-salaries-of-local-level-office-bearers>

Koirala, Dikshya and Mahaseth, Harsh. (2020). "Why Does Nepal Still Have So Few Women Lawyers?" *The Diplomat*, 18 January 2020. <https://thediplomat.com/2020/01/why-does-nepal-still-have-so-few-women-lawyers/>

Kumari, R., et al. (2008). "Violence against women in politics." CSR and UN Women. <http://iknowpolitics.org/sites/default/files/vawip-report.pdf>

Kurebwa, J. (2015). "A review of Hanna Pitkin's (1967) conception of women's political representation." *International Journal of Scientific and Research Publications*, vol. 5, Issue 11, pp. 50-60.

Lidestav, G. (2010). "In competition with a brother: Women's inheritance positions in contemporary Swedish family forestry." *Scandinavian Journal of Forest Research*, vol. 25 (9), pp. 14-24.

Limbu, S. T. (2018). "Researching women's political inclusion in the 2017 local elections: Some comments and findings." Blog article. <https://www.np.undp.org/content/nepal/en/home/blog/2018/researching-women-s-political-inclusion-in-the-2017-local-elections-somecomments-and-findings.html>.

Malla-Dhakal, Rajju, Morrice, A. and Pokharel, B. (2015). "Contesting Patriarchy: The gender gap and gender-based violence in Nepali politics and the Constituent Assembly election 2013." International IDEA, Nepal Law Society and General Election Observation Committee. <https://www.idea.int/sites/default/files/publications/contesting-patricarchy.pdf>

Manandhar, Sandhu. (2021). "Women Representation in Nepalese Local Election 2017: Issues and Challenges." *Journal of Political Science*, vol. 21, Special Issue, pp. 34-48.

Manchanda, Rita. (2010). "Women's question in Nepal's democratic post conflict transition: towards a policy research agenda." *Peace Prints: South Asian Journal of Peacebuilding*, vol.3, No.1, pp. 1-18.

- Manchanda, Rita. (2004). "Maoist insurgency in Nepal: radicalizing gendered narratives." *Cultural Dynamics*, vol. 16, Issue 2:3, pp. 237-258.
- Mumtaz, Z., and Salway, S. (2009). "Understanding Gendered Influences on Women's Reproductive Health in Pakistan: Moving Beyond the Autonomy Paradigm." *Social Science & Medicine*, vol. 68, pp. 1349-1356.
- Mumtaz, Z., and Salway, S. (2005). "'I Never Go Anywhere': Extricating the Links Between Women's Mobility and Uptake of Reproductive Health Services in Pakistan." *Social Science & Medicine*, vol. 60, pp. 1,751–1,765.
- Nepal, Adweeti, Kumar Dangol, Santa, and van der Kwaak, Anke. (2020). "Improving maternal health services through social accountability interventions in Nepal: an analytical review of existing literature." *Public Health Reviews Journal*, vol. 41, No. 31. DOI: <https://doi.org/10.1186/s40985-020-00147-0>
- Nepal Law Commission. (2010). Constitutional Council (Functions, duties, powers and procedures) Act, 2066 (2010). <https://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/constitutional-council-functions-duties-powers-and-procedures-act-2066-2010>
- Nepali Times. (2021). "Nepali leaders unable to accept women in power." 13 April 2021 (no author). <https://www.nepalitimes.com/latest/nepali-leaders-unable-to-accept-women-in-power/>
- NSIS. (2018). State of Social Inclusion in Nepal: Caste, Ethnicity, and Gender. Kathmandu: Nepal.
- Pagdee, A, Kim, Y, Daugherty, PJ. (2006). "What makes community forest management successful: a meta-study from community forests throughout the world." *Society & Natural Resources*, vol. 19, pp. 33–52. DOI: 10.1080/08941920500323260
- Pandey, B. (2019). *Women in Nepali politics*. New Delhi: Adarsh Books.
- Pandey, Hari Prasad and Pokhrel, Narayan Prasad (2021). *Trees, Forests, and People*, vol. 5, September issue, 100106.
- Paswan, Bhola. (2018). "Dalit and Women the Most Under-represented in Parliament." *The Record Nepal*. March 3, 2018.
- Paswan, Bhola and Gill, Peter. (2018). "On Gender and Social Inclusion, Nepal's Politics has a Long Way to Go." *The Wire*. 28 February 2018. <https://thewire.in/south-asia/nepal-politics-gender-social-inclusion>.
- Pokharel, Ambika. (2015). "Making waves in the mountains: the women's groups fighting for a fairer future in Nepal." Blog post in Peace Direct. 8 March 2015. <https://www.peaceinsight.org/en/articles/making-waves-mountains-womens-groups-fighting-fairer-future-nepal/?location=nepal&theme=>
- Pokharel, Bhojraj, Malla-Dhakal, R. and Morrice, A. (2012). "Electoral Violence and Mitigation Assessment, Nepal, Final Report." Kathmandu: Election Commission Nepal and United Nations Development Programme. <https://aceproject.org/ero-en/regions/asia/NP/electoral-violence-and-mitigation-assessment-nepal/view>
- Pokharel, Yojana (no date). "Mothers' Group: light of hope for rural women in Nepal." Website article. Kitakyushu Forum on Asian Women (KFAW). [http://www.kfaw.or.jp/correspondents/docs/25-2\\_Nepal\\_E.pdf](http://www.kfaw.or.jp/correspondents/docs/25-2_Nepal_E.pdf)

Public Service Commission. (2018). 59th annual report. Kathmandu: PSC.

Samiti, Rastriya S. (2021). "Remembering Mangala Devi Singh: woman of indomitable spirit." *Nepal News*, 26 August 2021. <https://nepalnews.com.np/s/nation/remembering-mangala-devi-singh-woman-of-indomitable-spirit>.

Search for Common Ground. (2018). "Status of Women and Youth in Leadership in Nepal. Report on a mini-survey." Kathmandu: Search for Common Ground Project.

Shrestha, Elisha. (2021). "There are more women in politics, but few and far between at decision-making level." *Kathmandu Post*, 8 September 2021. <https://kathmandupost.com/politics/2020/03/08/there-are-more-women-in-politics-but-few-and-far-between-at-decision-making-level>

Singh, Suyogya. (2021). "Nepali judiciary is dominated by men. It must change." *Online Khabar*, 29 June 2021. <https://english.onlinekhabar.com/nepali-judiciary-is-dominated-by-men-it-must-change.html>

Thapa, S., Parsai, R., & Pahadi, R. (2020). "Does Gender Based Leadership affect Good Governance in Community Forest Management, A Case Study of Bhaktapur District," *Banko Jankari*, vol 30, pp 59-70.

UNDP. (2021). "Gender Equality in Public Administration." New York: UNDP.

UNFPA. (2020). "Gender-based violence prevention and response project (GBVPR), Phase II. Project document." Kathmandu: UNFPA.

UN Women and UNDP. (2017). "Preventing violence against women in elections." New York: UN Women.

UN Women and OCHA. (2016). "Nepal Gender Profile. "

UN Women. (2008). "Violence against women in politics." Kathmandu: UN Women Multi-Country Office.

Upreti, B.R., Upreti, D. and Ghale, Y. (2020). "Nepali women in politics: Success and Challenges." *Journal of International Women's Studies*, vol. 21, issue 2, pp. 76-93.

Upreti, B. R., Adhikari, D. P., Shivakoti, S., and Kolas, A. (2018). "Nepalko Rajnitima Mahila: dwanda byabasthapan dekhi sambidhan karyanwayan samma." Kathmandu: Bhrikuti Academic Publication.

Upreti, B. R. (2009). *Nepal from war to peace: legacies of the past and hopes for future*. Delhi: Adroit.

Wagle, Samjhana. (2019). "Women's representation in bureaucracy: Reservation policy in Nepali civil service." *Journal of Education and Research*, vol. 9, No. 2, pp. 27-48.

Women's Caucus et al. (2011). "Women Members of the Constituent Assembly A study on contribution of women in constitution making in Nepal." Kathmandu: Women's Caucus.



# CHAPTER 3

## WOMEN'S ECONOMIC SECURITY AND RIGHTS



# 1. OVERVIEW



Women's economic empowerment is widely recognized as a route to gender equality. It also leads to broader gains in household and generational well-being and economic security. Evidence from around the world indicates that women are more likely to invest their earnings in their children and communities, which has the potential to generate intergenerational and society-wide benefits in terms of better health outcomes, poverty alleviation and national development. The economic empowerment of women – women's ability to undertake economic decisions that lead to their economic security<sup>66</sup> – is critical for realizing women's rights and achieving gender equality. It is also a necessity for sustainable development.

The GoN has instituted its commitment to gender equality and women's economic empowerment through several legislative provisions (listed in Annex 10), including on the right to employment, right to practice appropriate labour, equal wages, equal property rights for women (based on the principles of inclusion and proportional representation) and calls for an end to all forms of discrimination. Despite these efforts to address constraints to women's economic empowerment, Nepali women continue to face multiple obstacles to their economic security and rights. These barriers include the absence of gender-

equitable labour laws and the presence of harmful social norms and practices, including inequitable inheritance rights, leading to gender gaps in assets and access to resources; negative perceptions about women working beyond the home; and GBV<sup>67</sup> en route to work and within workplaces.<sup>68</sup>

These disparities are even more amplified among indigenous women and those from marginalized groups. Discriminatory perceptions and practices are embedded in ethnic, caste and linguistic biases in Nepal, patriarchal institutions and customary gender roles, borne out in gender-based wage gaps, educational disparities and lack of access to markets and other resources (UNDP 2018). Indigenous women, for example, are economically disempowered due to their loss of ownership and control over land, territories and resources and their double marginality as both women and indigenous people. Some members of indigenous groups, like the Rautes, still live a traditional, nomadic lifestyle and suffer hardships as the forests they live in are controlled or owned by the government or non-indigenous people (UNDP 2018).

67 Chapter 4 provides a detailed discussion on GBV in Nepal.

68 These trends correlate with the broader body of research (Deshpande and Kabeer 2019) on barriers to women's participation in the formal labour force: a) the disproportionate burden and unequal distribution of unpaid care and domestic work assumed by women; b) negative gender norms and attitudes that discourage women's entry into formal work or work outside the home, combined with employers' perceptions of women workers; and c) various disincentives, such as wage inequities, gender-segregated occupational hierarchies, inflexible work arrangements and GBV issues, including workplace harassment and the risk of harassment in public spaces (en route to work).

66 UN Secretary General's High-Level Panel on Women's Economic Empowerment (2016) - Leave No One Behind: A Call to Action for Gender Equality and Women's Economic Empowerment. <https://hlp-wee.unwomen.org/en/reports-toolkits>



This raises concerns about economic consequences and demonstrates the precarious circumstances facing indigenous communities. Furthermore, many indigenous women do not have access to information about existing state policies and laws.<sup>69</sup>

Nepali women make significant contributions to the economy through their work in three key sectors: agriculture (which contributes approximately 32 per cent to GDP),<sup>70</sup> migrant work (remittances contribute 26.5 per cent to GDP) and tourism. However, the Nepal Labour Force Survey (NLFS) 2017/18 indicates stark gender disparities in the labour market. For example, the female labour force participation rate was less than half that of men (26.3 per cent and 53.8 per cent respectively). While there are slightly more than 3 million women in the labour market, they are mostly in informal employment (90.5 per cent).<sup>71</sup> Women are still underrepresented in senior-level jobs and overrepresented in informal labour markets. A mere 13.2 per cent of managers were women, as compared to 86.8 per cent of men (CBS 2019).

Despite legal provisions for a minimum wage, equal pay and other benefits, women are not compensated on par with men, borne out in the marked gender wage gaps in earned income (discussed further in section 3). The substantial gender pay gap between women and men further discourages women from joining the labour force. Women are also

encumbered by the disproportion burden of unpaid domestic and care work, which in and of itself functions as a 'brake' on their human capital potential,<sup>72</sup> productivity and ability to participate in the more secure and better remunerated formal economy. Early research has documented how these prevailing gender disparities and concerns have been further aggravated by the impact of the COVID-19 pandemic, discussed below.

## Impact of COVID-19 on Women's Economic Security

The COVID-19 pandemic has had several gender-specific impacts, as discussed in Chapter 1, especially in terms of the loss of livelihoods and access to income sources, the exacerbation of unpaid domestic work and care responsibilities (which in and of itself has a negative bearing on the latter) and worst of all, the increased exposure of women to GBV. This chapter focuses on economic security issues affecting women in Nepal due to the pandemic, while Chapter 4 provides details on the exacerbation of GBV during the lockdown periods. The most recently available studies<sup>73</sup> consistently identify the increased burden of unpaid care work on women, due to family members being at home, school closures and hospitals not prioritizing the admission and care of non-COVID patients. A rapid gender analysis in May and June 2020 (ibid) found that both women and men were doing more care work compared to pre-COVID levels, but women noted the biggest increase,

69 UNDP 2018.

70 Estimated for 2014/15, according to FAO figures. Source: FAO 2019. Country Gender Assessment of Agriculture and the Rural Sector in Nepal. Kathmandu.

71 NLFS 2017/18.

72 Kelker 2009.

73 Nepal Research Institute and CARE Nepal 2020; UN Women 2021.

with women who parent alone particularly affected. Women were also more likely to report an increase in work intensity,<sup>74</sup> which created more ‘time poverty’ and curtailed their ability to engage in income-generating activities and participate in community-level responses. Although women did report some increase in support for household and care work, it seems clear that women – including daughters – were still responsible for most chores. This increased time demand, along with the indirect impacts of the pandemic (such as the physical, emotional and psychological stress of having to work more to meet household expenditures) are linked to the reported increases in IPV. These factors in combination primarily explain why the pandemic has disproportionately affected the mental and emotional health of women and girls.<sup>75</sup>

This chapter documents: a) the policy and legislative frameworks and programmes launched by the GoN to improve women’s economic security; b) the drivers of women’s economic security, such as social norms that diminish it and the resulting situation of gender-specific poverty; c) women’s roles and engagement in the three avenues leading to economic security, which include formal/paid employment, unpaid labour and informal sector work (paid and own-account); d) constraints to economic empowerment in the form of legal impediments and disparities in access to resources, assets and services; and e) the impact of climate change in exacerbating the latter.

74 Defined as doing three or more domestic activities at the same time.

75 Asia Foundation 2021.

## 1.1 POLICY AND LEGISLATIVE FRAMEWORKS



The GoN has made substantial efforts to promote women’s economic empowerment, which have included strengthening affirmative action laws<sup>76</sup> and workplace policies and practices that prohibit discrimination and passing a zero-tolerance policy on sexual and domestic violence. Nepal’s 2015 Constitution has provisioned progressive measures addressing the key barriers to women’s economic empowerment, such as equal employment opportunities, equal pay, social security, access to decision-making and resources, the right to ancestral property, the right to decent work, employment and inclusive participation of women in state bodies. These measures are critical to advancing women’s economic security and rights in Nepal.

Despite the existence of more than 50 government policies, laws and programmes (See Annex 10) that promote women’s economic empowerment (UNDP 2018), their effectiveness has been limited. The Labour Act of 2017, for example, contains several provisions, including a mandate for equal remuneration for work of equal value and non-discrimination in employment based on gender. However, gender gaps persist in this regard. Although there are constitutional provisions for positive discrimination in

76 Affirmative action policies have been implemented to establish a ‘reservation’ system’ in public services.



women's employment and social security in general, there is no specific act or policy to implement special measures that focus on women's economic empowerment. Existing legislation may not be adequately implemented due to problems associated with Nepal's transition to federalism, wherein government structures are still evolving in the absence of clear guidelines and directives. As a result, the extent to which these laws are followed through in employment practices and how they have translated to concrete gains in economic security for Nepali women has yet to be determined. Moreover, the impact of the COVID-19 pandemic has severely diminished gains made towards GEWE, which is discussed next.

## 2. DRIVERS OF WOMEN'S ECONOMIC SECURITY



The drivers of women's economic security include social norms governing gender roles in economic activities within and beyond the household; shifts in economic practices, like the gendered division of labour in response to emergent phenomena (e.g. high rates of male out-migration in Nepal or the impact of COVID-19 closures, as discussed above); enabling and supportive legal and policy provisions; and women's access and control over resources, assets and services, which is discussed in this section. Enhancing women's access to and control

over assets is important for realizing the interrelated goal of women's economic and social empowerment. Further efforts are needed to address the underlying factors that hamper this goal, especially harmful gender norms.

### Gender Norms on Women's Economic Activities

Gender discriminatory social and cultural norms impose a significant constraint to the realization of gender equality goals and women's economic empowerment. These norms shape women's workplace experiences<sup>77</sup> and hinder their access to work that provides just compensation/remuneration and opportunities for advancement and capacity building, which can lead to their economic security. It is important to note that recent economic and labour market developments, like high rates of male out-migration, have allowed for more elasticity in the prevailing system of gender norms, especially in the realms of decision-making and mobility, which will be discussed further below. Although shifts in gender roles under such circumstances may not necessarily (or immediately) result in gender norm changes, rearrangements in traditional practices in the gendered division of labour (e.g. women taking on tasks perceived as strictly male, such as ploughing and farm management, in the absence of men) are likely to lead to transformations in gender ideologies over time, hence norm change.

<sup>77</sup> Marcus 2018.

Across Nepal's social groups, gender norms generally assign women primarily to the role of 'caregivers,' responsible for children and domestic work. This is a role that confers social prestige and is rewarded with recognition, not only in society but among women as well (Holmelin 2019). Men, on the other hand, are designated the role of 'breadwinners' and considered the primary source of household economic security. This dichotomy leads to a discounting of women's economic contributions through household productive activities. Moreover, traditional gender norms discourage women's engagement in income generation beyond the household (Adhikari 2008). This role assignment shapes the types of productive and reproductive activities women engage in, the valuation of their labour (in both productive and reproductive spheres), their access to and control over resources and assets and their decision-making abilities.

**Decision-Making** - Traditional gender norms assign decision-making roles to men. Women's ability to participate in household decisions is constrained by their subordinate place in the household structure vis-à-vis their husbands and in-laws. Household decision-making patterns are echoed beyond the household in community/public institutions and in workplaces. The latter is evident in gender-hierarchical occupational structures, where women are generally placed in lower status and lower-paid positions.<sup>78</sup> Nonetheless, emerging evidence suggests that there is space for women's increasing participation in key household decisions (Holmelin 2019), especially within nuclear family households

and in the context of male out-migration. Previous research (Adhikari 2008, Gooch 2014) also supports this reality, especially in terms of women's involvement in farm management either jointly with her husband or on her own due to her husband's out-migration, even if temporary (Holmelin 2019). This is discussed below on the emergent gender role shifts in Nepali society.

**Women's Mobility** - Gender norms restricting women's mobility are compounded by Nepal's difficult topography and poor road infrastructure and transportation systems, factors that are all linked to women's low engagement in paid work opportunities. Women's mobility, particularly in rural areas, is severely constrained because of geographical remoteness, long distances to work sites and limited modes of transportation. Furthermore, in the context of increasing male out-migration in Nepal, a stronger enforcement of social restrictions on women's mobility is evident through greater social surveillance and a heightened focus on secluding women to preserve their purity and sexuality. In the context of heightened social surveillance, women's mobility is also curtailed by the fear that local gossip about her whereabouts will potentially damage her reputation and marital relationship, thus limiting her economic options (Marcus 2018). Under these circumstances, women's greater work burdens in household production activities, combined with their care work, impose additional constraints on their mobility and ability to participate in the labour market.

78 Bulmer et al. 2020.

### Women's Property Ownership -

Across Nepal, customary and state laws governing inheritance and property ownership are predicated on patriarchal norms, resulting in women's limited inheritance rights and property ownership (Allendorf, 2007; Pandey, 2010; Mishra & Sam, 2016). Unequal property rights and inheritance practices persist despite recent constitutional and legal reforms<sup>79</sup> (IOM 2016; Rijal 2017) and the legal system itself seems to formalize patriarchal values persistent across Nepali society (IOM 2016). Article 25 of Nepal's 2015 Constitution states that every citizen has the right to "acquire, enjoy, own and sell, reap professional gains, and otherwise utilize or dispose property, subject to the existing laws." However, there is no specific provision for women in the present constitution regarding land and property under the Directive Principles and Policies (IOM 2016). Since women's rights to own and manage property – a critical component of economic security – have not been clearly articulated in the 2015 Constitution, discriminatory practices in inheritance, partition and the disposal of property continue to operate against women (IOM 2016).

As such, patrilineal inheritance and property rights prevail across Nepal, among all castes and ethnic groups (Pradhan et al. 2018), except for personal assets acquired through dowry (*daijo*) or gifts (*pewa*), discussed below. On average, 10.7 per cent of Nepali women own land and a house, while female ownership of land and a house in the Terai is relatively

79 Specific stipulations that guarantee women's access to land are still lacking in national legislature (OHCHR and UN Women 2013).

higher than elsewhere, at 12.3 per cent (with land ownership alone comprising 10.5 per cent). According to the prevailing gender norms and associated customs, women only inherit property if it occurs through *anshabanda*, the legal division of parental property before they get married (i.e. a woman is still in the care of her father).<sup>80</sup> As such, women's property rights are not continuous – they are interrupted by marriage, secondary to those of men and acquired primarily through patrilineal inheritance.<sup>81</sup> Once a woman marries, she cannot claim parental property. Men, on the other hand, are not subject to this stipulation because when they marry, they become the head of their household. The persistence of these norms and practices, which include the role of decision-making about land and property being assigned primarily if not solely to men,<sup>82</sup> hinder women's access to and control over land and property (IOM 2016), in turn delimiting their economic autonomy and security.

### Gender Disparities in Assets and Resources

The ability of women to own and control assets is significant for their empowerment. It is a route to enhancing their social status, economic security, decision-making<sup>83</sup> and bargaining power (Agarwal 1994) and reduces poverty and risk vulnerability

80 Uprety 2016.

81 Pradhan et al. 2018; Allendorf 2007; Pandey 2010; Mishra & Sam 2016.

82 In Nepal, the male head of the household (*ghar muli*) is considered the manager and ultimate decision maker (Ghosh et al. 2017) over joint household property issues (*sagol sampati*), such as land, housing, bank accounts, agricultural implements, livestock, food grains and household goods (Pradhan et al. 2018).

83 Allendorf 2017.

(Shrestha and Rijal 2016; Mishra and Sam 2016; Rijal 2017; Doss, Grown and Deere 2008; Pokheral 2008). In particular, fixed assets are significant because they serve as collateral in ensuring and improving personal and household income/economic security and highlight the recognition of women as active, productive agents who contribute to economic well-being. Gender-based asset disparities are evident across Nepal, with slight regional variations, and represent a significant source of disempowerment.

Women's access to and control over economic resources is very low across all caste and ethnic groups in Nepal, ranging from 33.7 per cent among Hill Brahmin women to 16.5 per cent among Madhesi Dalit women. Women from certain indigenous communities, such as the Yholmo, Lepcha, Chepang, Baramu/Brahmu and Byasi (from the Mountain/Hill Janajati category), own the least amount of land, which points to the amplified gender disparities indigenous women face. Furthermore, women's low awareness and inadequate knowledge of legal and administrative policies, such as the tax exemption for women registering land in their own names, serve as barriers to their ability to exercise their rights and claims to land (IOM 2016). Additional barriers include logistical and administrative challenges, given women's time constraints, mobility limitations and the lengthy, time-consuming procedures involved in land registration.

**Fixed Assets** - In terms of fixed assets, male-headed households have more income-generating agricultural assets and

fare better on the household asset index than female-headed households (Aryal et al. 2021). State law grants absolute rights to women over personal property acquired through *daijo* and *pewa*. However, patrilineal inheritance norms and women's lack of awareness on changes to property laws that expand their access to land deter many rural women from exercising their constitutional rights in this regard (Mishra & Sam 2016).

**Land Assets** - Women's land ownership in Nepal not only reflects gender inequities but class, caste and other social inequities as well, evident in the fact that 25 per cent of the population is estimated to be landless (IOM 2016) and a mere 9 per cent of women own land (Rijal 2017). Although women's land ownership has been increasing (FAO 2019),<sup>84</sup> a significant concern in this regard is that they often have little control over land, as it is considered part of the (joint) household they marry into. Patriarchal resistance to women's land ownership and perceptions about men being more capable of making financial decisions and handling land transactions (IOM 2016) also limit women's ability to make decisions on and control land as an asset, thus reducing its potential as a source of empowerment. These factors are also mediated by a woman's marital status, structural location within the household (as a daughter-in-law vs. a mother-in-law) and residence/household structure (joint or nuclear). Research has shown that women residing in nuclear

84 Female-headed households accounted for about one-fifth of total agricultural landholders in 2011 (an increase of 10 per cent since 2001), which can be partly attributed to tax exemptions on registering due to male out-migration (FAO 2019).



family households hold greater bargaining power in household decision-making (IOM 2016; Singh 2016; Pradhan et. al 2018) and tend to have greater agency in accessing and managing their personal property and that of the household.

**Financial Assets** - Women's access to and control over financial assets is hampered by several factors: social norms that assign husbands/male heads of households as the holder/decision maker of household income; women's low levels of fixed asset ownership (over land and other productive property) due to inequitable inheritance practices; the resulting lack of collateral at women's disposal, which is necessary to secure financial services (Xheneti, Karki and Madden 2018); women's lower ability to accumulate financial assets due to their concentration in unremunerated productive work in family agricultural and entrepreneurial pursuits; and a consistent gender-biased wage gap<sup>85</sup> (despite the existence of legal provisions stipulating equal pay) in agriculture and other sectors of work. Women's lack of property rights and ownership over other assets constrain their access to financial services (Bulmer et al. 2020).

In general, the use of banking services appears to be low in Nepal<sup>86</sup> but more so among rural women, who tend to rely on informal sources at exorbitant

interest rates, constraining their ability to build financial reserves and expand their productive activities (GoN 2015). According to recent data from Nepal's main financial institution, Nepal Rastra Bank (NRB 2020), less than half (45 per cent) the population aged 15 and over has a bank account, while among the poor, it is only 38 per cent. Account ownership is 50 per cent for men and 42 per cent for women. Access to banking institutions impose yet another constraint for women, especially in rural areas, where long distances and inadequate transportation encumber travel.<sup>87</sup> Low financial literacy, mobility restrictions and cumbersome procedures, including strict collateral requirements, are added challenges women face in particular. Even when a woman owns property, the patriarchal culture and practices of financial institutions impose an added layer of constraints by requiring that a woman's husband or father give her approval to secure financial services (Acharya and Pandey 2018; Xheneti et al. 2018; Bushell 2008). Under these circumstances, women tend to rely on informal lenders, which comes at a cost, given the fact that informal lenders have higher interest rates than formal banking institutions (HCI and Asia Foundation 2021).

**Gender Digital Divide** - According to recent data from the Nepal Telecommunication Authority (NTA), over 26.35 million people in Nepal (approximately 87 per cent of the country's population) are now connected to the

85 In both the agriculture and non-agriculture sectors, male wage earners received on average NPR 50 and NPR 90 per day more than female wage earners respectively in 2010/11 (CBS 2014). The gender wage gap is higher in rural areas, where women's wages are 25 to 50 per cent lower than those of men (UNESCO 2015).

86 One survey indicated that only 31 per cent of the Nepali population aged 15-65 have their own bank account and only 4 per cent of mobile phone owners use digital/mobile financial services (LIRNEasia 2018). No gender-disaggregated data were presented in this study.

87 The average time for someone to reach commercial banks is over two hours in rural areas (135 minutes) compared to 16 minutes in urban areas, partly due to rugged terrain and inadequate basic infrastructure (roads, electricity, security, information and communication technology).

internet and 72 per cent of the population between the ages of 15 and 65 own a mobile phone (LIRNEasia 2018). Still, less than 20 per cent of internet users in Nepal are women<sup>88</sup> and there is a gender gap in mobile phone ownership – women are 19 per cent<sup>89</sup> less likely to own a mobile phone than men (LIRNEasia 2018). Smartphone usage is higher among urban males and higher-income groups, while the use of basic phones is higher among rural females, which is indicative of the digital literacy gap by gender and socioeconomic status and, in turn, limitations on the use of mobile devices for activities with greater income-generating potential and social connectedness. This gender digital divide has implications far beyond access to the internet. It shapes and determines women's access to information, digital financial services and products, job information and opportunities and their ability to register their voice and assert agency on community and national issues.

## 2.1 POVERTY AND ITS GENDER-SPECIFIC ASPECTS



According to the UN Special Rapporteur on extreme poverty and human rights, Nepal has made great strides over the past few decades in reducing poverty in

88 Kharel 2021.

89 Eighty per cent of men as compared to 65 per cent of women own a mobile phone based on a survey conducted in April and May 2018 among 2,000 households and individuals from 100 wards in the seven provinces (LIRNEasia 2018).

absolute numbers and on multidimensional poverty rates (DeSchuter 2021). However, the Special Rapporteur also raised key concerns about increasing wealth inequality, intra-household inequalities that signal greater poverty among women, women's higher rates of poverty and illiteracy and the compounded forms of poverty experienced by Nepal's historically marginalized communities.

The Economic Survey 2019/20 estimates that about 18.6 per cent of people live below the poverty line in Nepal. According to the 2016 DHS, 22 per cent of female-headed households are in the poorest quintile compared to 20 per cent of male-headed households. Female-headed households are also more likely to fall below the poverty line due to gender discrimination and prevalent gender norms that prevent them from accessing and controlling productive resources and other economic and political opportunities.

Despite an overall reduction in national poverty levels, it is likely that women's higher poverty rates are related to gender disparities in access to education, food/nutrition and other indicators.<sup>90</sup> Women in rural areas are also more severely affected by poverty,<sup>91</sup> while Janajati, Madhesi, Dalit and Muslim women experience greater deprivation and exclusion because of their 'untouchability' status, ethnicity or religion. These factors limit their access to the critical social, economic and political

90 For example, health outcomes and service utilization are generally low in the poorest regions (i.e. Madhesh Province) and among women from the poorest households. According to the 2016 NDHS, 41 per cent of women were anemic in Nepal, which is a sign of poverty related to food insecurity and disparities in access to food based on gender norms and practices.

91 National Network for Beijing-Review Nepal (NNBN) 2020.



resources, networks and institutions that help ensure livelihood security.<sup>92</sup>

No significant gender differences are found in the percentage of the employed population (aged 15 and older) who are below the international poverty line (SDG Indicator 1.1.1), which is estimated at 5 per cent for women and 4.9 per cent for men.<sup>93</sup> In the absence of sex-disaggregated data along key indicators of deprivation, including comprehensive disaggregated poverty data on the extent of poverty, assessing its severity among different population groups and its implications for women and their households is difficult. It is safe to deduce that women in Nepal face greater income poverty, with relative deprivation on their quality of life due to constraints and barriers in terms of their access to and participation in the formal labour force; their high concentration in the low-paying informal sector and agricultural work; their low levels of access to and control over assets, resources and services (discussed below); and their high exposure to GBV (discussed in Chapter 4).<sup>94</sup> The intersection of gender and discriminatory/exclusionary practices are likely to worsen the poverty status of women from marginalized caste and ethnic minority groups in Nepal.

92 GESI Working Group 2017.

93 UN Women Nepal Fact Sheet. <https://data.unwomen.org/country/nepal>

94 GBV is documented as affecting all spheres of a woman's life, including her productivity (given the relationship between other impacts of GBV and economic security, like autonomy), capacity to care for herself and her children, overall health status and quality of life (Krantz 2002).

### 3. WOMEN'S EMPLOYMENT AND LABOUR FORCE PARTICIPATION IN PAID WORK<sup>95</sup>



In Nepal, a mere 9.5 per cent of women are employed in the formal sector. There are two forces shaping women's employment and labour force participation: the structure of the economy and patriarchal norms. Nepal's economy continues to be dominated by the agriculture sector, which is the main source of livelihood for 76 per cent of all households (World Bank 2019). A disproportionate share of wage jobs in the informal sector were held by men at 38 per cent (2.7 million) in 2018, primarily in industrial and services sectors, as compared to 13 per cent being held by women (1 million) (Bulmer et al. 2020). Twice as many women (6 million) do unpaid farm work than men (2.8 million).

**Labour Force Participation** - Although the population of working-age (15 and older) women (11.53 million) in Nepal is larger than that of men (9.2 million), there is a marked gender gap in labour market indicators. A recent study suggests that over 60 per cent of the 7.1 million people employed were men (CBS 2019) and nearly half (48.3 per cent) of men of working age

95 The LFPR measures the proportion of the working-age population who are actively engaged in the labour market, either by working or looking for work (ILO 2016).



were in employment<sup>96</sup> compared to just over one-fifth (22.9 per cent) of women (CBS 2019). For every 100 employed men, there were only 59 employed women, even though working-age women outnumber working-age men (125 for every 100).

As Table 1 below shows, the labour force participation rate (LFPR) for women is less than half that of men, which reflects a combination of restrictive patriarchal social norms and insufficient enabling mechanisms (legislative and programmatic interventions) to support women's entry into and opportunities in the labour market. The LFPR gap between men and women is constant, regardless of education (CBS 2019). For example, in the population of individuals with tertiary education, the female LFPR was 17.4 percentage points lower than that of their male counterparts (CBS 2019). Likewise, the female unemployment rate (13.1 per cent) is also higher than that of males (10.3 per cent) in most provinces with the exception of Gandaki and Karnali (ibid).

This gender-disparate pattern also extends across generations. Unemployment rates are highest among youth between the ages of 15 and 34, but nearly half of female youth are 'not in employment, education, or training' (NEET) compared to one-fifth of male youth.<sup>97</sup>

In Nepal, employment in the formal sector is much lower for both women (33.5 per cent) and men (40.3 per cent) than in the informal sector (CBS 2019), as shown below in Table 2. More women are employed in the informal sector (66.5 per cent) compared to men (59.7 per cent) and in agriculture (31.8 per cent women and 13.4 per cent men). By contrast, more men do informal non-agricultural work (45.8 per cent) compared to women (32.9 per cent). These data point to the precarious nature of employment in Nepal, especially for women, given their lack of economic security and social protection in informal work, as well as the social barriers to women's entry into formal employment.

TABLE 1. LABOUR FORCE DATA (CBS 2019)

	Women	Men
Population (age 15 and older)	11,537,000 (55%)	9,208,000 (44%)
Labour force participation rate	26.3%	53.8%
Unemployment rate	13.1%	10.3%
Employers	6%	11%
Own-account workers	26%	22%

96 CBS 2019 data obtained through the National Labour Force Survey (NLFS) 2018. This survey considered 'employed' people as only wage or salary recipients engaged in work or making profits in self-employment. As such, individuals engaged in subsistence farming and household care work were not included in the survey.

97 Paudel 2019.

TABLE 2. PROPORTION OF WOMEN AND MEN, BY SECTOR OF WORK (CBS 2019)<sup>100</sup>

Sector	Women	Men
Agriculture, forestry and fishing	33%	14.7%
Wholesale and retail trade	20.6%	15.6%
Manufacturing	13.4%	16.2%
Construction	4.2%	19.5%
Education	9.6%	6.8%
Accommodation and food services	6.3%	4.6%
Transportation and storage	0.3%	7.1%
Human health and social work	3.5%	1.8%
Other service activities	1.4%	2.7%
Public administration and defense	1.1%	2.4%
Others	6.5%	8.9%

**Employment by Sector** - Women outnumber men in five sectors of the economy (see Table 2): agriculture, wholesale and retail trade, education, accommodation and food services and human health and social work. This pattern is indicative of three trends: women's disproportionate concentration in agriculture, structural shifts in the economy<sup>98</sup> and women's inroads (in small/micro family firms) into wholesale and retail trading activities, a sector that increased its share in total employment.

**Gender-Based Earning Gaps** - Although the Labour Act 2017 prohibits gender-based discrimination in wages, there

continues to be a marked gender wage gap in earned income. Despite significant progress made in ensuring wage equality for similar work, women's average wages stand at only 62 per cent of that of men,<sup>100</sup> with women earning 5,384 Nepali rupees (NPR) less than men. According to the ILO (2019), the average gender pay gap in Nepal is 28.9 per cent, which is nearly double the global average (15.6 per cent). Occupational segregation, which is partly related to gender-biased perceptions and social norms governing women's appropriate roles, notions about propriety/respectability and mobility constraints, influence and contribute to the large earnings gap between men and women (Bulmer et al. 2020; Deshpande and Kabeer 2019; Marcus 2018). CBS 2019 data on monthly earnings reveal that men (80.9 per cent) disproportionately earn the highest monthly incomes in Nepal

98 Bulmer et al. 2020.

99 Sectors where employment rates are low (1 per cent or below) have been left out of this table, i.e. mining and quarrying; electricity, gas, steam and air conditioning supply; water supply; information and communications; real estate activities; professional, scientific and technical activities; arts, entertainment and recreation; private households; and activities of extraterritorial organizations and bodies.

100 NPC 2017.

**TABLE 3. AVERAGE (MEAN) MONTHLY EARNINGS (IN NPR), BY OCCUPATION AND SEX (CBS 2019)**

Occupation	Male earnings	Female earnings	Difference between male and female earnings
Managers	34,162	29,342	4,820
Professionals	25,684	14,742	10,942
Technicians and associate professionals	26,494	21,838	4,656
Clerical support workers	17,021	14,948	2,073
Service and sales workers	15,194	10,580	4,614
Skilled agricultural forestry and fishery workers	13,640	12,816	824
Craft and related trades workers	21,803	15,686	6,117
Plant and machine operators and assemblers	17,578	9,401	8,177
Elementary occupations	15,033	11,388	3,645

(NPR 150,000 to 250,000), as compared to 19.1 per cent of women. Conversely, more women (58 per cent) than men (42 per cent) earn the lowest monthly income (less than NPR 7,600). Similarly, consistent wage gaps are apparent between women and men at every level of occupation, as shown above in Table 3.

**Shifting Patterns of Work** - Structural changes in Nepal's economy over the past two decades has meant a shift away from agriculture<sup>101</sup> as a source of employment to a gradual shift towards industrial and service activities (Bulmer et al. 2020). Within the service sector, the proportion of female workers has increased, as women have started to work in places such as companies and hotels, houses (as domestic labour) and in educational sub-sectors. Nonetheless, men's involvement

in the service sector was 12.2 percentage points higher than women's in 2011 (CBS 2014c). Such increases are due to Nepal's thriving tourism industry and export business, along with better-organized ways for companies to hire human resources. Male overseas and cross-border (to India) migration over the decade of 2001 to 2011 emerged as an increasingly important source of employment (CBS 2014c), resulting in a 'feminization' of agriculture, discussed further below.

**"Now we have to take the roles of both male and female in agriculture; we are managing all agricultural activities, but it is really hard to work at night (for irrigation). Similarly, it is hard to plough. Our traditional plough is heavier for us to use."**

– A woman from Nalma, quoted by Tamang et al. 2014.

<sup>101</sup> The decline in agriculture in Nepal is attributed to many factors, including the lack of modernized farming; a decline in rainfall; and difficulties with irrigation, marketing and transport constraints (IOM 2019).

## 3.1 WOMEN'S WORK IN THE AGRICULTURE SECTOR



Nepal is still predominantly an agrarian economy. Agriculture remains the main livelihood for two-thirds of Nepal's population as well as the main livelihood for 78 per cent of women in Nepal (Bulmer et al. 2020; Gurung and Bisht 2014). Currently, over 80 per cent of women in Nepal are employed in the agriculture sector, as compared to 62 per cent of men (FAO 2019), primarily as subsistence (unpaid) producers. Women are more frequently involved in producing subsistence crops, such as millet, maize and soybeans, while men are more frequently involved in producing crops for the market, such as rice and commercial/cash crops. This gender disparity alone likely acts as a hindrance to women's income security. It also underscores the fact that their human capital is underutilized, as they remain disconnected to broader and expanding areas of the economy. Women contribute 60 per cent of the labour in crop production and 70 per cent of the labour in livestock and poultry production (GoN 2015), partly due to high levels of male out-migration, which alone has resulted in severe labour shortages in the agriculture sector. Farming activities have become increasingly dependent on women (who contribute over 70 per cent of agricultural labour) as well as other vulnerable and older groups of people (ibid).

**Feminization of Agriculture** - The increasing concentration of women in agriculture, which is often referred to as the 'feminization' of agriculture, has been a common phenomenon across developing countries since the 1960s, largely as a result of male exodus to more lucrative sectors of work. In Nepal, this phenomenon can be traced to several factors: the decade-long Maoist insurgency,<sup>102</sup> rural-to-urban male out-migration (Karki and Seddon 2003), the non-viability of farming as an economic option (Gartaula et al. 2010; Paudel et al. 2010) and the appeal of overseas work. Male out-migration has resulted in a rural labour shortage in agriculture, which has in turn reallocated decision-making on household labour and productive activities to women.

**Non-Recognition of Women's Contributions** - Although many women have resorted to undertaking activities traditionally assumed by men, such as ploughing (which was once considered taboo) and other tasks, such as irrigation and the application of fertilizer and pesticides, the significance of their contribution to the agriculture sector, household subsistence security and overall rural development remains unrecognized (FAO 2019). Their role as farmers and agricultural producers with skills and knowledge is also undervalued and inadequately recognized and quantified. The compounded burden of assuming productive and reproductive work has negative implications for women's health and well-being (Cornheil 2006; Gartaula et al. 2010; Tamang et al. 2014). Furthermore, the excessive workloads and time burdens

<sup>102</sup> Data on labour permits issued for migrant work confirms this pattern. At the beginning of the insurgency in 1996, a little over 3,000 labour permits were issued. By the end of the insurgency in 2005/2006, the number of permits dramatically increased to 165,103 (IOM 2019).



entailed in combining agricultural work with domestic and childcare work has also led to some generational gender inequities, as daughters are more likely to be recruited to assist in childcare and domestic work than sons (Raut and Tanaka 2018). In sum, the feminization of agriculture in Nepal has resulted in few concomitant gains for women in terms of visibility/recognition and social and economic empowerment.

Women's responses to cope with these excessive time and work burdens include: a) reducing cropping intensity,<sup>103</sup> b) departing from the family-based agro-forestry integrated system, c) increasing their adoption of commercial/cash crops,<sup>104</sup> d) diversifying their work to non-farm activities, e) decreasing food production and a shift to purchased food and f) decreasing dietary diversity, which has led to increased food insecurity as a culmination of the previous four factors. The end result has been diminished food security and greater nutritional insecurity. According to the available data for 2018,<sup>105</sup> 7.8 million Nepalis live with severe food insecurity, which has graver nutritional consequences for women and children.<sup>106</sup>

<sup>103</sup> Specifically, this includes a shift to less labor-intensive agricultural practices, like longer fallows and abandoning the use of some land parcels. It also involves reducing cropping cycles and opting out of growing more nutritious indigenous crops, such as millet, buckwheat and barley.

<sup>104</sup> These include spices, non-timber forest products (NTFP), medicinal and aromatic plants, fruits and vegetables (Holmelin and Aase 2013; Gurung et al., 2016; KC et al. 2016).

<sup>105</sup> FAO, IFAD, UNICEF, WFP and WHO 2018.

<sup>106</sup> Nepal's nutrition indicators point to both caloric and micro-nutrient deficiencies: 53 per cent of children and 46 per cent of women of reproductive age are affected by anemia; one-third (36.1 per cent) of the child population aged 0 to 59 months suffer from undernourishment; 30.1 per cent of children aged 6 to 59 months are underweight; 36 per cent of children under 5 are stunted and 11.3 per cent are wasted (UNDP 2020).

As shown in the Statistical Annex of this CGEP (p. 17), close to one-third (30.5 per cent) of women aged 15 and older were food insecure (the average measure was over a three-year period between 2016 and 2018) compared to 28.8 per cent of men in that age range.

### Gender-Based Wage Gaps in

**Agriculture** - Women's wages in agriculture are 25 per cent lower than men's wages, and the gender wage gap is higher in rural areas (UNESCO 2015). In some areas and for some tasks (e.g. harvesting), women's wages are half that of men, despite women's reputation for working faster and more thoroughly in harvesting activities (Holmelin 2017).

## 3.2 WOMEN AND MIGRANT LABOUR



Migration in Nepal is primarily for foreign (overseas) employment and undertaken predominantly by men, although there has been an increased number of Nepali women seeking work abroad over the past two decades (IOM 2019). While migration data in Nepal are still inadequate, available data on 'absentees' (non-residents) in Nepal's 2011 census (a proxy measure of out-migration rates) suggested that 87.6 per cent were male and 12.4 per cent were female. Despite this gender gap in the number of migrants, out-migrating women perceive it as a source of social autonomy and economic empowerment. A similar effect is documented in research





on spouses of male migrants, indicating that women have gained increasing autonomy and discretion over household budgets (Maskay and Adhikari 2013). Migration has also provided a way for some women to escape violence.<sup>107</sup> Most importantly, women's labour migration has also contributed to shifting the societal perception of women as dependents to women as 'economic actors' (UN Women 2018.) Nonetheless, women's labour migration experiences have also been fraught with serious risks, such as the risk of trafficking, labour exploitation and death, which will be discussed below.

**Drivers of Migration** - The main forces that drive migration include Nepal's high unemployment levels;<sup>108</sup> the desire to secure more lucrative and skilled employment; the need to improve income to meet immediate financial needs, such as education for children, loan repayments and medical care for family members (ILO 2015); and the desire to escape political conflicts (Kattel and Upadhaya 2018). According to the International Organization for Migration (2019), many Nepalis migrate to ensure a sustainable livelihood, especially in light of development challenges in the agriculture sector.

**Significance of Migration for Households and the Economy** - The remittances generated from foreign employment have become a major contributor to Nepal's economy, equivalent

to 25.4 per cent of GDP in 2018/19.<sup>109</sup> Generally, the influx of remittances<sup>110</sup> is considered to have improved living standards for the one-third of Nepali households that receive remittances.<sup>111</sup> Female migrants contributed to 11 per cent of remittances to GDP in 2001 (latest year available, CBS 2014c). Evidence suggests that remittances are used mainly for health and education (Maskay and Adhikari 2013), signalling its impact on human capital development (Bansak et al. 2015). However, other available research (Raut and Tanaka 2018) suggests that there is a gender-specific allocation of such investments, with boys receiving more education resources than girls. Lower allocations to food consumption suggest that even households with incomes augmented by remittances (off-setting household budget constraints) continue to rely on the production of subsistence goods, which is primarily assumed by women.<sup>112</sup>

**Gender-Specific Implications of Out-Migration** - There are mixed and paradoxical effects of migration (whether it is male out-migration or women's out-migration), with women experiencing empowerment in some domains and disempowerment in others. In the former case, a greater sense of agency, autonomy and decision-making power has been reported by women who

107 International Labour Organization 2015.

108 MoLE data suggests that local-level unemployment is among several factors triggering foreign out-migration (2018, P. XI).

109 Nepal Rastra Bank Macroeconomic Database 2019.

110 Remittances have become one of the foremost sources of income in Nepal, with an increase in the percentage of households receiving some sort of remittance from 23 per cent in 1995/96 to nearly 56 per cent in 2010/11. Remittances accounted for 17 per cent of all household income at the national level according to the Nepal Living Standards Survey 2010/11 (CBS 2011) and accounted for as much as 31.3 per cent of GDP in 2016 (World Bank 2017).

111 World Bank 2018.

112 Thapa and Acharya 2016.

migrate for work (Maskay and Adhikari 2013) in addition to an easing of budget constraints, as noted above. Although male out-migration has benefitted left-behind households economically, research shows that the greater time burdens women face in assuming household agricultural production as de facto household heads have added to their stress (discussed above).<sup>113</sup> Their greater social and economic vulnerability is evident in research that suggests they fall victim to economic exploitation and social castigations,<sup>114</sup> as well as sexual violence (including rape and sexual harassment).<sup>115</sup> Nonetheless, increased decision-making roles and engagement with local groups are found to increase women's empowerment and build social capital.<sup>116</sup>

The main impact of male out-migration on women concerns the challenges faced by left-behind women in coping with the loss of male labour, as discussed above in section 2. Male out-migration is associated with significant changes in intra-household labour allocations and decision-making (ibid). Similarly, when remittances are not received regularly, household food insecurity is exacerbated, causing the likelihood of gender-differentiated food allocation patterns (WB and FAO 2018). Conversely, women's ability manage remittances is positively associated with increased female decision-making on farms, greater group membership and improved financial management (ibid).

113 Butyral 2015.

114 For example, being charged with accusations of misusing remittances, extra-marital affairs, etc.

115 Nepal Institute for Social and Environmental Research 2019.

116 Kar et al. 2018.

In addition to shifting the societal perception of women from dependents to economic actors, women's subjective perceptions of work abroad are that it is a source of agency and confidence-building that is useful for challenging traditional social norms and stereotypes and for autonomy and empowerment. However, efforts are needed to mitigate the risks of violence encountered by women working across the migration chain. Due to travel through informal and irregular routes, women migrant workers face breaches of contracts, theft or being cheated out of earnings, labour violations and various forms of abuse (verbal, physical and sexual abuse) by their employers in destination countries, sometimes resulting in death and disability. The risk of trafficking is yet another concern. Nepal's National Human Rights Commission (NHRC) estimates that there are at least 35,000 Nepali people caught in human trafficking situations in India, out of whom 15,000 are women.

### **Policy Frameworks and Institutions to Address Migration Issues**

Since migration for foreign employment began in 1985, the GoN has developed several legislative and policy frameworks, including the ratification of 11 international conventions that ensure rights to fair and decent labour practices. In the 1990s, the GoN introduced various laws, policies and directives aimed at regulating foreign employment, as shown in Box 1. Many of these are excessively restrictive and not necessarily gender-responsive, although their intent is to minimize the risk of exploitation and protect the rights of migrant workers. The GoN has also entered into bilateral agreements and

memorandums of understanding (MoU) with different destination countries that intake women migrant workers, including a project related to fair recruitment and decent work in South Asia and the Middle East (2013-18). The GoN also participates in processes that provide oversight on

migration issues, such as the Colombo Process and the Abu Dhabi Dialogue. Other efforts include the establishment of a Foreign Employment Tribunal and a Welfare Fund, both of which provide compensation in the event of death or disability among migrant workers.

### BOX 1: PROVISIONS ADOPTED BY THE GON ON WOMEN MIGRANT WORKERS (SOURCE: IOM 2019)

1985 - 1998	Foreign Employment Law adopted, requiring women to obtain consent of a 'guardian' (parent, husband or other relative) to go abroad for employment.
16 May 1997	A decision is adopted to permit women to work in certain organized sectors abroad.
5 March 1998	A ban on international labour migration for women is introduced.
16 November 2000	The ban was lifted with the condition that women must obtain a guarantee for their security from the Nepali Mission in the destination countries. This provision was not applicable in Gulf countries, which meant women could not lawfully seek work in the Gulf.
21 January 2003	The provision requiring a guarantee for security from the Nepali Mission in destination countries is extended to Gulf countries.
27 March 2003	Additional conditions are imposed on women migrants, such as getting re-approval from the government after temporarily visiting Nepal.
8 May 2003	A requirement for women migrants to obtain approval from the local government and family members before departing for foreign employment is introduced.
31 May 2005	Migration for foreign employment to Malaysia is opened to women migrants working in the organized sector.
17 January 2007	Restrictions are lifted to permit female workers to migrate for foreign employment in the organized sector.
5 September 2007	All additional conditions for female migration (age, working conditions in the destination, etc.) are withdrawn.
5 September 2008	Women migrant workers are permitted to work in Gulf countries and Malaysia, except in domestic work.
January - May 2009	Female domestic workers are no longer permitted to go to Lebanon.
December 2010	The GoN allows women to go to Saudi Arabia, Kuwait, the United Arab Emirates (UAE) and Qatar for work and new protection measures are put in place.
October 2011	The ban on women migrant workers working in the domestic sector of Gulf countries is lifted and Nepal aims to send about 150,000 female workers to the region.
9 August 2012	Women under age 30 are barred from migrating as domestic workers to Saudi Arabia, Qatar, Kuwait and the UAE.

July 2014	A temporary ban is placed on housemaids migrating abroad (except for those who have already obtained a permit), citing the need for stronger “regulation to protect them from widespread abuse and exploitation.”
April 2015	Women migrant workers under age 25 are prohibited from migrating to Gulf countries as domestic workers and new protection measures are put in place.
13 May 2016	Women migrant workers above age 24 are permitted to migrate for domestic work to Gulf countries and Malaysia with the assistance of selected recruitment agencies based on a separate labour agreement with the destination countries.
August 2017	Women migrant workers are once again prohibited from working in the domestic sector in Gulf countries, following a parliamentary committee field visit report.

### 3.3 WOMEN IN INFORMAL SECTOR WORK<sup>117</sup>



In Nepal, 90.5 per cent of the estimated 3 million women in the labour market work in the informal sector (NLFS 2017/18) compared to 81.1 per cent of men.<sup>118</sup> According to the Asia Foundation,<sup>119</sup> these women are employed in a range of informal sector work, from small or medium enterprises (SMEs) or in service-oriented jobs (salons, massage parlours and domestic services). Roughly two-thirds of the 73,000 domestic workers employed in private households are women, who are often also the sole breadwinners of their families (CBS 2018). Women face various

<sup>117</sup> The informal sector entails a wide range of economic activities that are generally insecure (i.e. jobs that do not offer guaranteed work or income and are often based on informal arrangements or agreements) and provide no social protection or benefits. The types of informal sector work that women are engaged in include domestic work, home-based work in global and local value chains, street vending and short-term/seasonal work in agriculture (Bonnet et al. 2019).

<sup>118</sup> CBS 2018.

<sup>119</sup> Upadhyay and Karki 2021.

constraints in setting up and operating SMEs, especially in terms of accessing start-up capital, a lack of business knowledge, accessing market information and networks (Acharya 2001), mobility constraints and emerging attitudes about entrepreneurship being a male preserve<sup>120</sup> (Acharya and Pandey 2018).

**“Women have not been able to find an appropriate environment to work in the formal sector due to their social responsibilities at home... Lack of daycare centres in the workplace and a women-friendly environment is yet another factor for not many women being in the formal jobs.”**

- Saru Joshi, quoted by Shrestha 2019.

SMEs are a vital source of income for women and contribute to 22 per cent of Nepal’s GDP (CBS 2018), yet only half are registered and only 12.8 per cent are fully or partially owned by women (Berger 2014). Even though business concessions

<sup>120</sup> Given the context of gender norms that perceive and assign women primarily (if not solely) to the domain of home and as homemakers (Acharya and Pandey 2018).



are available to women entrepreneurs (i.e. a 35 per cent discount off the registration fee if it is solely owned by a woman and 20 per cent discounts for patents and other intellectual property rights), women's lack of awareness of such provisions and the cumbersome process of registering businesses are a documented deterrent (Acharya and Pandey 2018). Many SMEs are registered formally under a woman's name simply to access these concessions, while women who wish to set up SMEs in their own name are also hampered by the reluctance of financial institutions to provide them with capital and credit services (Acharya and Pandey 2018).

## 4. WOMEN'S UNPAID WORK: IMPLICATIONS FOR ECONOMIC SECURITY



"The State shall pursue the following policies: (...) Policies relating to social justice and inclusion (...) Economically evaluating the work and contribution, such as the maintenance of children and care of families."

- 2015 Constitution of Nepal, Article 51 (j)(4)

The 2015 Constitution stipulates that care work is an economic contribution that should be considered in policies for social justice and inclusion. However, care work has not become a public policy priority in Nepal. Furthermore, women's unpaid activities in productive work (i.e. as 'contributing' workers<sup>121</sup> in household agricultural, entrepreneurial or service work) have not been addressed through policies and legislation. An additional concern is the lack of comprehensive data on the extent to which women undertake various types of unpaid work, including unpaid care work and unpaid productive activities. To date, no national data<sup>122</sup> have been collected on the *volume* of unpaid work done by Nepali women, men and children, although the comparative levels of involvement in the category of 'production of services for own use' (i.e. household and family maintenance activities) have been measured, which is discussed in section 4.1 below.

Available data indicate that 60 per cent of employment in Nepal is in unpaid work<sup>123</sup> and almost three-quarters (73 per cent) of these contributing family workers are women. Looked at another way, 27 per cent of women in the labour force in Nepal do not earn wages. Unpaid work is done *primarily* by women, such as 'own-

121 Contributing family workers are those who work in an enterprise owned or operated by a family member residing in their household. For example, these can include family farms that produce goods sold in markets or a small shop owned by a family member. Although the household benefits from the income generated by their work, these workers are usually unpaid.

122 The NLF5 2017/18 (CBS 2019) only captured which household members performed any of these unpaid productive activities in the reference period.

123 Bulmer et al. 2020.

account production work<sup>124</sup> but often not measured in national labour force statistics. The last Labour Force Survey launched in Nepal (2017/18) found that irrespective of their labour market status, 65.6 per cent of women (compared to 51.4 per cent of men) were involved in at least one activity related to producing goods for their own use, which are unpaid activities.<sup>125</sup> In terms of differences in time invested in work, women in Nepal work more hours than men, but much of it is unpaid.<sup>126</sup>

This section augments the discussion on unpaid care work in Chapter 1, with an analysis of the implications of unpaid care work on the invisibility of women's productive contributions (section 4.2), perceptions and attitudes about care work (section 4.3) and the impact of care work on reducing the human capital potential of women and girls (section 4.4). Over the past decade, women's engagement in paid work has increased (Brauner-Otto et al. 2019) and more women are contributing to household incomes and economic security, but there has not been a corresponding shift to men sharing the roles of caregiving (NLFS 2017/18).

## 4.1 GENDER INEQUITABLE DISTRIBUTION OF CARE AND DOMESTIC WORK



There are glaring inequities in the way unpaid care work is undertaken in Nepal. Over half (52.8 per cent) of men have no involvement in unpaid care work compared to 9.3 per cent of Nepali women (CBS 2019). Women bear a disproportionate burden of unpaid care and domestic work, including caring for children, the elderly and sick family members. This pattern is consistent, regardless of female and male employment status – whether they are employed full-time, part-time or unemployed (NLFS 2017/18). This means that more than 90 per cent of women who have paid work outside the house still carry responsibility for care work at home.<sup>127</sup> Although women in Nepal often spend five times more time than men on unpaid care work,<sup>128</sup> it is not captured in data and usually not considered in the design and implementation of economic and social policies (ActionAid 2013) despite its economic value.

Table 4 captures the gender-disproportionate involvement in care work,<sup>129</sup> in which women are more than twice more involved than men. This

124 This includes producing goods (subsistence food production, fetching water or fuel, making household items or building your own dwelling) and domestic care services (housework, cooking and caring for children, elders or ill family members).

125 It is important to note that although this work is not considered part of the labour force, the goods produced are considered part of the 'system of national accounts' and therefore given value as part of Nepal's GDP.

126 The Nepal Labour Force Survey of 2017/18 reports that men work an average of 48 hours per week in their main job compared to 39 hours for women. This does not, however, consider the hours that women invest in other productive tasks nor their unpaid domestic and care work (estimated at an average of 5.5 to 6 hours per day in Budlender 2013; AA and HIDR 2019).

127 There is a high likelihood that among the 10 per cent of women who do not assume primary responsibility for household work, such work is typically undertaken by a female domestic worker employed by their family.

128 Nesbitt-Ahmed and Chopra 2014.

129 This table compiles both types of domestic and care work activities, even though CBS 2019 has categorized them separately as "production of service for own final use" and "production of goods for own final use" in order to depict women's disproportionate involvement in both.



**TABLE 4. PRODUCTION OF SERVICES AND GOODS FOR OWN FINAL USE, BY AGE 15+, ACTIVITY AND SEX (CBS 2019)**

Activity	Women	Men
Household chores (cooking, cleaning, washing and minor maintenance)	88.7%	38.5%
Subsistence foodstuff production/processing	61.3%	47.2%
Fetching water	14.4%	9%
Collecting firewood	21%	11.1%
Help or providing assistance to elderly, ill or disabled family members	3.3%	2.1%
Looking after own children or family's children	28.3%	13.2%

gender inequity is even greater in some regions of Nepal. For example, research in the Kathmandu Valley (Shrestha 2008) found that even fewer men share unpaid household work: more than 85 per cent of men reported that women receive no help with domestic work, from preparing meals to collecting fuel or water and supervising children.

**Significance:** Women's unpaid domestic and care work not only reflects the unequal and disproportionate burden women assume in sustaining families and ensuring well-being and quality of life. It also represents an unaccounted foundation of the economy, subsidizing the cost and investments of care, and a formidable barrier to women's engagement in the labour force, curtailing the possibilities of their optimal contributions to the economic, household economic security and other aspects of social and public life. As Poudal et al. (2018) note: "unpaid care work entails a systematic transfer of hidden subsidies to the rest of the economy that are unrecognized, however imposing a systematic time-tax on women" (p. 18).

## 4.2 THE INVISIBILITY OF CARE WORK



The lack of data about unpaid domestic and care work has serious consequences. Framing care work as an issue within families and households and not the business of the state means that the government "[is] not implicated if care is performed to a low standard, if it leads to exhaustion for the carers, or if it is done by exploited and abused carers who have no employment rights because their work takes place within private households."<sup>130</sup> In Nepal and globally, there is an under-investment in infrastructure that would contribute to reducing women's care work burden. The invisibility of women's unpaid work contributes to this dynamic; this work and its costs are not counted and therefore not considered in economic or cost-benefit analyses. The fact that domestic and care work is seen as women's 'natural responsibility' makes it an issue for households, not communities and governments. Women have less voice in

130 Chopra and Sweetman 2014, p. 413.

decision-making; even elected women report having difficulty getting their perspectives heard and other women often don't have the time, let alone the support or confidence, to speak out in their own interest. The biggest barrier to having women's priorities taken into account is the widely held idea that women are better suited to the private sphere and less worthy of public investment.

### 4.3 ATTITUDES AND PERCEPTIONS ABOUT UNPAID WORK

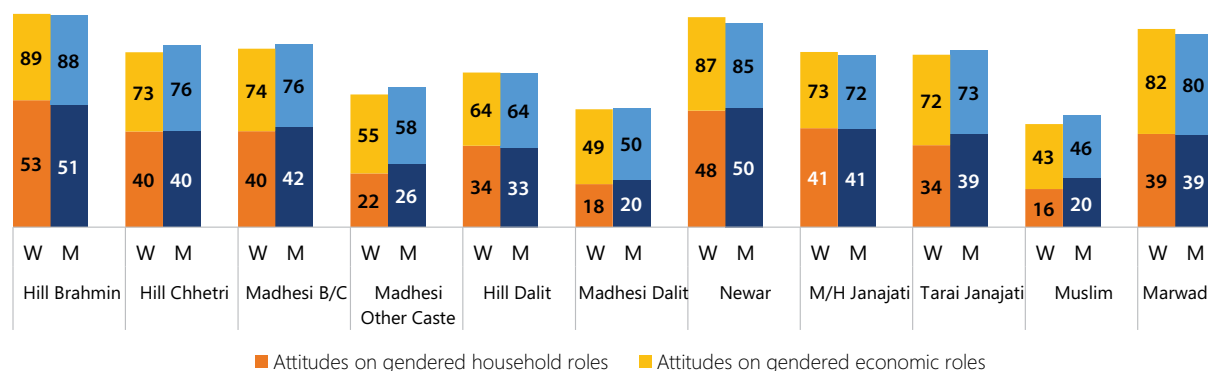
Attitudes and perceptions about gender roles and the gendered division of labour in productive and reproductive spheres are significant factors in shaping the unpaid work burdens Nepali women bear. Social norms that assign women and girls primary responsibility for domestic and care work cut across all groups in Nepal and are remarkably consistent. Changes in attitudes

about care work – like who should do it – seem to come more slowly than changes in other aspects of the household division of labour.

NSIS data from 2018 found that women and men across all caste and ethnic groups had relatively more positive and egalitarian attitudes towards women's engagement in paid work *outside the home* than they did about household gender roles. On average, more than 60 per cent of women and men continue to believe that women's most important role is taking care of the house and family and that it is shameful for men to undertake household chores. These beliefs are held even more widely by some ethnic and caste groups, as shown in Figure 1.

Muslim women, Dalit women from the Terai and women from Madhesi OCs experience the most strictures regarding gender roles and social norms. These three demographic groups tend to have the largest households and the highest dependency ratios (NSIS 2018), suggesting a greater burden of unpaid care and domestic work falls on women in these

FIGURE 1. ATTITUDES ON GENDERED ECONOMIC AND HOUSEHOLD ROLES (IN %), BY SEX AND CASTE/ETHNICITY (NSIS 2018)





communities. Dalit women in the Terai and the hills experience an added layer of vulnerability in the form of caste-based discrimination, which encumbers their ability to carry out household care and domestic work. For example, caste-based proscriptions on accessing water from village taps often force Dalit women to travel to distant water sources. This alone adds more hours and physical demands to their unpaid work, which further constrains their ability to participate in social networks and opportunities for paid work.

## 4.4 IMPLICATIONS OF UNPAID WORK: TIME BURDENS AND DIMINISHED HUMAN CAPITAL



While the goods and services produced by unpaid family workers support household incomes and contribute to the national economy, they do not boost women's economic position in their family or community. The perception that care work is unproductive invalidates and undervalues women's contributions, while the lack of an independent income because of care work responsibilities decreases women's bargaining power and increases their dependence on men in the household. Care work is generally less valued than paid work by women themselves, their families and communities, and the time women invest in caring for children is not considered 'real' work. In

addition to the sheer volume of unpaid domestic work, the tedious and physically demanding nature of this type of work and its intensity are added considerations (e.g. carrying water or fuel over long distances or through difficult terrain). Unpaid care work often involves multiple simultaneous tasks, such as cooking while supervising children's homework and feeding an infant. Budlender and Moussié (2013) found that the women who took part in their study multitasked for over 14 hours each day, which included caring for small children during normal sleeping hours.

**"How can I do [any more] paid work; I have no one to look after my daughters. Therefore, I can't buy salt, oil or rice. I just look after my daughters and do the household work, as there is no one to help. And, for the personal work or any paid work I might get, I leave my children inside the house and go to work"**

– A woman from Chandannath, who has three children under the age of six (Ghosh et al. 2017, p. 37)

Although there appears to be increasing support in communities for women to seek employment, the burden of unpaid care work affects whether and how women can engage in paid work. Care of children, especially young children, was found to have the biggest effect on women's ability to take on paid work, especially when there is no support for childcare (Ghosh et al. 2017). Nearly two-fifths of women (39.7 per cent) reported their care work responsibilities as the

main deterrent for not taking part in the labour force (NLFS 2017/18). This pattern of women's traditional duties impeding their access to formal employment has implications for their economic security, given the lack of social security in informal employment. While all women, regardless of class, caste and ethnicity, are expected to assume childcare and domestic work responsibilities as a 'natural' part of their gender role, women living in poverty are disproportionately encumbered by this expectation, given the costs of securing basic amenities and services (Action Aid 2017).

While paid work reduces poverty among women and within households, juggling the demands of both paid and unpaid work also creates 'time poverty.' Small-scale studies suggest that rural women work a total of 1.4 hours for every one hour that men work.<sup>131</sup> Employed women balance their job responsibilities and care work by stretching their days – getting up earlier, going to bed later and reducing their leisure time. Women with more hours of employment (whether during certain seasons or longer term) report needing to leave some of their domestic responsibilities undone and worry about the quality of work they are able to perform at home or in paid positions. It is common for unpaid work to be transferred intergenerationally to daughters or elder women, which reduces study time for girls. Although families recruit sons to assist with domestic work, it happens less frequently among sons than daughters. Women with more resources pay other women for domestic help. While paying another

woman does bring care work into the recognized economy and provides work for other women, domestic workers are often low-paid and have very few legal or social protections.

The most serious impact of the disproportionate burden of unpaid care work identified by poor rural Nepali women in the available research is the depletion of their physical and mental well-being, a theme that is echoed in many countries: "*There was a constant refrain from women about how tired they felt and the emotional effects of constant drudgery and lack of rest.*"<sup>132</sup> Most women in these studies also report spending time volunteering in their communities and participating in development projects. They noted the intrinsic value of participating in groups (such as financial support, social networking and learning) but also highlighted the time it costs them and the fact that mandatory participation added pressure and increased their 'time poverty' (Ghosh et al. 2011).

Several other factors affect the overall volume, intensity and drudgery of unpaid care work. In terms of 'indirect care work,' such as cooking or subsistence farming, access and proximity to physical infrastructure was found to make a difference (Folbre 2018). Evidence from one study (Folbre 2018) showed that the distance to water taps, availability of electricity, state and location of roads and access to agricultural processing services (like mills) made a significant difference in the time and drudgery involved in

131 Budlender and Moussié 2013.

132 Ghosh et al. 2011 referencing Eyben and Fontana 2011, p. 40.

women's unpaid work. It also affected the type of paid work women could undertake and the consequences they experienced from the double burden of paid and unpaid work. For example, if water or firewood was further away, thus requiring more time to access, women were less likely to undertake hard physical paid work, such as construction jobs. This study also noted that the lack of one service could undermine or even negate the value of other resources. For example, the use of liquid petroleum gas (LPG) saves time in fuel collection (and creates a healthier indoor climate), but in places where public transport is scarce, getting to the market to refill canisters can be very time-consuming (ibid).

**Unpaid Work as a Barrier to Paid Employment** - Women's unpaid work in both reproductive (i.e. domestic and child care) and productive work (e.g. subsistence production) limits their time and opportunities to engage in remunerative work. Available data indicate that three-quarters of new jobs taken up by women between 2008 and 2018 were in non-wage self-employment or unpaid family work, much of which was farm work (Bulmer et al. 2020). Women are also more likely than men to do unpaid farm work (6 million women compared to 2.8 million men). In effect, the pervasiveness of traditional gender roles continues to hinder women's economic security and contributes towards the underutilization and under-remuneration of female human capital.

## 5. CLIMATE CHANGE AND WOMEN'S ECONOMIC SECURITY



The gender-specific aspects of climate change in Nepal merit consideration, due to its disproportionate effects on women and the prevailing inequities in rights, assets, resources and decision-making power that women already face (UN Women 2020). Age-old patterns and practices of structural discrimination at the intersection of gender-biased social norms compound the vulnerabilities of women in Nepal, especially those from impoverished and marginalized caste and ethnic groups (Gurung and Bisht 2014). Women's unequal access to resources and narrow assets base are not only rooted in customary practices and gender norms but also in the many social, economic and legal barriers they face and their lower decision-making power within households, community organizations and the social arena. Yet, as documented in this chapter, women's increasing roles in agriculture and shifts in the gendered division of labour due to male out-migration have placed the responsibility of household subsistence security squarely on women.

Nepal's geophysical terrain is a factor in the way climate change is affecting the country and women in particular. Approximately 47 per cent of Nepal's land area is mountainous, 33 per cent is forested and only 20 per cent is arable land (THF 2016). Women are currently the primary users of Nepal's natural resources in terms of

agricultural land, forests and water, given their extensive and disproportionate involvement in subsistence production; their roles in collecting forest products (fuel wood, fodder, bedding materials, medicinal products and other non-timber products<sup>133</sup>) for household use and income (Upadhyay 2005); and their greater responsibility for collecting and transporting household water for irrigation and household farming. These factors, which are compounded by gender norms and social restrictions that constrain their lives, make rural women in Nepal disproportionately vulnerable to climate change (Gurung and Bisht 2014).

The documented effects of climate change that also have a specific impact on livelihood security in Nepal include the increase of extreme precipitation events, which lead to a higher frequency and magnitude of flash floods and, in turn, result in soil erosion and affect the availability of fertile soil (Sharma 2016; WEDO 2008). Given women's disproportionate engagement in the agriculture sector, these factors are likely to affect their productivity levels, income and household food security (ICIMOD 2016). Their concentration in the lower parts of the agricultural value chain is yet another factor that compromises their ability to generate income in the context of climate change (UN Women 2020). Women also face increased time investments and work burdens doing the agricultural tasks they are traditionally responsible for, such as weeding, pest control and irrigation, as rising temperatures and unpredictable rainfall aggravate these

issues (ICIMOD 2021; Gurung and Bisht 2014). The increasing feminization of agriculture in Nepal in response to male out-migration for work also means that women have to contend with added risks to subsistence production, with implications for household food and nutrition security. Assessments have shown that climate change-induced resource depletion also adds to women's time and labour demands, as their responsibilities for securing water, fuel wood and fodder become more time-consuming (Rai et al. 2021), hindering their time investment in productive activities. Combined with unpaid work, these burdens in domestic and care work effectively delimit their ability to engage in activities/sectors that would generate secure incomes.

The effects of climate change not only reduce access to natural resources but also increase rural women's workloads, time constraints and drudgery. The subsequent effects include reductions in income subsistence/household food and nutritional security, as well as negative impacts on their health, safety and social, economic and political empowerment (ibid). For example, decreased water availability due to climate change has added to the time and distance women must walk to secure water for their households, which can affect their hygiene and sanitation. Resulting contestations over household and irrigation water has not only marginalized women but also aggravated exclusionary practices towards women from marginalized caste and ethnic groups. Longer hours are necessary in the tasks women undertake in tilling, weeding and pest control due to hardening soil

133 For example, fibers for rope and cloth and wild fruits, berries and tubers for food.

and the emergence of invasive species. Reduced crop diversity poses challenges in ensuring dietary diversity among women, and decreased agricultural productivity can lower women's income and economic autonomy. These effects are often worse for women from Nepal's poor, indigenous and marginalized groups (ibid).

Women's high dependence on local natural resources to meet their livelihood needs also means that shifts and depletion of the natural resource base is likely to impose additional constraints on their ability to undertake natural resource management and overcome the effects of climate change. At the same time, as demonstrated by the effectiveness of forestry user groups in which many women hold leadership and decision-making roles, the extensive knowledge rural women hold as stewards of household/natural resources is critical for adapting to climate change patterns, reducing their impacts and aiding mitigation efforts. However, despite the centrality of rural women in addressing climate change, their unique knowledge and skills have not yet been embraced or integrated into formal climate change mitigation planning in Nepal (Rai et al. 2021).

**Chapter Summary** - This chapter has highlighted key aspects of women's economic security in Nepal, including *the constraints* evident in discriminatory gender norms and practices within households/families and in social institutions (including sectors of the economy and workplaces) and the *enabling factors* evident in policies and programmatic efforts introduced by the GoN to redress the latter. The main issues

that have emerged in this regard are that Nepali women – across caste, class, ethnic and regional backgrounds – predominantly occupy low-wage or unpaid work, primarily in agriculture. Their economic contributions in the form of productive work on household/family farms and in domestic and care work tends to be unrecognized, invisible and undervalued, hence discounting their significant role in ensuring subsistence/household security, which helps sustain their communities.

Gender disparities in assets and access to and control over key resources and services (i.e. in property ownership, access to finance/credit and digital literacy) are influenced by the persistence of deeply entrenched patriarchal traditions and hierarchical gender norms, including gender-biased inheritance practices, which are factors that operate in concert to further reduce women's economic security. Recent structural shifts in the economy, such as high levels of male out-migration for work, have resulted in women's higher levels of autonomy and empowerment, as women assume the management of household/family farms and decision-making. The growing impact of climate change compounds the existing social and economic vulnerabilities of women in Nepal at the intersection of caste, ethnicity and other forms of marginality. Furthermore, gender-discriminatory perceptions and practices (such as a mistrust of women, social surveillance of women's activities outside the household and mobility restrictions) thwart the full potential of recent structural shifts to result in gender-transformative changes in society.

## Priority Action Areas

### Policy Measures

- Strengthening policies to correct gender-based horizontal and vertical segregation in the labour market, including attendant strategies through training, capacity building and mentoring, to enhance women's labour market access in remunerative sectors, with future potential for growth in the global economy and managerial roles.
- Strengthening policies that would ensure equal remuneration for male and female workers who perform the same work/similar work and help prevent discrimination on the grounds of gender and other markers of identity, caste, class, ethnicity, religion, disability and sexual identity.
- Instituting legal reforms to guarantee women's equal inheritance rights, including implementation and monitoring mechanisms to ensure that women's property ownership is not manipulated so that women retain control of fixed assets, resources and the income they generate.
- Formulating policies that create opportunities for decent work in rural areas for women and men (in line with Objective 2 of the Global Compact for Migration) to minimize the adverse drivers and structural factors that compel people to leave and to offset the mass exodus of men and women's search for alternative income generation, given evidence that remittances are only temporary methods and the risks and

vulnerabilities women face in labour migration.

- Amending the Foreign Employment Act so that women can secure overseas work without requiring the permission of their 'guardian'/spouse.
- Enhancing women's legal awareness on issues related to foreign employment, the rights of migrant women in destination countries and information on how to claim those rights.
- Introducing policy measures to safeguard the subsistence farming sector as a vital source of household well-being and nutritional security, including women's key roles in it, through supportive strategies that encourage diversified production.
- Instituting policies to safeguard the ownership and control over land, territories and resources of indigenous peoples, their customary laws and institutions in a gender-equitable manner.

### Programme Efforts

- Developing downstream efforts to address the skills gap between male and female labour market entrants (e.g. through gender mainstreaming in educational/vocational channels at the secondary and tertiary level).
- Raising awareness on women's land rights through legal literacy programmes for women, accompanied by strategies to reinforce women's ability to manage land and household farming ventures.

- Introducing efforts to strengthen women's access to and control over other key assets and services that support their economic security, such as banking, credit services and digital literacy.
- Introducing strategies and interventions to reduce the disproportionate burden of unpaid domestic and care work borne by women and across generations (i.e. the recruitment of daughters to assist with domestic and care work).

### Data Gaps

- Measuring women's unpaid care work in order to ensure its significance.
- Including a calculation of the care work economy in Nepal's GDP.
- Prioritizing the collection, analysis and use of data on unpaid care and household work that would help address the gender inequities that hamper women's labour force participation.
- Improving the collection of disaggregated data on the informal sector in order to identify the factors that constrain women's participation in the formal sector (including in hidden forms of work, such as domestic work and sex work) and to contribute towards evidence-informed policy correctives that are gender-responsive and address GESI concerns in Nepal.
- Collecting disaggregated data on the situation of gender-based wage disparities in order to identify which occupations, sectors and workplaces continue to practice wage discrimination.
- Producing disaggregated data on critical asset gaps (material assets, such as land and property ownership, financial and digital assets) and the underlying reasons for these gaps.
- Generating quality migration data to inform an understanding of the structural factors that compel women to migrate, the barriers they encounter, the costs and vulnerabilities they face and the implications for their improved autonomy, economic security and social empowerment.
- Collecting and analysing disaggregated data on ICT skills gaps between women and men in the workforce to guide policy action to improve job and income security, especially in crisis situations.

## REFERENCES

- Acharya, Upasana and Pandey, C. (2018). "Women's entrepreneurial ecosystem in Nepal: A study based in Kathmandu Valley." *Westcliff International Journal of Applied Research*, vol. 2, Issue 2, pp. 5-17. <https://www.westcliff.edu/wp-content/uploads/2019/08/Acharya-Pandey-2018-22.pdf>
- Acharya, Meena. (2001). "Women and the economy: The key issues." *Gender and Democracy in Nepal*. Laxmi Keshari Manandhar and Krishna Bahadur Bhattachan, eds., pp. 19–52. Kathmandu: Tribhuvan University.
- ActionAid. (2019). "The Impact of Unpaid Care Work on Economic Empowerment of Women." (Draft Study). Kathmandu: Action Aid Nepal.
- ActionAid Nepal. (2018). "Unpaid Care Work in Nepal." Kathmandu: Action Aid Nepal.
- ActionAid. (2013). "Making care visible Women's unpaid care work in Nepal, Nigeria, Uganda and Kenya." Kathmandu: ActionAid Nepal.
- Adhikari, R. (2008). "Economic dimensions of empowerment: Effects of commercialization and feminization of vegetable farming on social status of women in an urban fringe of western Nepal." *Himalayan Journal of Sociology & Anthropology*, vol. III, pp. 86-105.
- Agarwal, B. (1997). "Bargaining and gender relations: Within and beyond the household." *Feminist Economics*, vol. 3, Issue 1, pp. 1–51.
- Allendorf, Keera. (2017). "Do Women's Lang Rights Promote Empowerment and Child Health in Nepal?" *World Development*, vol. 35, Issue 11, pp. 1,958-1,988.
- Bansak, C., Chezum, B. & Giri, A. (2015). "Remittances, school quality, and household education expenditures in Nepal." *IZA Journal of Migration*, vol. 4, No. 16. DOI: <https://doi.org/10.1186/s40176-015-0041-z>
- Bhattarai, B., R. Beilin, and R. Ford. (2015). "Gender, Agrobiodiversity, and Climate Change: A Study of Adaptation Practices in the Nepal Himalayas." *World Development*, vol. 70, pp. 122–132. DOI: 10.1016/j.worlddev.2015.01.003.
- Bonnet, Florence, Joann Vanek and Martha Chen. (2019). "Women and Men in the Informal Economy: A Statistical Brief." Manchester, UK: WIEGO.
- Brauner-Otto, Sarah et al. (2019). "Maternal employment and child health in Nepal: The importance of job type and timing across the child's first five years." *Social Science Medicine*, vol. 224, March, pp. 94-105. DOI: 10.1016/j.socscimed.2019.02.009.
- Budlender, Deborah and Rachel Moussié. (2013). "Making Care Visible: Women's unpaid care work in Nepal, Nigeria, Uganda and Kenya." ActionAid.



Bulmer, Elizabeth R. (2020). "Job quality in Nepal is improving, but women lag behind." World Bank blog, 18 September. <https://blogs.worldbank.org/jobs/job-quality-nepal-improving-women-lag-behind>

Bulmer, Elizabeth R., Ami Shrestha and Michelle Marshalian. (2020). "Jobs Diagnostic Nepal." Jobs series, Issue No. 22. Washington, D.C.: The World Bank.

Butyral, Y. M. (2015). "Effects of male international migration on wives left behind in Nepal." PhD thesis, University of Sheffield.

Central Bureau of Statistics (CBS). (2019). Report on the Nepal Labour Force Survey 2017/18. NPL-CBS-NLFS-2018-v01. Kathmandu: Government of Nepal (GoN), National Planning Commission.

Central Bureau of Statistics (CBS). (2014). Population Monograph of Nepal. Volume II (Social Demography). Government of Nepal. National Planning Commission Secretariat. Kathmandu.

Chopra, Deepta & Caroline Sweetman. (2014). "Introduction to gender, development and care." *Gender & Development*, vol. 22:3, pp. 409-421, DOI: 10.1080/13552074.2014.975486

Chopra, D. and E. Zambelli. (2017). "No Time to Rest: Women's Lived Experiences on Balancing Paid Work and Unpaid Work," IDS.

De Schutter, Olivier. (2021). Statement by Professor Olivier De Schutter, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Nepal, 29 November - 9 December.

FAO. (2018). "The State of Food Security and Nutrition in the World." Rome: FAO.

Folbre, Nancy. (2018). "Developing Care: Recent Research on the Care Economy and Economic Development." Ottawa: International Development Research Centre (IDRC). <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/57142/IDL-57142.pdf?sequence=2&isAllowed=y>

Fraser E. (2020). "Impact of COVID-19 Pandemic on Violence against Women and Girls, VAWG Helpdesk Research Report." UKaid, 16 March 2020.

Ghimire, Umesh, J. Manandhar, A. Gautam, S. Tuladhar, Y. Prasai, and T. Gebreselassie. (2019). "Inequalities in Health Outcomes and Access to Services by Caste/Ethnicity, Province, and Wealth Quintile in Nepal. DHS Further Analysis Reports No. 117." Rockville, Maryland, USA: ICF.

Ghosh, A et.al. (2017). "A Trapeze Act: Balancing Unpaid Care Work and Paid Work by Women in Nepal." IDS Working Paper, *Institute of Development Studies*, vol 2017, No. 500.

Gooch, P. (2014). "Daughters of the hills: Gendered agricultural production, modernisation, and declining child sex ratios in the Indian Central Himalayas," in *Ester Boserup's Legacy on Sustainability*, Marina Fischer-Kowalski, Anette Reenberg, Anke Schaffartzik, Andreas Mayer, eds. Orientations for Contemporary Research, 2014.

Government of Nepal, National Planning Commission (NPC). (2017). Nepal Sustainable Development Goals Roadmap: 2016-2030. Kathmandu: NPC.

Government of Nepal. (2015). Constitution of Nepal 2015. Kathmandu. <http://www.moljpa.gov.np/en/category/constitution/>

Government of Nepal, National Planning Commission (NPC). (2015). Post-Disaster Needs Assessment. Kathmandu: NPC.

Gurung, Dibya D. and S. Bisht. (2014). "Women's empowerment at the frontline of adaptation: emerging issues, adaptive practices, and priorities in Nepal." Working Paper, (2014/3). Kathmandu: ICIMOD.

Himalayan Climate Initiative (HCI) and Asia Foundation. (2021). "COVID-19 & The New Normal for Women in the Economy in Nepal."

International Federation for the Red Cross (IFRC). (2021). "Effective law and policy on gender equality and protection from sexual and gender based violence in disasters: Nepal Country Case Study." Geneva: IFRC.

International Labour Organization (ILO). (2020). "COVID-19: Guidance for Labour Statistics Data Collection, Essential labour force survey content and treatment of special groups," 30 April 2020

ILO. (2020). "ILO Monitor: COVID-19 and the world of work, 3<sup>rd</sup> edition." Updated estimates and analysis, 29 April 2020

ILO. (2020). "ILO Monitor: COVID-19 and the world of work, 4<sup>th</sup> edition." Updated estimates and analysis, 27 May 2020.

ILO. (2019). "Global wage report 2018/2019: What lies behind gender pay gaps." Geneva: ILO.

ILO. (2016). "Key Indicators of the Labor Market." Ninth Edition. Geneva: International Labor Office.

ILO. (2015). "No easy exit – Migration bans affecting women from Nepal. Fundamental Principles and Rights at Work." Geneva: ILO Labour Migration Branch.

International Organization for Migration (IOM). (2020). "World Migration Report 2020." Geneva: IOM.

IOM. (2016). "Barriers to women's land and property access and ownership in Nepal." Geneva: IOM.

Kar et al. (2018). "Male outmigration and women's work and empowerment in agriculture: the case of Nepal and Senegal." Washington D.C., World Bank Group.

Kharel, Samik. (2021). "The Vaccination digital divide." *The Record*. 5 July 2021. <https://www.recordnepal.com/the-vaccination-digital-divide>

Krantz, G. (2002). "Violence against Women: A Global Public Health Issue!" *Journal of Epidemiology and Community Health*, vol. 56, Issue 4, pp. 242-3. <http://dx.doi.org/10.1136/jech.56.4.242>.

Marcus, Rachel. (2018). "The Norms Factor: Recent research on gender, social norms, and women's economic empowerment." Ontario: IDRC.

Maskay, Nephil M. and Adhikari, Shiva R. (2013). "Remittances, migration and inclusive growth: The case of Nepal." Policy brief No. 35, September. Bangkok: ESCAP, Asia Pacific Research and Training Network on Trade.

Maskey, Indira S. (2014). "Socioeconomic status of women entrepreneurs in Kathmandu metropolis" (Published dissertation). Kathmandu: Tribhuvan University.

Ministry of Home Affairs. (2015). Nepal Disaster Report. Kathmandu: MoHA.

MoWCSC, Ncell, UN Women and Women Count. (2020). "Preliminary Findings: Gender-differentiated Consequences of COVID-19 on Women's and Men's Economic Empowerment in Nepal." 3 June 2020.

Nagoda, S., and Nightingale, A. J. (2017). "Participation and Power in Climate Change Adaptation Policies: Vulnerability in Food Security Programs in Nepal." *World Development*, vol. 100, pp. 85–93.

National Network for Beijing-review Nepal (NNBN). (2020). "Civil Society Report on Beijing+25." Kathmandu: NNBN.

Nepal Institute for Social and Environmental Research. (2019). "A Study on the Social Implications of Men's Migration on Women and Children in Sarlahi, Saptari and Dhanusha District." Kathmandu: NISER.

Nepal Rastra Bank. (2020). "Financial Inclusion. Proceedings of a SAARC Webinar." Kathmandu: Nepal Rastra Bank.

Nesbitt-Ahmed, Z and Chopra, D. (2014). "Unpaid care work programme: Nepal progress report (2012-13)." Brighton, United Kingdom: Institute of Development Studies.

OHCHR and UN Women. (2013). "Realizing Women's Right to Land and Other Productive Resources." New York and Geneva: OHCHR and UN Women.

Paudel, Anil. (2019). "Investing in TVET would increase female labor force participation in Nepal" Blog post, Brookings Institute. 10 October 2019. <https://www.brookings.edu/blog/education-plus-development/2019/10/10/investing-in-tvet-would-increase-female-labor-force-participation-in-nepal/>

Pradhan et al. (2018). "Property Rights, Intersectionality and Women's Empowerment in Nepal." IFPRI Discussion Paper 01702.

Rai, Anu et al. (2021). "On the realities of gender inclusion in climate change policies in Nepal." *Policy Design and Practice*, vol. 4, Issue 4, pp. 501-516. DOI: 10.1080/25741292.2021.1935643.

Raut, Nirmal K. and Tanaka, Ryuichi (2018). "Parental absence, remittances and educational investment in children left behind: Evidence from Nepal." *Review of Development Economics*, vol. 22, Issue 4, pp. 1642-1666.

Rimal, S. (2020). *Nepali Labor Migrants, Covid-19, and the State in Asia: Insights and Analysis*. Kathmandu: The Asia Foundation.

Sharma, Akriti. (2016). "Climate change instability and gender vulnerability: A case study of the Himalayan region." International Development, Community and Environment (IDCE) Research Paper.

Sherpa, D. (2007). "New Vulnerabilities for Mountain Women: A Different Light on the Greater Himalaya. Status Report." International Centre for Integrated Mountain Development (ICIMOD). Kathmandu, Nepal. <https://lib.icimod.org/record/12937>

Shrestha, Menaka R. (2008). "A Study on the Economic Valuation of Women's Unpaid Work in Kathmandu Valley." Resource Centre for Primary Health Care (RECPHEC) and HealthBridge.

Siangyen, C. 2020. "Stop Widening Gender Inequalities: Asia's COVID-19 Responses must leave no one behind." Dev Policy Blog. <https://devpolicy.org/stop-widening-gender-inequalities-asias-covid-19-responses-must-leave-no-one-behind-20200511-1/>

Silwal Giri, Bharati (2019). "Report of the rapid need assessment of rescued survivors of trafficking (from Manipur, India to Myanmar route)." Kathmandu: UN Women and Maiti Nepal.

Singh, A. (2016). "Rethinking empowerment: Gender identities, agency, and women's empowerment discourse and practice in Nepal." *Studies in Nepali History and Society*, vol. 21, Issue 2, pp. 227-249.

Sonke, K., D. Eckstein, L. Dorsch, and L. Fischer. (2015). "Global Climate Risk Index: Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2014 and 1995 to 2016." Germany: Germanwatch. <https://germanwatch.org/sites/default/files/publication/13503.pdf>

Stocker, T. F., D. Qin, G. K. Plattner, M. M. B. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex, and P. M. Midgley. (2013). "Climate Change 2013 the Physical Science Basis: Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change," pp. 1-1535.

Thapa, Sridhar and Acharya, Sanjaya. (2016). "Remittances and household expenditure in Nepal: Evidence from Cross-Section Data." *Economies*, vol. 5, Issue 2, p. 16. <https://doi.org/10.3390/economies5020016>.

Tribhuvan University and USAID. (2018). "The State of Social Inclusion in Nepal: Caste, Ethnicity and Gender, Evidence" from NSIS 2018, Tribhuvan University, Kirtipur and USAID, Kathmandu.

UNDP. (2020). "The Social and Economic Impact of COVID-19 in the Asia and Pacific Region, Position Note." UNDP Regional Bureau for Asia and the Pacific, April 2020.

UNDP. (2020). "UNDP Brief: Gender-Based Violence and COVID-19." New York: UNDP.

UNDP. (2018). "Economic empowerment of indigenous women in Nepal." New York: UNDP.

UNICEF. (2020). "Women Work: UNICEF's approach to women's paid and unpaid work." Technical Note.

UN Women. (2020). "Gender Equality Update, No. 4, Gender in the COVID-19 Response." April, 2020, Kathmandu: UN Women Nepal.

UN Women. (2020). "Issue Brief: COVID-19 and Ending Violence Against Women and Girls."

UN Women. (2020). "Gender Alert on COVID-19." Afghanistan.

UN Women. (2020). "Guidance For Action: Addressing The Emerging Impacts Of The Covid-19 Pandemic On Migrant, Women In Asia And The Pacific For A Gender-Responsive Recovery." Action Brief.

UN Women. (2020). "The First 100 Days of Covid-19 In Asia And The Pacific: A Gender Lens." Bangkok: UN Women Regional Office for Asia and the Pacific.

UN Women. (2020). "Violence against women and girls: the Shadow Pandemic."

UN Women. (2018). "Returning Home: Challenges and opportunities for women migrant workers in the Nepali labor market." Kathmandu: UN Women.

United Nations Nepal. (2020). "Covid-19 Nepal: Preparedness and Response Plan (NPRP)." April 2020.

United Nations (2020). "Policy Brief: The Impact of COVID-19 on Women." 9 April 2020.

UN Women and MoWCSC (2020). "Gender Equality Update 16: Gender and Economy." Kathmandu: Gender in Humanitarian Action Task team (GiHA-TT).

Upadhyay, Arnav and Karki, Sumina (2021). "Covid, Women, and Debt in Nepal." The Asia Foundation. Website article. 1 September 2021. <https://asiafoundation.org/2021/09/01/covid-women-and-debt-in-nepal/>

Upadhyay, B. (2005). "Women and natural resource management: Illustrations from India and Nepal." Paper presented at the Natural Resources Forum.

Upreti, B.R. (2020). "Discussion note on migration." Government of Nepal: Policy Research Institute.

Wagle, Radha. (2015). "The inclusion of Women in Nepalese Forestry Governance: Perspectives from Feminist Institutionalism." Conference paper, Monash University.

WEDO. (2008). "Gender and climate change in the Hindu Kush Himalayas of Nepal: A Case Study."

World Bank. (2020). "Poverty & Equity Brief Nepal." Washington D.C.: The World Bank.

World Bank. (2018). "Nepal Development Update: Maximising Finance for Development." Washington D.C.: The World Bank.



# CHAPTER 4

## GENDER BASED VIOLENCE<sup>134</sup> AND HARMFUL PRACTICES



134 The term gender based violence refers to violence that serves to maintain structural gender inequalities. Such acts of violence are directly related to the gender of the victim, including women, men, children, adolescents, gay, transgender people and gender non-conforming individuals. It includes all types of violence, including physical, sexual, verbal, emotional and psychological abuse, threats, coercion and economic or educational deprivation. UN Women considers IPV a subset of GBV, while GBV broadly includes acts of violence by unknown parties or family/household members in private settings (within homes) or in public spaces (streets, fields, markets, workplaces, etc.). In line with General Recommendation 35 of CEDAW, this chapter analyzes GBV as a social and systemic concern rooted in harmful gender norms, beliefs and practices. While recognizing the harm to individuals and the intergenerational impact of GBV, our analysis aims to elicit a comprehensive societal response (UN Women 2020).

# 1. OVERVIEW



National and small-scale studies suggest that the majority of Nepali women are subjected to some form of GBV or harassment at some point in their lives, in private and public spaces. Violence against women cuts across caste, class, ethnic and socioeconomic groups (MoH 2016). Women in Nepal experience a range of GBV, including physical, sexual, and emotional violence; IPV; commercial sexual exploitation; harmful practices, such as child or forced marriages (MoH 2016); menstrual discrimination (*chhaupadi*) and accusations of witchcraft. Women from marginalized groups face specific vulnerabilities that can put them at higher risk of facing gender violence; this includes women from Dalit, Madhesi and indigenous communities; religious minorities; LGBTIQ+ communities; women from geographically disadvantaged locations; women with disabilities; adolescent girls; women whose husbands have migrated abroad; displaced women; poor women; and women working in the adult entertainment sector (AES).<sup>135</sup>

As in many parts of the world, the true scale of GBV in Nepal is likely to be underestimated, with many instances of gender violence going unreported.<sup>136</sup> The lack of comprehensive national data impedes<sup>137</sup> an understanding of the gravity

and full scale of the problem,<sup>138</sup> including the different forms of GBV that exist. This chapter highlights prevalence rates based on the available data and policy and legal provisions on GBV (section 1); the drivers, prevalence and different forms of GBV (section 2); access to protective, preventive and judicial services and the consequences of GBV (section 3); and harmful practices affecting women and girls (section 4).

In Nepal, as in other countries, GBV occurs in private and public places throughout the life cycles of women, girls, LGBTIQ+ communities and other excluded and vulnerable groups, and it takes on multiple forms – physical, sexual, emotional and economic. It occurs during times of peace and in crisis situations, and it is also intensified by other forms of experience, including one's age, disability status, caste and religion, which will be further discussed below. Gender violence also manifests itself in Nepal through harmful cultural practices, including menstrual seclusion (*chhaupadi*), witchcraft accusations and persecution, *deuki*, *jhuma*, and *dhan-khaane*.<sup>139</sup> Three critical context-specific instances of GBV are highlighted below to illustrate its exacerbation during humanitarian emergencies.

135 Civil Society Report on Beijing+25, NNBN, 2019.

136 DHS surveys are an important source of data on some forms of gender violence, but they have not been able to capture others, such as harassment at work or in public spaces.

137 Human Rights Council 2018.

138 Underreporting may also be due to the length of surveys (like the DHS) as well as women's privacy concerns, cultural taboos on discussing sexual matters and the shame and stigma attached to GBV (Ghimire and Samuels 2017).

139 Ministry of Health and Population 2017.





**Nepal's Civil War** - A substantial number of women engaged as social and political actors during Nepal's decade-long civil war (1996-2006) were subjected to arbitrary arrest, detention, torture and ill treatment, including sexual violence (rape, assault and harassment) and unlawful killings (ICJ 2021). However, transitional justice mechanisms in Nepal have not adequately dealt with gender-based violations committed against women who fought as Maoist insurgents or with government forces and/or their family members. As the International Commission of Jurists (ICJ) has documented, the GoN's various relief efforts (guidelines, directives and other standards) and programmes did not cover victims of torture and rape as well as GBV victims who experienced rape and other forms of sexual violence. Issues related to access to justice among women who experienced GBV during the conflict are discussed in section 3.2.

### **Nepal's 2015 Earthquakes** -

Notwithstanding the pervasiveness of GBV in Nepali society, the volume of reports on various forms of GBV in the aftermath of the 2015 earthquakes confirmed the gravity of women's vulnerability. The lack of privacy, including the lack of separate sleeping quarters and toilets, and inadequate lighting and sufficient safe spaces in some post-disaster makeshift shelters, are documented to have endangered the safety and security of women, girls and LGBTIQ+ people (UN Women 2020b). Furthermore, the risks of child marriage and trafficking were high among children, especially among girls separated from their families or orphaned from the earthquake, partly due to insufficient guardianship arrangements at the time (GoN 2015).

**The COVID-19 Pandemic** - The sharp increase in GBV during the lockdown periods of the COVID-19 pandemic in 2020 was captured in early research (UN Women and CARE Nepal 2020). This includes domestic violence, IPV (including marital rape and rape by individuals unknown to the victim<sup>140</sup>), economic violence<sup>141</sup> and physical violence resulting from male alcohol abuse. An additional form of GBV that has been documented in the context of the COVID-19 pandemic is online violence in the form of harassment and verbal and visual violence through offensive, obscene and threatening messages, primarily (75 per cent) by strangers (ActionAid Nepal 2020). Exposure to online violence mainly occurred among adolescent girls, with only 9 per cent reporting it to the police. The majority resorted to strategies like blocking their online accounts (68.2 per cent), changing their account profiles (11.4 per cent) or avoiding using the internet for a while (13.6 per cent)<sup>142</sup>. Despite the considerable rise in GBV, available research also indicates a decrease in the amount of reporting that took place.<sup>143</sup> This finding is most likely attributable to confinement within the home during lockdown measures, which prevented women from leaving their homes to lodge complaints and the inability to report via phone due to the constant presence of the abuser within the home.

140 This included sexual violence in quarantine centers.

141 For example, anecdotal evidence of physical violence by men due to alcohol abuse, by landlords in order to extract rent money, or by men becoming violent after their wives attempted to prevent them from gambling (UN Women and CARE Nepal 2020).

142 ActionAid Nepal 2020

143 UN Women and CARE Nepal 2020.

## 1.1 POLICY AND LEGISLATIVE PROVISIONS ON GENDER-BASED VIOLENCE

GBV is a persistent reality in Nepal, as it is in many South Asian countries, even with recent progressive legal and constitutional proscriptions, including laws, civil codes and other policy measures (see Annex 6). Despite a plethora of legal provisions,<sup>144</sup> Nepali women continue to experience various forms of violence across socioeconomic class, caste and geographic locations, as captured in section 1.4 below. Recent substantial reforms of the legal system, including amendments to gender-discriminatory provisions through the Act to Amend Some Nepal Acts for Maintaining Gender Equality and Ending

"(3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law."

- 2015 Constitution of Nepal, Article 38

144 The new Country Criminal (Code) Act 2017, Criminal Procedure Code Act 2017, Sentencing Act 2017, Country Civil (Code) Act 2017 and Civil Procedure (Code) Act 2017 all introduce significant provisions that further protect women's rights.

Gender-Based Violence (2015), are a significant achievement. The introduction of legislation to make all forms of domestic violence (including marital rape) punishable crimes, along with human trafficking, sexual harassment at the workplace<sup>145</sup> and cultural practices that perpetuate violence against women and girls, are also noteworthy.

While gender equality advocates acknowledge the important legal reforms Nepal has undertaken to bring various laws<sup>146</sup> into alignment with international human rights standards and the federal system, inadequate implementation and enforcement of Nepal's existing laws is a serious impediment to their effectiveness. As the Special Rapporteur on Violence against Women emphasized in 2018, the *"main challenge now is to ensure that laws and policies on the rights of women and violence against women are properly interpreted and fully implemented at the federal, provincial and local levels."*<sup>147</sup>

The effectiveness of Nepal's existing legislation is undermined by shortcomings in their framing and implementation as well as inadequate resources and gender-specific constraints. A range of loopholes in specific laws compromise their effectiveness, including a lack of training of officials and inadequate resources, as well as an unclear delegation of authority/

145 Sexual Harassment at the Workplace (Elimination) Act 2015.

146 Some discriminatory laws have been maintained, especially those relating to citizenship.

147 See the Special Rapporteur on Violence against Women's report from a visit to Nepal in June 2019: <https://www.ohchr.org/en/documents/country-reports/ahrc4142add2-visit-nepal-report-special-rapporteur-violence-against-women>

responsibility<sup>148</sup> and unclear avenues to tap into existing resources at their disposal, which has led to implementation gaps.<sup>149</sup> These factors in tandem also constrain the measurement and mitigation of GBV. A case in point is the Domestic Violence Act of 2009,<sup>150</sup> which treats domestic violence as an offence against the individual rather than against the state (Advocates for Human Rights 2015), thereby limiting a legal team's ability to investigate GBV as a potential crime. As a result, the tendency has been to settle the matter between the victim and the perpetrator. Although the act specifies access to safe houses, service funds, in-camera proceedings and fast delivery of services, inadequate human and financial resources limit its full effectiveness.

Some laws, such as the Victim's Protection Act, 2075 (2018) have been enacted but lack teeth because regulatory procedures have not yet been formulated, thus impeding its implementation. Gender-specific constraints, such as women's lack of knowledge on recent GBV laws and related concepts (i.e. what constitutes marital rape);<sup>151</sup> distance to services; and fears of reprisal, retribution and/or stigmatization also hamper the effectiveness of existing GBV legislation. The lack of infrastructure, human resources and adequate funds are also preventing the operationalization of GBV laws. Yet another concern is the

piecemeal approach to designing gender violence legislation – the absence of an all-encompassing law prohibiting all forms of harmful gender-specific practices.

Although the National Criminal Code, 2074 (2017) prohibits several types of harmful traditional practices, including *chhaupadi*, witchcraft allegations, dowry, child marriage, polygamy and discriminatory practices on the basis of ethnicity, other forms of gender violence, such as IPV, are not addressed. For example, the code does not cover sexual violence, including rape and forced abortion, as a form of torture, which would bring Nepal's definition of rape in line with the Rome Statute of the International Criminal Court.<sup>152</sup> The code includes provisions that criminalize these practices, penalize the perpetrators and provide compensation for victims, and together with the National Criminal Procedural Code, 2074 (2017) also contain provisions to protect victims and witnesses. The Witchcraft Allegation (Offence and Penalty) Act, 2072 (2015) is also enacted as a separate law. Nepal's existing laws consider torture and sexual violence – including rape – as different acts and are covered under separate legal arrangements. For example, the draft bill to amend the Enforced Disappearances Inquiry of the Truth and Reconciliation Commission Act, 2071 (2014) has not defined sexual violence, including rape, as a form of torture.

To address these shortcomings and ensure a path for the implementation of gender violence legislation, the MoWCSC drafted

148 Nepal's transition to federalism has added complications, as provincial and local officials have not yet been adequately resourced, which has resulted in funding excess for GBV interventions at the federal level.

149 UN Women 2021.

150 <https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/domestic-violence-crime-and-punishment-act-2066-2009.pdf>

151 Government of Nepal 2012.

152 Although some NGOs have lobbied for this legal amendment, the code has not been amended yet.

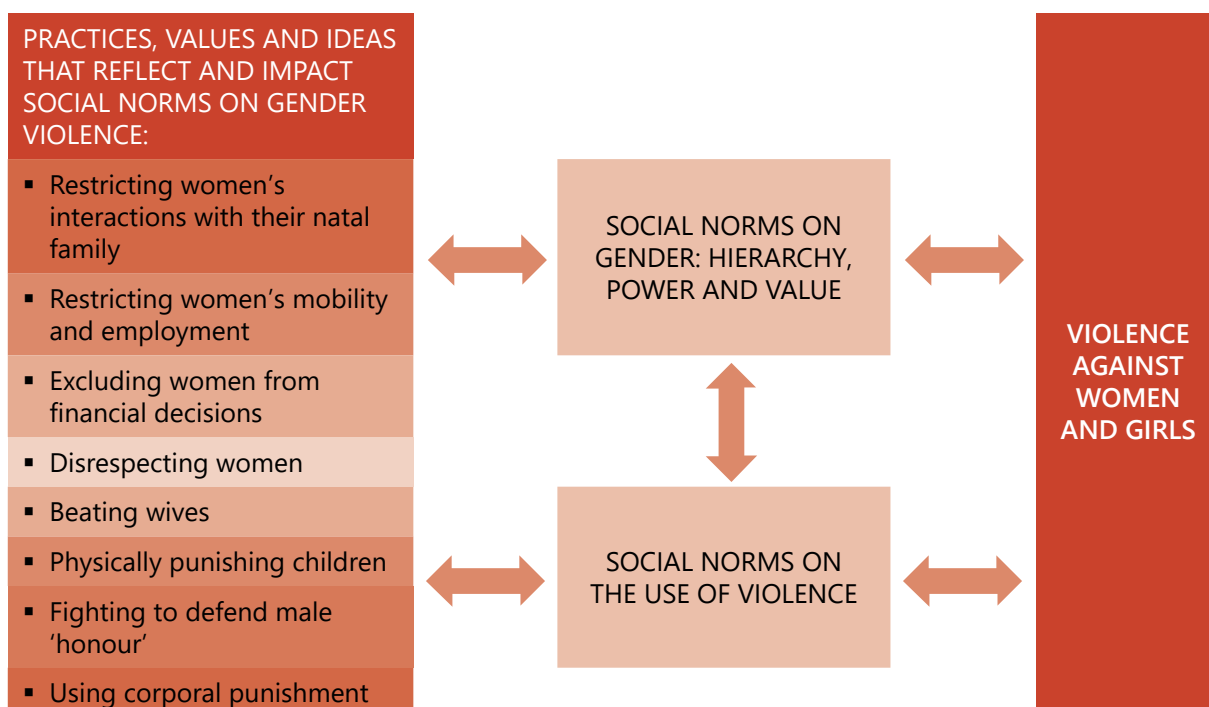
a five-year strategic action plan to end harmful traditional practices, including domestic violence, child marriage, dowry, witchcraft allegations and *chhaupadi*. As of 2023, it is still in the process of being approved. Likewise, a Guideline on Promoting Dignified Menstruation 2077 (2020) was drafted and awaits approval. The MoWCSC also drafted a bill to amend the Human Trafficking and Transportation (Control) Act, 2064 (2007) to bring it in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol 2000), including its wider definition of human trafficking.<sup>153</sup>

## 2. DRIVERS AND BARRIERS: SOCIAL NORMS, CUSTOMS AND INSTITUTIONAL PRACTICES



Drivers of GBV in Nepal include patriarchal norms; harmful social practices; women’s gender role internalization, which often results in a tacit acceptance of GBV and the reluctance to report it (partly due to fears of reprisal); a lack of awareness on GBV-related laws; and legal gaps and

FIGURE 1. MODEL OF SOCIAL NORMS AND VIOLENCE AGAINST WOMEN AND GIRLS (JEWKE ET AL. 2019)



153 Nepal ratified the Palermo Protocol 2000 in June 2020 without any reservations, after it was approved by the National Assembly of the Parliament and the House of Representatives.



loopholes. Figure 1 depicts a model of the interactive elements that sustain gender norms. Although recent research indicates that perceptions upholding traditional, hierarchical and gender-discriminatory stereotypes are waning in Nepal (Asia Foundation 2020),<sup>154</sup> the available data on gender violence incidents suggest the contrary in practice. Over one-fourth of survey respondents (26.7 per cent) agreed with the stereotype that a man must have masculine attributes, and a similar proportion (27.4 per cent) believe that women should not have control over their own income, movement and decisions. A much smaller percentage (7.5 per cent) agrees with the idea of punishing a daughter-in-law if she disobeys, and 6.1 per cent believe that a woman should not be given the right to decide the number of children she will bear (ibid).

**Patriarchal Gender Constructs** – The deeply entrenched patriarchal set of beliefs, norms and practices that assign women a subordinate status as inferior to their husbands and assign men as guardians entrusted with control over women<sup>155</sup> are implicated in the high prevalence of GBV in Nepal. Social norms regarding masculinity and femininity prescribe women’s roles in the domestic sphere, with the expectation that they assume household care work, including meeting the needs of their husbands. In this scheme of norms, men hold decision-making power within a marriage (Nanda

et al. 2012), are entitled to respect and obedience and exert control over women, often through the use of force (Equal Access, 2018; Ghimire and Samuels 2017). Norms of masculinity include men being classified as naturally aggressive and that masculinity will be undermined if men are the victims of aggression, especially by a woman (Uprety 2016). According to the 2016 Nepal Demographic and Health Survey (DHS), 29 per cent of women and 23 per cent of men believed that husbands could justifiably beat their wives. The fact that there are higher rates of IPV among women who work outside the home<sup>156</sup> is evidence that women engaging in paid work is perceived as a challenge to traditional conceptualizations of a husband’s role as the breadwinner (the economic aspect of their guardianship role) and women’s ascribed gender roles in the domestic sphere.

**“[M]en are seen not only as physically stronger in comparison to women but also as more rational, more intelligent, and with greater capacity of making money for the family than women.”**

(Uprety 2016, p. 511)

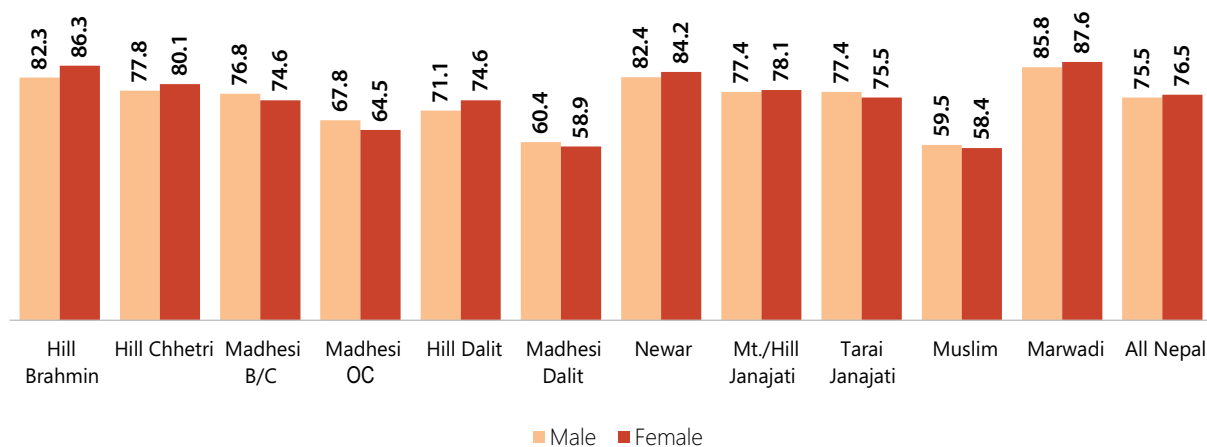
Norms of masculinity also entail the idea that it is a husband’s right to exert authority and power over his wife and that this is in her best interest (Uprety 2016), which embodies a critical power imbalance between women and men. This is most evident in behaviours that condone various forms of control in the scheme of gender norms, such as a man’s ‘right’ to discipline

154 This is based on a nationally representative sample of 7,060 Nepalis, randomly selected from 588 wards across the country’s seven provinces.

155 Rooted in the concept of *abhivakwatwa* (guardianship) in Hindu philosophy, whereby women are expected to remain under the protection and support of men all their lives (Ghimire and Samuels 2017).

156 Puri et al. 2017; GoN 2012.

FIGURE 2. ATTITUDES ON GENDER-BASED VIOLENCE AND SECURITY, BY GENDER AND SOCIAL GROUPS (%) (NSIS 2018)



his wife through physical violence for any perceived or real violation, the expectation of unquestioning obedience and strictures against women's mobility. The 2016 DHS found that more than 9 out of 10 women whose husbands displayed five marital control behaviours had experienced spousal violence<sup>157</sup> compared to 15 per cent of women whose husbands did not behave in that way. Conversely, a study of GBV in rural districts of Nepal found that spousal violence was less likely in households where women and men shared decision-making responsibilities (GoN 2012). Data on attitudes<sup>158</sup> towards gender violence collected through the 2018 NSIS revealed that a relatively high percentage (an average of 75 per cent of

the survey population) of women and men did not support<sup>159</sup> men's use of violence, as shown above in Figure 2. Despite the seeming consensus between women and men on this issue, GBV rates remain high in practice, possibly due to the reasons discussed next.

**Gender based violence in the Joint/ Extended Family System** - Evidence suggests that Nepali women's vulnerability in marital households – a high proportion (65 per cent) of which are joint or extended families (NSIS 2018) – is one context-specific factor<sup>160</sup> underlying the high incidence of IPV. Examples of this phenomenon include the influence of a husband's parents on his decision to

157 The behaviours included: jealousy or anger if she talks to other men, frequent accusations of unfaithfulness, prohibiting her from meeting up with her female friends, limiting her contact with her family and insisting on knowing where she is at all times.

158 Based on agreeing with the following four statements: a) *A man has the right to beat his wife if she disobeys him;* b) *A woman should not report sexual violence/molestation by others to avoid shame to her family;* c) *A woman or girl who goes out alone after dark is herself to be blamed if she gets molested;* d) *A man who beats his wife does not get the respect of his family or community.*

159 Given the amount of awareness-raising work that has been done on GBV in Nepal, it is likely that some people's answers were influenced by what they believe to be the socially desirable response.

160 Strong values about men's responsibility towards their birth family, especially their parents and unmarried siblings, can translate to their wife having a primary duty to serve her in-laws. The widely held belief that 'a man's family will think he is a disloyal son if he takes his wife's opinion over his mother's opinion' (Clark et al. 2018) is also likely to contribute to violence. Research indicates that men often side with their mothers or sisters and resort to violence (Ghimire and Samuels 2017).

discipline and/or punish is wife and/or the husband's parents' decision to be directly violent towards their daughter-in-law.

**Fear of Reprisals and Stigma** - The prevailing gender norms around male dominance and control of women normalizes GBV, especially IPV, to the extent that female victims often justify it,<sup>161</sup> avoid reporting it and seek services only to attend to injuries. According to the findings of the 2016 DHS, two-thirds (66 per cent) of victims/survivors never sought help or told anyone about their experiences of GBV (MoH 2016). They fear the social and political power of their husbands, which could result in further reprisals of physical, mental or other forms of abuse; the likelihood of divorce; the shame/stigma associated with divorce; and at worst, being killed.<sup>162</sup> Studies suggest that key factors preventing women from reporting IPV include the stigma, public humiliation and loss of social status for the family if incidents of IPV are made public (Ghimire and Samuels 2017).

**Women's Social and Economic Dependence** - Among the various factors associated with IPV, women's economic dependence has been identified as an important issue (DHS 2011), if not the main risk factor for all forms of IPV (Ghimire and Samuels 2017), especially physical and psychological IPV (Dhungel et al. 2017). Comparatively speaking, the risk of violence has been shown to be higher among women who are economically

dependent on their husbands than among economically independent women (Babcock and DePrince 2013). Nepali women's lower access to and ownership of assets and resources, fewer economic opportunities and lower economic security limit their ability to leave violent marriages (Rawal et al. 2016).

**Inadequate Detection by Health-Care Providers** - For the most part, health-care service providers and district-level officials in Nepal are not yet adequately trained, skilled or experienced in detecting or addressing cases of GBV. There are no regulations governing the mandatory detection of suspected cases/incidents of GBV, and no procedural guidelines are available on how best to meet the mental health needs and physical safety concerns of victims/survivors of violence and abuse. Legislation governing protection for victims, such as the Victims Protection Act, 2075 (2018), remains ineffective due to the lack of regulatory procedures.

**Intergenerational Norms** - Despite evidence of shifts among Nepal's younger generation with regard to gender norms and practices, the available evidence (Ghimire et al. 2017) suggests that adolescent boys are resorting to some degree of GBV. This includes attempting to control their girlfriends, often by restricting their mobility, and expecting their girlfriends to be respectful and obedient (e.g. heeding their advice on personal and family matters).

**Associated and Triggering Factors** - Among the factors associated with IPV in

161 An attitudinal survey revealed that one in four Nepalis believe that men are sometimes justified in beating their wives (ADB 2020).

162 Ghimire and Samuels 2017b.

Nepal, alcohol consumption (Clark et al. 2017; DHS 2016; GoN 2012; Ghimire and Samuels 2017b), poverty-related financial stress (Ghimire and Samuels 2017a) and inter-personal conflict are critical, and the overarching context of patriarchal social norms is also a significant context-specific factor (Clark et.al 2018). A study of women working in factories in Kathmandu found that husbands who habitually drank alcohol were 10 times more likely to be physically violent, four times more likely to perpetrate sexual violence and five times more likely to be psychologically violent (Dhungel et al. 2017). The link between men's alcohol consumption and violence against their wives has also been confirmed in other studies in Nepal (Adhikari and Tamang 2010), as shown in Figure 3, and elsewhere in the world (Singh et al. 2014).

As noted above, in joint or extended families in Nepal, various stressors in relationships with in-laws have been found to be sources of conflict and key triggers of IPV.<sup>163</sup> Household poverty and financial stress are also significantly associated with women's experiences of IPV (Clark et al. 2017), including men resorting to violence as a means to reassert their power in situations where they feel powerless in fulfilling their breadwinner role (ibid). Given the likelihood that women from excluded groups experience multiple forms of discrimination and few economic opportunities, Dalit women may be at greater risk of IPV.<sup>164</sup>

163 Ghimire et al. 2017.

164 World Bank and DFID 2006.

## 2.1 PREVALENCE OF GBV AND VULNERABLE GROUPS



The available data on the prevalence of GBV in Nepal are daunting. According to the most recent DHS, 22 per cent of women in Nepal between the ages of 15 and 49 have experienced violence since the age of 15; 7 per cent have experienced sexual violence; 26 per cent of ever-married women have experienced physical, sexual or emotional violence by their spouse; 34 per cent of women who experienced spousal physical or sexual violence sustained injuries; and 66 per cent of the latter group never told anyone about the abuse (MoH and New Era 2017). Findings from the 2011 DHS (UNFPA 2012) and findings from a separate GoN study<sup>165</sup> indicate that nearly half (48 per cent) of women in Nepal have experienced violence at some point in their lives, with 27 per cent of them experiencing physical violence. The 2016 DHS findings on IPV indicate that more than 600,000 women are subjected to physical and/or sexual violence by a partner every year. "Every ten minutes, a woman somewhere in Nepal dials 1145, the helpline operated by the National Women Commission (NWC), seeking assistance. The majority of these calls are made by survivors of domestic violence who are either looking to report incidents of abuse or calling to inquire about the support services offered by the group," according to Gurung 2019. The

165 Government of Nepal 2012.





latest available police records for the FY 2019/20<sup>166</sup> show 2,144 cases of rape, an increase from 1,480 cases reported in the previous fiscal year, while the number of cases of attempted rape dropped from 727 to 687. In 2017, GBV was found to be “the leading identifiable trigger for violent deaths in Nepal.”<sup>167</sup>

Moreover, reported incidents of child marriage, witchcraft allegations and untouchability increased annually between FY 2016/17 and September 2020, according to Nepal Police data on the number of first information reports (FIRs) registered. The exception to this was in FY 2019/20, when reporting for these incidents declined during the COVID-19 lockdowns. Since FY 2016/17, 263 complaints of child marriage, 177 complaints of witchcraft allegations and 126 complaints of ethnic ‘untouchability’ have been lodged with the Nepal Police, who have carried out investigations on these cases. Of the nine women and children reported to have died while staying in cattle sheds due to *chhaupadi* in FY 2016/17, seven family members of the deceased have been arrested and charged by the police. The judiciary has also given several verdicts to penalize and convict perpetrators of harmful traditional practices and compensate victims.

According to the Nepal's 2011 DHS (MoHP 2012), rural women are slightly more likely to experience GBV (22 per cent) than urban women (19 per cent). In rural Nepal, where gendered norms around dominance, aggression and sexual rights

of husbands over their wives are often more entrenched, over half of young married women report having experienced violence from an intimate partner in their lifetime.<sup>168</sup> The 2016 DHS (MoH 2016) found that women who have the middle and second highest levels of household wealth reported higher levels of violence from their husbands than women overall, that more urban than rural women have experienced sexual violence at some point in their lives and that women in Bagmati Province reported the second highest level of sexual violence from a partner (DHS 2016). A detailed study of GBV in rural districts found that nearly half (45.5 per cent) of upper-caste women have experienced violence at some point in their life (GoN OPMCM 2012). The DHS and other surveys have also observed higher levels of IPV in certain communities, most notably among various Madhesi and Dalit groups. Sexual and gender minorities in Nepal are not exempt from GBV, evident in a study conducted among lesbian women, which found that almost three-quarters of them have experienced violence in their lifetime, with more than half having experienced it in the past twelve months.<sup>169</sup> Women who face specific vulnerabilities and have a greater risk of GBV include the populations discussed below.

### **Women Living with Disabilities -**

Women living with disabilities have been found globally and in Nepal to be at higher risk of GBV. A comparative study of women with and without disabilities found that disabled women were more

166 Ghimire, B. 2020.

167 Human Rights Council 2018.

168 Atteraya et al. 2015.

169 CREA 2012.

vulnerable to and more likely to experience physical, sexual, emotional or financial abuse from partners and that women with more severe impairments were also more vulnerable to multiple forms of IPV (Gupta et al. 2018). Findings from a study in rural Nepal (NDWA 2019) revealed that around 72 per cent of women with disabilities were subjected to psychological violence, 38 per cent to physical violence and 17 per cent to sexual violence, primarily (64 per cent) from a family member (mainly an intimate partner). According to another study (Puri et al. 2015), almost six out of 10 (57.7 per cent) disabled women in three districts had experienced some form of violence and 42 per cent experienced it within the past year.

Another study of 475 women living with disabilities (in Bhaktapur, Kaski and Jhapa) found that 39 per cent had experienced physical and/or sexual violence from partners.<sup>170</sup> The degree of disability (severity) confers an added layer of vulnerability to IPV, partly due to a higher degree of dependency on partners and family and the greater physical power imbalance.<sup>171</sup> For example, women with severe disabilities reported experiencing higher levels of physical and/or sexual violence, emotional violence, financial violence and violence from their in-laws than women without disabilities (ibid). A combination of the latter, the stigma against disability and a lack of accessible and inclusive social services might explain the higher rates of violence experienced by this population.

170 Puri et al. 2015.

171 Gupta et al. 2018.

**FIGURE 3. SPOUSAL VIOLENCE AND A HUSBAND'S ALCOHOL CONSUMPTION**  
(SOURCE: MOH AND NEW ERA 2017)



The social isolation experienced by women living with disabilities, which includes having to sequester with their families, and their exclusion from political, cultural and economic opportunities contributes to a low level of awareness about their rights. These factors lead to their difficulty in recognizing and defining violence against them, including sexual violence, as well as a serious under-reporting of experiences of violence (NWDA 2019).<sup>172</sup> For example, 78 per cent of women with disabilities in three different districts of Nepal who had experienced violence from their husbands did not seek out any support at all, compared to just over half (53 per cent) of those who suffered similar violence from someone other than a husband. Moreover, 22 per cent did not know where they could report violence, and services were not physically accessible for 16 per cent of women with disabilities who had

172 Under-reporting some forms of violence, especially sexual violence and marital rape, is common in Nepal, not only in the interest of preserving family honor but also because of the stigma associated with discussing sexual violence, which is considered a taboo topic (NWDA 2019).

experienced gender violence (Puri et al. 2015).

**Dalit Women** - Dalit women's experiences of violence are shaped by their caste, class and gender marginality. Available data indicate that over two-thirds (67.7 per cent) of Dalit women reported being subjected to violence at some point, with almost half (44.8 per cent) experiencing it in the past year (GoN 2012). A similar proportion of Dalit women are estimated to have experienced family (i.e. IPV) or other forms of GBV, whether physical, sexual (harassment and rape), psychological, social or cultural (child marriage, bigamy, dowry-related violence, segregation practices and superstitions).<sup>173</sup> A great number of Dalit women are victimized as a result of witchcraft accusations,<sup>174</sup> oftentimes suffering severe physical abuse or mistreatment in the process.<sup>175</sup> Worse still, incidents of gender violence against Dalit women are even more under-reported to their family/community and the police due to their fear of reprisals and the low rates of justice for Dalit victims (UNHCR 2012).

**LGBTIQ+ Populations** - A survey on violence against lesbian, bisexual and transgender individuals showed that transgender individuals face the highest rates of violence among these groups. More than half of individuals surveyed said that this violence is manifested in the

form of social discrimination, while one-third experienced domestic abuse and 17 per cent said it was in the form of sexual violence.<sup>176</sup> Another in-depth survey of 100 lesbian women in Nepal found that 37 per cent had experienced emotional, physical and/or sexual violence from a female partner (CREA 2012). Such IPV is rendered invisible by the lack of recognition of same-sex couples and inadequate research and data on IPV in same-sex relationships, possibly due to the fact that most studies in Nepal fold IPV into a general definition of gender violence.

**Adolescent Girls** - Dating violence is an increasing phenomenon among unmarried girls. Adolescents, including both boys and girls, report that "boys inflict physical violence on their girlfriends (slapping, hitting, sexual coercion), as well as emotional violence (restricting their mobility and social interaction, harassing them with suspicions of infidelity, blackmailing them and inflicting cyber bullying)."<sup>177</sup> In another study, girls estimated that 50 per cent of girls are coerced into having a sexual relationship with their boyfriends. Boys in this study added that girls who refuse sex might be beaten or subjected to emotional blackmail. This violence remains under-recognized and largely unaddressed because unmarried relationships are generally not accepted or discussed in society (Ghimire and Samuels 2017).

173 Dalit women face numerous challenges in securing household basic needs, given their lack of land ownership and restrictions on collecting water or firewood from sources in non-Dalit communities due to the threat of harassment and violence (UNHCR 2012).

174 United Nations Nepal 2020.

175 Navsarjan Trust, FEDO and the International Dalit Solidarity Network 2013; FEDO 2020.

176 Preliminary findings from a survey conducted by Maiti Nepal.

177 Ghimire et al, 2017, p. 11.

### Women Engaged in Sex Work -

According to UNAIDS estimates, there are approximately 67,300 sex workers in Nepal, although other organizations place the number at 40,000.<sup>178</sup> Two categories of sex workers are common in Nepal: female sex workers and transwomen sex workers. The risks of violence they face are due to the intersection of macro-structural factors (i.e. poverty, homophobia/transphobia, a lack of legal protections, poor justice mechanisms and punitive policing practices) and social and gender norms (i.e. stigma, social marginalization and gender-discriminatory attitudes).<sup>179</sup> Public Order laws are used to target sex work<sup>180</sup> in Nepal and sex workers experience violence in all areas of their lives<sup>181</sup> – at work, in custodial and health settings and in their neighbourhoods and homes. Violence against both female and transwomen sex workers mainly occurs at the hands of the police (APNSW 2019). However, client-perpetrated violence against sex workers is also evident (Beaujolais et al. 2020; EpiC 2015) and associated with alcohol use and negotiations around the exchange of services (i.e. condom use, payment, sex acts, etc.). In the absence of a comprehensive policy, law or monitoring mechanism to protect sex workers from harassment, abuse and economic exploitation, these communities seldom file complaints of violence to the police. This

178 Asia-Pacific Network of Sex Workers 2019.

179 Argento et al. 2021.

180 Sex workers are criminalized and living from the earnings of sex work is included in the definition of the Human Trafficking and Transportation (Control) Act, 2064, Act Number 5.

181 Bhattacharjya et al. 2015.

is likely because they have experienced intimidation and abuse of power by law enforcement officials, most often to extort them for money or free sex in exchange for release from detention.<sup>182</sup> The fear of further abuse and reprisals also deters sex workers from filing complaints.

## 2.2 TYPES OF GBV



### Intimate Partner Violence (IPV)<sup>183</sup> -

Because of the status of the husband's parents within marriages and households in Nepal, IPV also refers to violence perpetrated against wives by their in-laws (Clark et al. 2018). Violence by spouses is most often discussed as 'domestic violence,' a term that also covers other forms of violence within households (such as child or elder abuse). Over one in four (26 per cent) of ever-married women in Nepal face physical, sexual or emotional violence from an intimate partner at some point in their lifetime (DHS 2016). According to Nepal's 2016 DHS, 84 per cent of ever-married women who have experienced physical violence report their current

182 Jagriti Mahila Mahasangh 2018.

183 We refer to IPV as a distinct form of GBV perpetrated by a partner against any person, regardless of gender, sexual identity or marital status. The overwhelming global burden of IPV is borne by women, as is the case in Nepal. IPV includes behaviours such as (WHO 2012): physical aggression (slapping, hitting, kicking and beating); psychological abuse (insults, belittling, constant humiliation, intimidation, threats of harm, threats to take away children); sexual violence (forced sexual intercourse and other forms of sexual coercion); and other controlling behaviours (isolating a person from family and friends; monitoring or restricting their movements; and restricting access to financial resources, employment, education or medical care). Unlike other forms of GBV, women's exposure to the perpetrator is very frequent in IPV, including regular experiences of violence (Ghimire and Samuels 2017).



husbands as the perpetrators, while 11 per cent of women report the perpetrator as their former husband. Over the past two years, isolation and the lack of access to services during the COVID-19 lockdowns have exacerbated the IPV crisis in Nepal, as noted in previous sections. Research on rural districts in Nepal (GoN 2012) found that two out of five women (41 per cent) had experienced some form of violence from a partner and almost one in five (19 per cent) had experienced violence in the past 12 months.

IPV incidence was found to be highest among young women between the ages of 15 and 19 (18.1 per cent) and was higher in the Terai (9 per cent)<sup>184</sup> than other regions (4 to 5 per cent) of Nepal.<sup>185</sup> A study of 1,800 married women in the Terai found that nearly one-quarter had experienced physical and/or sexual violence from husbands in the past year, the same rate that DHS found for lifetime prevalence (Clark et al. 2017). Younger women have been found to be at a higher risk of spousal violence. Girls who married early were much more likely to experience beatings from their husbands and in-laws (Ghimire and Samuels 2017), possibly due to the age difference between girls and their husbands, which contributes to the power imbalances associated with IPV. The 2016 DHS also found that 6 per cent of women who had ever been pregnant had experienced violence from their husband during pregnancy, which poses additional

risks for the woman and her foetus. Violence during pregnancy was observed to be even higher among young women (aged 15 to 19), affecting 10 per cent. Higher rates of IPV during pregnancy have been reported in certain regions: among 29 per cent of women surveyed in rural villages in the Terai region and among 91 per cent in other hilly districts (Gautam and Jeong 2019).

### **Online Violence and Harassment -**

Online abuse is also pervasive in Nepal, as demonstrated by a study in 13 districts, where more than one-third of young women and girls surveyed reported experiencing online abuse. Such violence ranged from being sent obscene images and humiliating comments to verbal abuse, emotional threats, unwanted messages and being called offensive names. While adolescent girls are considered to be the most at-risk group for online violence (Action Aid 2020), Nepali women journalists also reported experiencing online abuse (Koirala 2020).

**Sexual Violence -** The 2016 DHS found that seven per cent of women had been subjected to sexual violence, mostly by their partners, and that 10 per cent had been assaulted by family members, friends, acquaintances or strangers. In a specialized survey of violence in selected rural districts (GoN 2012), 15 per cent of women reported sexual violence. Fewer women seek help for sexual violence than other forms of violence. Research shows that women are hesitant to report sexual violence perpetrated by their husbands, even though qualitative studies conclude

184 Women's greater vulnerability to experiencing IPV in the Terai is associated with low utilization of antenatal services, as well as lower dietary diversity, lower participation in mother's groups and inadequate rest (Singh et al. 2018).

185 Singh et al. 2018.

that marital rape is much more common than women acknowledge in surveys or reports to service providers (Ghimire and Samuels 2017). The legal requirement for sexual assaults to be reported within one year of occurrence may also contribute to low reporting rates. The COVID-19 pandemic has aggravated the incidence of sexual violence, including in quarantine centres.<sup>186</sup>

### **Sexual Harassment in Public Spaces**<sup>187</sup>

- Sexual harassment in public spaces in Nepal is described as an 'ubiquitous experience' (Neupane and Chesney-Lind 2013), with 97 per cent of the women surveyed reporting sexual harassment on public transport. Another study found that female students were equally vulnerable, with four out of five subjected to sexual harassment on public transport (Mishra et al. 2018).

### **Sexual Harassment in Workplaces**<sup>188</sup>

- According to an ILO study (2014), over half (54 per cent) of women employees in varied workplaces<sup>189</sup> in Nepal had experienced harassment. Female workers in health-care organizations were found

to be similarly vulnerable, as found in a study undertaken in the Kathmandu Valley, where 45 per cent of them report having experienced some kind of sexual harassment, with over 60 per cent reporting sexual harassment as their reason for changing jobs (Rijal 2018). Another study in hospitals in Kaski district found that 40 per cent of nurses had been subjected to some form of sexual harassment from doctors (37 per cent), patients' relatives (26 per cent), patients (19 per cent), administrators (11 per cent) or other health-care workers (7 per cent) (Subedi et al. 2013). Furthermore, a significant portion of women working in the informal sector are vulnerable to all forms of violence and exploitation from multiple sources (government authorities, employers/co-workers and family members) and are not covered by existing legislation on sexual harassment due to the lack of specific protections for informal sector workers (CARE 2019).

**Human Trafficking** - A report on Trafficking in Persons from Nepal's Human Rights Commission estimates that around 35,000 people, including 15,000 women and 5,000 girls, were trafficked in 2018.<sup>190</sup> Indigenous women face a greater likelihood of trafficking; more than half of the trafficked women rescued by Maiti Nepal<sup>191</sup> have been indigenous women.

**Femicide** - Gender violence is the leading cause of violent deaths in Nepal, and more

<sup>186</sup> In one incident, a 31-year-old woman who arrived in the Lamkichuha quarantine center from India was raped by three men – a health worker and two volunteer workers – who forcefully entered her room in the quarantine centre. Public protests to improve quarantine facilities and take action against the perpetrators led to the arrests of all three men. The government also has committed to improve quarantine centres (Sharma 2020).

<sup>187</sup> Sexual harassment includes physical, verbal and nonverbal acts ranging from staring to humiliating comments, unwanted touching and sexual assault.

<sup>188</sup> Sexual harassment at work can be defined as *uninvited behavior of a sexual nature that is offensive, embarrassing, intimidating or humiliating and may affect a worker's job performance, health, career and livelihood* (ILO, p 3)

<sup>189</sup> Including carpet and garment industries, airlines, schools, college campuses, hotels and restaurants.

<sup>190</sup> UNODC (no date).

<sup>191</sup> Maiti Nepal is a pioneer organization working to combat human trafficking and protect Nepali girls and women from crimes like domestic violence, child prostitution, child labour and various other forms of violence and exploitation.

than 90 per cent of the people who die as a result of it are women. In 2018, there were 497 violent deaths, of which 181 people died as a result of GBV, with 172 of these (95 per cent) being women.<sup>192</sup> In 2019, GBV killed 193 people, representing 43 per cent of all fatalities.<sup>193</sup>

**Gender-Biased Sex-Selection** - Although sex-selective abortion (SSA) is expressly prohibited in Nepal, there is evidence that it is widely prevalent and primarily undertaken to abort female foetuses (Lamichhane et al. 2011; CREHPA 2020). An increasingly skewed sex ratio at birth has been evident in Nepal since 1995, as shown below, with 98 boys being born per 100 girls born in 2000 to 110 boys being born per 100 girls in 2015 (NDHS 2016). SSA trends in Nepal are related to preferences for sons and the perception that sons are social assets and a source of economic security for parents in their old age, while girls are considered a financial burden. Son preference is also attributed to the role of sons in continuing the family lineage and carrying out Hindu funeral rites. SSA also reflects the lack of bodily integrity for many women in Nepal, as they are pressured to terminate pregnancies that test as female. A related concern is the higher incidence of infant and child mortality among girls than boys in many districts, which is indicative of discriminatory practices or neglect of girl children (CREHPA and Oxford University 2015).

192 COCAP 2018.

193 COCAP 2019.

### 3. ACCESS TO SERVICES: PREVENTION, PROTECTION AND PROSECUTION



Despite the endemic violence that Nepali women face and the consequences they live with, available research<sup>194</sup> indicates that two-thirds (66 per cent) of women in Nepal who experience violence do not seek help or tell anyone about it. Most of the one-third of women who did talk to someone went to people close to them: their own family (65 per cent), neighbours (31 per cent) or friends (22 per cent). Less than 10 per cent of female victims of violence reported to the police and only two per cent of female victims sought help from a social work organization. Help seeking varied by province: abused women in Madhesh Province (15 per cent) were less than half as likely to talk to someone compared to women in Gandaki Province (39 per cent) or Koshi Province (32 per cent).<sup>195</sup>

Women who experience IPV are also less likely to seek support in comparison to women who experience violence from non-family members/intimate partners. A study in rural districts (GoN 2012) found that although 39 per cent of women affected by gender violence reported it, only 18 per cent of women abused by their

194 MoH and New Era 2017.

195 Ibid.

partners did so. Reasons for the latter were reported as shame, fear of further violence or rejection by friends and family (discussed above) and a feeling that there would be no response or resolution, which is reflective of attitudinal barriers and inadequate services. Barriers to women seeking help from services or the police were found to be another reason in the western Terai, where formal services were not sought until women's lives were at risk.<sup>196</sup> Other barriers to seeking help include discriminatory practices on the part of health-care and other service providers and violence by police personnel (CREA 2012), particularly against Dalits<sup>197</sup> and other marginalized groups. Similarly, the ability of GBV survivors to access multi-sectoral services has been severely restricted in Nepal both because of GBV survivors' low awareness of their rights (especially among women with disabilities); lack of service-/support-seeking behaviour; and limited access to multi-sectoral services, such as justice, health, shelters and One-Stop Crisis Management Centres (OCMCs). The recent establishment in each ward of female police cells that focus on GBV cases and greater awareness among women about this special service has led to more women approaching the police to report incidents of domestic violence or IPV (Ghimire and Samuels 2017).

196 Samuels et al. 2017.

197 One-quarter of Hill and Madhesi Dalits reported facing discrimination while accessing government services (NSIS 2020).

### 3.1 PREVENTIVE STRATEGIES: AWARENESS-RAISING AND REPORTING MECHANISMS



While efforts to address GBV in Nepal focus more heavily on response than prevention, there is increasing recognition that investments in prevention are a more cost-effective way to stop violence, in addition to averting the significant costs that violence has on individuals, communities and society.<sup>198</sup>

**Awareness** - Many awareness-raising programmes have been conducted at the national, provincial and local levels to promote awareness on ending violence against women and girls. The government's Women, Children and Senior Citizens Service Directorates (WCSCSD), which are placed all around the country, have facilitated much of these awareness-raising efforts.<sup>199</sup> A documentary film about the 'Role of the Police in GBV Control' was also produced through the 'Prahari Anurodh' programme of Nepal Police and broadcast across various media outlets.<sup>200</sup>

198 UN Women 2021.

199 In FY 2018/2019, the WCSCSD organized 4,038 awareness-raising programmes on GBV, human trafficking, rape and discrimination against menstruating girls and women (including the social practice of *chaupadi*) across Nepal under the Community-Police Partnership Programme. In FY 2019/2020, it raised awareness among 2,90,560 people across Nepal through an additional 5,360 awareness-raising programmes on GBV, human trafficking, rape and *chaupadi*.

200 National Women Commission 2021.





**Media Advocacy** - The MoWCSC has produced information materials on rape and other sexual offences and disseminated them through the media. It has also produced musical TV jingles on eliminating GBV and aired public service announcements about preventing discrimination against migrant workers in six languages (Nepali, Tharu, Maithili, Bhojpuri, Doteli and Tamang). The WWCSCSD also crafts and disseminates messages on promoting a social environment free of violence and abuse.

**National Campaigns** - The GoN participates annually in the UN's 16 Days of Activism Against GBV campaigns in collaboration with several UN agencies, which put on many programmes at the national, provincial and local levels. The year 2019 was declared the "year against GBV," and many awareness-raising programmes were organized to end gender violence, including domestic violence and child marriage.<sup>201</sup> The 2021 campaign was launched with the slogan "Let's start at home, end violence against women." The GoN gathered support for the campaign by calling on federal, state and district coordination committees to organize programmes in schools and 753 LGUs at the ward level.

**Community-Level Mobilization** - The Nepal Police<sup>202</sup> established the GBV Control Network as a mechanism for victims to report incidents of GBV in 20 districts across the country, in coordination with CSOs and with support from the Asian

Development Bank (ADB).<sup>203</sup> A network of community committees was also established (77 at the district level, six at the metropolitan level, nine at the sub-metropolitan level, 267 at the municipality level, 427 at the rural municipality level and 5,231 at the ward level). These efforts were accompanied by the creation of a Male Leaders Network Mobilization Procedure, 2075 (2018) and the development of programmes to engage men in establishing social environments free from discrimination and GBV. The effectiveness of these committees has not yet been analysed.

**Information Dissemination** - The MoWCSC regularly disseminates information to stakeholders about the Sexual Harassment at the Workplace (Elimination) Act, 2071 (2014) and the Sexual Harassment at the Workplace Elimination Code of Conduct, 2074 (2017).

**Monitoring Mechanisms** - Much of the monitoring of gender violence relies on police reports and records as well as the efforts of numerous NGOs. In order to strengthen monitoring mechanisms among the Nepal Police, the Ministry of Home Affairs adopted a Code of Conduct on GBV for Police Officials, 2071 (2014) and conducted orientations about it to increase awareness and capacity among police officials. The Nepal Police has also adopted a Gender Policy, 2069 (2013) that contains a provision against sexual harassment in the workplace, which has been instrumental in disseminating information that can help sensitize police officials on preventing and stopping sexual harassment in the workplace.

201 MoWCSC, Annual Progress Report (FY 2018/2019) (Nepali Version), Kathmandu, 2019, p. 15.

202 Pursuant to the GBV Control Network Committee Establishment and Work Operation Procedure, 2075 (2018).

203 Asian Development Bank 2019.

**Human Trafficking Monitoring** - The Nepal Police established a separate, specialized unit called the Human Trafficking Investigation Bureau to investigate human trafficking and transportation offences. The Bureau supports clients in registering complaints, writing investigation reports, securing legal counsel and finding shelters and psychosocial counseling. The Bureau has also undertaken rescue operations in India and other countries where women have been trafficked or stranded, conducted outreach over social media and carried out rescue operations for migrant workers.

## 3.2 JUSTICE MECHANISMS



Available information on access to justice among female victims of GBV suggests implementation gaps as well as weak and inadequate response strategies on the part of the judicial system. These factors, combined with discriminatory attitudes and practices, serve as a barrier to capturing incidences of GBV and monitoring them. These factors also hinder women and girls, especially those from caste and ethnic minorities, from accessing formal justice. Research indicates that the major barriers to attaining formal and informal justice include entrenched patriarchal attitudes (which discourage women from seeking justice<sup>204</sup>), a lack of gender sensitivity among justice actors,

204 Reported in a study by Pandey et al. 2016 regarding traditional attitudes and practices that encourage women to tolerate abuse within the household/family.

an absence of gender-responsive services, non-transparency in the judicial system and political interference in judicial affairs and procedures.<sup>205</sup> In FY 2019/20, the Nepal Police recorded 11,738 complaints of domestic violence,<sup>206</sup> but reports from other credible sources<sup>207</sup> suggest there were likely many more women who reported violence to the police during this time. The gap between reporting and recording incidents (which accounts for less than two per cent of the IPV cases) is possibly caused by the police advising victims to reconcile with their partners or even coercing them into mediation.<sup>208</sup>

**Informal Justice Mechanisms** - For many years, the majority of Nepalis relied on informal justice mechanisms to resolve interpersonal and community-level disputes, many of which are unique to specific ethnic groups. With the passing of the Local Self-Governance Act (LGSA) of 1999, the GoN formally delegated (but not implemented) this role to the Village Development Committees (VDCs). Subsequently, the enactment of the Mediation Act of 2011 supported a specific community mediation model that aims for restorative justice in the interest of social harmony within communities, and this model was supported by a number of donor agencies.<sup>209</sup> The model consists of informal mediation sessions facilitated through community mediation committees (CMCs), NGOs or INGO mediation organizations at the local level, which are

205 Pandey et al. 2016.

206 <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate>

207 Asian Development Bank 2019; Karaev & Chhetri 2018.

208 For example, see NAWHRD 2019 and SRVAW 2018.

209 Pandey et al. 2016.



more accessible<sup>210</sup> and less costly than court proceedings.

According to the International Security Sector Advisory Team (ISSAT), victims of gender violence turn to informal justice mechanisms because they are likely to feel intimidated or discouraged by formal justice mechanisms, especially if they do not read or speak Nepali, which is the language universally used in Nepal's courts.<sup>211</sup> Although the resolution rate through CMCs is estimated to be 90 per cent (ibid), the concern is whether IPV cases are resolved with impunity in the interest of maintaining community harmony, since most mediators are community volunteers. Mediation structures are embedded into local government bodies (like VDCs)<sup>212</sup> and in addition, more than 12 mediation structures operated by CSOs, religious and community leaders are estimated to currently be in place.<sup>213</sup> However, recent findings by the Asia Foundation (2020) indicate that more Nepalis prefer ward chairpersons/members (22.4 per cent) or mayors/rural municipality chairpersons (9.4 per cent) to help resolve matters related to domestic violence rather than CSO workers and religious and/or community leaders. The efficacy of these government officials in resolving GBV cases in a manner that assures justice to female victims has not yet been assessed.

210 In rural areas in particular, the nearest police station, court or administrative office is several hours or even a day's travel away from residences (UNDP 2013).

211 <https://issat.dcaf.ch/Learn/Resource-Library2/Case-Studies/Nepal-Improving-Access-to-Justice>

212 Asia Foundation 2016.

213 UNDP 2020.

### 3.3 ACCESS TO PROTECTION AND JUSTICE SERVICES/ MECHANISMS IN HUMANITARIAN EMERGENCIES



The dramatic spike in GBV cases during the COVID-19 pandemic and in the aftermath of the 2015 earthquakes has highlighted the urgent need for strengthening women's access to protection and justice services in humanitarian emergencies in Nepal. Although an extensive GBV legal framework exists in Nepal, specific provisions that would help protect women affected by GBV during humanitarian emergencies are not included in Nepal's existing laws, policies and procedures (IFRC 2021). The efficacy of these policies and services during such events have come into question based on evidence from the post-2015 earthquake response (IFRC 2021) and in the context of the COVID-19 pandemic (UN Women and CARE Nepal 2020). As reported by UNDP Nepal, neither the courts nor traditional justice actors were in full operation during the COVID-19 pandemic. Although the courts adjusted their operations, delays in scheduling hearings contributed to an increased backlog of cases and lengthened the course of judicial and administrative proceedings.

**Justice Mechanisms in Humanitarian Emergencies** - The GoN has established an intricate disaster-response operational



framework, with committees and sub-committees set up at the national, regional, district and local levels under the apex body of the Central Natural Disaster Relief Committee (CNDRC). Despite the various mechanisms for collaboration between the government, the UN and INGO partners as well as local relief NGOs, there is no specific mandate on how to handle GBV cases in disasters or ensure gender equality in disaster response and recovery. Moreover, while the National Strategy on Disaster Risk Management provides for GESI mainstreaming in all disaster risk management (DRM) steps, there is no provision for gender-balanced participation in DRM (IFRC 2021).

Access to justice for women subjected to GBV during humanitarian emergencies is compromised due to the manner in which personnel are channelled to rescue operations and the general disruption of services. During humanitarian emergencies in Nepal, services for GBV survivors have been disrupted, as first responders, health care workers and other protection personnel were diverted for rescue (in the aftermath of the earthquake) or to contain the situation (in the pandemic context). For example, the reassignment of police to disaster-response roles, including to handle rescues, emergency resettlement and the distribution of supplies, was found to affect their availability to assume GBV protection roles in the aftermath of the 2015 earthquakes (IFRC 2021). Disruptions to other public services, including social services, phones/helplines, police and the courts, have compounded women and girls' vulnerability to GBV. Such disruptions, combined with movement restrictions

imposed by the GoN to stop the spread of COVID-19, created additional barriers for survivors in accessing essential services.

Multiple factors were found to have encumbered GBV investigations and response during the 2015 earthquake response and recovery period, such as the added pressure the earthquakes had on pre-existing protection mechanisms and on overstressing the resources of the Nepal Police, women's cells at district police stations and other mechanisms for GBV support, including the hospital-based OCMCs (IFRC 2021). These disruptions to Nepal's regular avenues of GBV support and reporting frameworks also resulted in data gaps on GBV.

Yet another complicating factor that affects women's access to justice in Nepal is a lack of awareness on free legal aid services and a general lack of trust in the justice system (Khan et al. 2020). Other barriers include low levels of women's knowledge on existing GBV legislation and protection; a lack of access to justice mechanisms and procedures and shelter/relief services; the discouraging, complex and lengthy process of reporting and due process; and the complexity of legal proceedings, including adjudication systems and their lengthy nature, which encumber women's ability to pursue a claim given their ongoing livelihood, domestic and care responsibilities (IFRC 2021). A 2016 study on women's access to justice, undertaken by the National Judicial Academy (NJA), found that only 27.6 per cent of female victims of violence and discrimination seek support from justice sector institutions. Furthermore, only one-

third of those seeking justice through the court system were aware of the availability of legal aid services. According to Lead International (2019), in addition to women's lack of knowledge about police and court processes, their negative perceptions of police and court officials and the role of middlemen in manipulating case proceedings are major factors that prevent rural people, especially the poor and women, from accessing justice.

### **Access to Justice Among Women Victimized During Nepal's Civil War -**

Although the GoN established the Truth and Reconciliation Commission (TRC) and the Commission on Investigation of Disappeared Persons (CoID) in 2015 and made several attempts to establish transitional justice mechanisms, they have not given due consideration to international standards and gender perspectives. The TRC included crimes like rape and sexual violence as serious human rights violations and stipulations in the TRC Act to include a female Commissioner in the TRC and at least one woman in the Recommendation Committee. The GoN, however, has not endorsed the Transitional Justice Act, which was drafted with support from conflict victim groups in 2022. Furthermore, Local Peace Committees (LPCs) were established in all 75 districts, but some did not appoint any female staff members, which meant that female victims were compelled to share sensitive details of their GBV experiences with male staff. Finally, despite some provisions in the TRC Act to investigate, prosecute and try allegations of rape and sexual violence during the conflict, no special arrangements have

been made to ensure that victims are able to produce corroboratory evidence. These complications deter the possibility of ensuring justice to victims of sexual violence and GBV during the conflict.

The GoN has also not taken steps to include victims of sexual violence and GBV into its scheme of interim relief, compensation, reparations and other support services, despite calls by the UN to address the reparations process in a gender-sensitive manner. Upon her 2019 visit to Nepal, the UN Special Rapporteur on Violence against Women emphasized these omissions. The UN's Human Rights Committee has further called on Nepal to adopt measures to provide interim relief to sexual violence victims, and the CEDAW Committee has also urged the GoN take steps to guarantee women and girls victimized during the conflict have access to interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence.

**Proven Strategies** - In the aftermath of the 2015 earthquakes, Nepal was able to launch responsive and timely access to justice, as the judiciary established open benches set up under tents. The Ministry of Law and Justice and the Nepal Bar Association (NBA), with support from UNDP, also established mobile legal aid clinics to provide legal services to vulnerable groups. In addition, the NHRC introduced mobile human rights camps to monitor and provide necessary human rights counseling to the poor and vulnerable (Gautam and Tamata 2020). In a significant milestone, the

GoN is facilitating the online registration of GBV cases with the police and online court proceedings. In a project run by the Forum for Women, Law and Development (FWLD), supported by UN Women, GBV survivors have been provided with free legal consultations, assistance with filing police reports and legal representation in court. GBV survivors have also been given access to legal services via phone, Facebook messenger, email or Google forms (UN Women 2020c).

### 3.4 PROTECTION SERVICES: ACCESS TO LEGAL AID, CRISIS RESPONSE AND SHELTERS



The GoN has committed to funding protective and supportive services for women affected by GBV, but the effective operationalization of such services is hampered by various factors, including its low prioritization and unresolved administrative issues, which are outlined below.<sup>214</sup>

**Legal Aid** - Although the GoN, NGOs and CSOs provide free legal services to those who cannot afford to pay for them,<sup>215</sup> access to legal aid is limited

214 The new governance structure requires that each provincial and local government enact a law and allocate the appropriate resources towards its implementation.

215 They conduct various trainings, legal literacy programmes, research programmes on legal aid, awareness-raising programmes on human right issues and the justice system and so on, often through partnerships with the government.

because of a lack of awareness<sup>216</sup> and an inadequate dissemination of information. Many NGOs,<sup>217</sup> including the FWLD, have also organized legal literacy and legal aid programmes at the community level and produced infographic videos to inform people about women's rights and the available legal remedies, which they have also disseminated across social media platforms. A list of the various legal aid agencies operating in Nepal and their respective services are included in Annex 7. In terms of governmental sources, three tiers of courts in Nepal, i.e. the District Courts, High Courts and the Supreme Court, are sources of legal aid in Nepal. In addition, the NBA and its branches are an important source of legal aid in different regions of Nepal. Additional sources of legal aid are Judicial Committees (JCs),<sup>218</sup> Mediation Centres, District Legal Aid Centers and the WCSCSCs in the district police offices. There is also a "Survivors' Room" in the District Public Prosecutor's Office and court-paid lawyers in the District Court. Nonetheless, there are few efforts to inform the public about existing legal mechanisms, thus limiting access. Furthermore, provincial and local governments have formulated their own laws apart from the federal laws, which has made it more complex for the general public to understand Nepal's legal redress mechanisms.

216 A 2016 Ministry of Law, Justice and Parliamentary Affairs study revealed that 87.7 per cent of Nepali citizens were not aware of free legal aid services.

217 In addition to the FWLD, the Legal Aid and Consultancy Center (LACC) and WOREC Nepal have launched legal aid support programmes in various districts to female survivors of violence.

218 The JCs are informal bodies responsible for resolving local disputes. Some JCs (e.g. the Judicial Committee of Biratnagar sub-metropolitan) were found to have conducted awareness-raising programmes on women rights, legal remedies and legal support at the ward level.



### **National Women Commission (NWC)**

- As the government body established to protect and promote women's rights and interests, the NWC has been at the forefront of addressing gender violence in Nepal. In addition to the toll-free, 24-hour 1145 helpline set up to report and register incidents of VAW, the NWC provides legal assistance, psychosocial counseling and safe shelters to women and children who have been subjected to sexual violence, including through referrals to other organizations that provide such services.<sup>219</sup>

**The GBV Elimination Fund** - Established in 2010, the GBV Elimination Fund provides services at the federal and district level, such as safe houses or emergency aid to victims, including rescuing and rehabilitating female victims of violence and providing them with medical, psychosocial and legal support. However, this fund has remained non-operational since 2017 and budget allocation for it has decreased by half since 2010. The regulations were amended for a second time in 2019 to mandate the establishment of GBV Elimination Funds at all three tiers of the government,<sup>220</sup> but none have been established yet. The amended Domestic Violence Act also gives provinces and local governments the option to establish Service Funds to be used to manage centres to provide security, medical treatment and other rehabilitative services to victims of domestic violence. Service

Funds cannot, however, be established at the provincial and local levels until regulations to the Domestic Violence Act are also amended (FWLD and HIDR 2020).

Some local governments (Sainamaina municipality in Lumbini Province, Surkhet municipality in Karnali Province and Ilam municipality in Koshi Province) have also allocated their own budgets towards operating the GBV Elimination Fund, while a few other local governments are in the process of establishing its operation (Janakpurdham sub-metropolitan and Chhireswarnath municipality in Madesh Province, Pokhara metropolitan in Gandaki Province, Biratnagar metropolitan in Koshi Province and Dhangadhi sub-metropolitan in Sudurpashchim Province). In Sudurpashchim and Gandaki provinces, the Ministry of Social Development is also drafting guidelines to establish and mobilize the GBV Elimination Fund.<sup>221</sup>

**Victim Relief Fund** - Although the Victim Relief Fund was designated to provide financial support directly to victims of GBV (and other crimes), this fund is centralized, linked to the courts and can only be accessed with a court order. There are barriers in terms of providing victims with timely access to relief, which also prevents access at the provincial level. Given the length of most court processes, the fund's ability to ensure victims the right to receive immediate relief and support is curtailed, thus limiting access to justice among low-income women. Regulations to operationalize the Victim Relief Fund were enacted in May 2020, but there is a lack of essential details on how the funds can

219 For example, these include the LACC, the Transcultural Psychosocial Organization (TPO), SAATHI (an NGO that offers shelter to GBV victims), the NBA, CWIN (Child Workers in Nepal) and Manab Sewa Ashram.

220 Under the governance transition to provincial and local governments, districts are not part of the federal system. Furthermore, efforts to address GBV have not been a priority.

221 MoWCSC 2019.

be held or distributed through the District Courts.

**The NWC's Helpline** - As a national, 24-hour, toll-free helpline, the 1145 Helpline Service established by the NWC provides support to women facing IPV or other forms of GBV by providing information on available services, such as legal aid, psychosocial support, child support and shelter. The hotline has handled a total of 15,547 GBV cases<sup>222</sup> so far, 87 per cent of which were for domestic violence complaints.

### **One-Stop Crisis Management**

**Centres (OCMCs)** - Established in major government hospitals in 48 districts (BBC 2019), OCMCs are intended to provide psychosocial and legal counseling, medical treatment and other services to women and girls who have faced GBV, in coordination with police, attorney's offices, community-based organizations and other key service providers. OCMCs have been established in 71 district hospitals so far, with the GoN planning to extend the centres in 80 hospitals in 77 districts during the FY 2021/22. However, there has also been public dissatisfaction about the services offered in certain OCMCs, as reported by local media outlets.<sup>223</sup> Civil society advocates, for example, have noted that these centres are not fully operational due to insufficient funds, a lack of trained human resources and inadequate coordination among stakeholders. Being located in government hospitals, OCMCs are not easily accessible to women in remote communities. Other sources of

support to GBV victims include various NGOs, including WOREC, Rakshya Nepal, Saathi, Legal Aid & Consultancy Centre (LACC,) Maiti Nepal, Awaj and Transcultural Psychosocial Organization (TPO), to name a few. These NGOs provide legal aid, psychosocial counseling, medical support and emergency shelter support to victims.

**Shelters** - In Nepal, there are ten government-run shelters for women who have been trafficked. They also provide some accommodation for women leaving violent partners, and NGO-operated shelters for victims of domestic violence are also available in Nepal, as shown in Annex 8. The latter often face funding shortages needed to provide comprehensive services, however. The MoWCSC has given grant funding to five provincial governments to operate long-term shelters for female victims of violence.<sup>224</sup> For instance, the Mangala-Sahana long-term shelter home is currently operating in Bagmati Province.

**In her 2018 mission to Nepal, the Special Rapporteur on Violence against Women heard about the dire shortage of adequate shelters offering safe housing to women and girls in Nepal who have been victims of violence, especially in rural and remote areas and among indigenous communities.**

(UNHCR 2018)

<sup>222</sup> <https://nwc.gov.np/en/>

<sup>223</sup> Anmol 2020.

<sup>224</sup> MoWCSC 2019.



## 3.5 CONSEQUENCES OF GENDER VIOLENCE



**Health** - IPV has negative consequences for women's physical and mental health. More than 40 per cent of women who suffered physical violence from partners in the past year and almost half of women subjected to sexual violence in that same timeframe reported injuries ranging from cuts and bruises to burns or broken bones.<sup>225</sup> A study using data from the 2016 DHS found that IPV increased the likelihood of miscarriages, whether or not the violence happened during pregnancy.<sup>226</sup> This in-depth study of GBV in rural districts found that women who had experienced violence were significantly more likely to report psychological problems as well as physical and reproductive health problems. In particular, female survivors of violence were almost six times more likely to have considered suicide and 10 times more likely to have tried to kill themselves (GoN 2012).

**Productivity** - Violence – including the physical and emotional injuries resulting from it – also affect women's economic security,<sup>227</sup> productivity at work and capacity and confidence to participate in community events and their children's school activities. This results in personal and financial costs for the victim, and it also has consequences for workplaces and communities.

225 DHS 2016

226 Adhikari 2018

227 Given that injuries are likely to prevent women from working (Ghimire and Samuels 2017).

**Children's Health and Well-Being** - IPV also impacts children in ways that are both immediate and far-reaching. A study based on the 2011 DHS found that children of IPV survivors were more likely to experience fevers, diarrhoea or acute respiratory infections. The researchers suggest that this could be because limits imposed on women's decision-making and access to resources, along with their poor health due to the violence, pose barriers to providing adequate healthcare to their children (Ferdousy 2015). Children's exposure to violence at home also affects their chances of having healthy and egalitarian relationships in the future. Witnessing violence against their mothers during childhood is strongly linked to women's risk of facing violence from a partner after the age of 15, and boys who see their fathers abuse their mothers are more likely to be violent to their own partners in adulthood.<sup>228</sup>

## 4. HARMFUL PRACTICES



One common saying in Nepal is "*chhori ko janma hare ko karma*" – a daughter is born with a doomed fate.

Harmful practices consist of persistent behaviours that discriminate against a person based on their sex, gender, age, caste, ethnicity, language, religion and other factors. They leave women

228 MoH and New Era 2017 and GoN 2012



and people from excluded groups at risk of violence, poorer physical and mental health, poorer educational and economic outcomes, injury and even death.<sup>229</sup> Despite legislative prohibitions in Nepal, multiple forms of harmful practices continue, including child marriage, dowry, witchcraft accusations, *chhaupadi*,<sup>230</sup> *deuki*,<sup>231</sup> *jhuma*<sup>232</sup> and *dhan-khaane*,<sup>233</sup> most of which are experienced disproportionately by women and girls. Determining their scale and severity is hampered by limited data and under-reporting. Apart from a select number of studies, the information in this section is gleaned from anecdotal information provided by NGOs and news reports. This section captures four harmful practices across Nepal: dowry, child marriage, menstrual discrimination practices and accusations of witchcraft.

## 4.1 DOWRY



Although decreed illegal since 2009, dowry continues to be widely practiced, especially in Madhesi communities. In a recent study, more than 90 per cent of people surveyed in Madhesh Province said that dowry exists in their area and almost 7 in 10 people reported that their own family has been required to pay dowry (United Nations Nepal 2020). Dowry is underpinned by

229 United Nations Nepal 2020.

230 A form of menstrual exile in which women and girls sleep in small huts or animal sheds during menstruation and immediately after childbirth.

231 Offering a Hindu girl to a temple for ceremonial purposes.

232 A Buddhist practice of offering a daughter to a monastery to bring good fortune to the family.

233 Receiving money for solemnizing the marriage of a child.

women's lower status in the family and in society – a reflection of her low valuation in the gender system. Dowry payments by the bride's family signal an effort to secure her future in her marital family and are akin to providing *compensation to the groom's family* (Malagodi 2018). However, the value of a dowry as a source of social insurance for the bride is limited, as the institution of dowry has actually subjected women to the risk of violence, injury and even death. Disputes related to dowry can lead to violence against women. In 2019, police in Madhesh Province recorded more than 4,600 cases of dowry-related violence.<sup>234</sup> Dowry practices are also age-discriminatory, with lower dowries expected for younger girls, which is a tragic economic incentive for marrying girls before they reach age 18. As such, dowry and child marriage are interrelated harmful practices. The burden of dowry may also encourage sex-selective abortions, which are evident in the high numbers of sex-selective abortions in certain regions of Nepal (e.g. Madhesh Province) where research suggests there is a high preference for sons.

## 4.2 CHILD MARRIAGE



Nepal evidences some of the world's highest rates of child marriage at 5 million child brides, of whom 1.3 million were married before the age of 15.<sup>235</sup> Thirty-seven per cent of girls in Nepal marry

234 <https://www.nepalitimes.com/from-the-nepali-press/alarmed-rise-in-violence-against-women/>

235 UNICEF global database 2020, reported in UNFPA and UNICEF 2019. Nepal country profile: global programme to end child marriage.



before age 18, and ten per cent are married by age 15.<sup>236</sup> Concerns around the early marriage of girls exist on a continuum of human rights violations<sup>237</sup> the practice exposes them to, including violations of their bodily integrity, reproductive health risks<sup>238</sup> and the high risk of sexual and other forms of gender violence within marriage.

Although the registration of child marriage is legally prohibited by the National Civil Code, 2074 (2017) and the National Criminal Code, 2074 (2017, Section 173),<sup>239</sup> immense social pressure placed on registrars to falsely register such marriages is complicit in the issue (FWLD and UNIFEM 2007). Child marriages are often undertaken by families in poor, rural<sup>240</sup> or conflict- or disaster-affected areas who have limited access to healthcare and education (Raj and Boehmer 2013), which are factors compounding their already heightened risks of harm (UNICEF 2005). There was also an increase in child marriage during the COVID-19 lockdowns, when many families experienced income insecurity.<sup>241</sup>

236 UNICEF 2016; Human Rights Watch 2016.

237 Since child marriages are automatically void under the law, it has been challenging to ensure that children born during these marriages access their rights (e.g. property rights) upon the termination of their parents' marriage. However, Section 21(3) of the National Identity and Registration Act, 2076 (2020) clearly stipulates that the births of children born during child marriages can be registered. Further, Section 5(4) of the Children's Act, 2075 (2018) affirms children's rights against discrimination in education and healthcare and care from their own parents, even when their parents' marriage has been deemed void.

238 Obstetric fistula and uterine prolapse are common occurrences among young mothers whose bodies are physiologically underdeveloped for childbearing (Raj and Bohmer 2013).

239 In Nepal, the age of marriage for boys and girls is 18 with parental consent and 20 without parental consent (Marriage Registration Act, 2028 (1971), sec. 4(c).

240 Child marriage rates are estimated to be close to 70 per cent among some high-risk populations (i.e. people living in the Terai or certain rural and hilly regions).

241 <https://www.nepalitimes.com/latest/nepal-child-marriages-spike-during-pandemic/>

## 4.3 CHHAUPADI AND OTHER FORMS OF MENSTRUAL DISCRIMINATION



*Chhaupadi* is a form of menstrual exile rooted in ancient Hindu traditions. During menstruation and after childbirth, women and girls are considered 'impure' and forced to sleep away from their households in small huts without windows or doors and sometimes in animal shelters.<sup>242</sup> Even though a high proportion of the Nepali population thinks *chhaupadi* should be abolished,<sup>243</sup> it continues in practice, especially in rural communities despite the existence of legal prohibitions.<sup>244</sup> Legal stipulations against *chhaupadi* are also encoded in the right to equality (Article 18, 2015 Constitution) and the right to reproductive health (Article 38). Likewise, Article 24 (1) and Article 29 (2) affirm that "no one shall be treated with any kinds of untouchability or discrimination and no one shall be exploited based on any custom, tradition, culture, and practices or

242 The word *chhaupadi* comes from the Raute dialect in the far west of Nepal and combines two different root words: *chhau*, which means "untouchable or unclean," and *padi*, which refers to "being or becoming." Hence *chhaupadi* refers to a "state of being untouchable/unclean" (UNCT Lit Review p. 19).

243 For example, in a survey of community perceptions, almost half (47 per cent) of people whose households practiced *chhaupadi* thought it should be abolished (UN Nepal 2020).

244 The Supreme Court outlawed *chhaupadi* in 2005 and legal arrangements to eliminate it were formulated in 2008. The Criminal Code Act (2017) stipulates penalties for the inhumane treatment of individuals, which encompasses *chhaupadi* and witchcraft accusations. According to section 168 of the bill, the perpetrator of such acts could face up to five years in jail and be forced to pay up to NPR 50,000 (\$500) in fines as compensation to the victim. In 2018, criminal charges were added to this law.



any other bases" (Government of Nepal, Constitution of Nepal 2015).

The 2014 Multi-Indicator Cluster Survey (MICS) found that *chhaupadi* was experienced by 71 per cent of menstruating girls and women in the mid-western mountains and about 15 per cent in the far western hills and mountains (CBS 2015). MICS 2019 data on *chhaupadi* practices at the provincial level found that 10.2 per cent of girls and women in Karnali Province and 17.4 per cent in Sudurpashchim Province stayed in a *chhaupadi* hut in the past year. Smaller, more specialized studies often found higher rates. Elsewhere, 52 per cent of respondents in Karnali and Sudurpashchim provinces said that *chhaupadi* was common in their communities and 80 per cent of this group confirmed it was practiced in their households. In other provinces of Nepal, less than two per cent of women and girls report having to sleep outside the house during their period.

Apart from *chhaupadi*, women across Nepal experience other forms of discrimination and exclusion during menstruation. A study in Karnali and Sudurpashchim provinces found that 91 per cent of households practice forms of menstrual discrimination and that this extends beyond Hindu families to include 89 per cent of Muslim and 25 per cent of Christian households. A recent study in the Kathmandu Valley found that almost nine in 10 of the women surveyed face some restrictions during their menstrual cycles. Most do not enter temples or participate in religious gatherings. The

exclusion of women from religious activities and temples during menstruation is so widespread that MICS specifically does not include it in the list of menstrual restrictions surveyed. One in five women (21%) do not attend school, work or sleep in their usual bed during their menstrual cycles. Almost one-third of women do not touch male family members, eat with their family or touch water taps (Mukherjee et al. 2020; UN 2020). These menstrual restrictions are evidence of the narrative that women are less valued in Nepali society and also linked to the belief that the biological function of menstruation is a source of pollution and 'danger.' It serves to deny women their bodily integrity and exclude them from spaces and practices of high value in society while also limiting their roles to that of mothers or mothers-to-be.

## 4.4 ACCUSATIONS OF WITCHCRAFT



A belief in spirits, including the idea that spirits can 'possess' people and shamans (*jhankris*) can cure this possession (and the illnesses it causes), are common across different religions and cultures in many parts of Nepal (Fisher 1989). Witchcraft is commonly referred to as *boksipratha* in Nepal, and there is a belief in the existence of both male and female witches,<sup>245</sup> although the vast majority of people accused of witchcraft are women.

<sup>245</sup> A female witch is called *boksi* and male wizard is called *bokso*.

Those who are most likely to be accused of witchcraft are poor, illiterate women, widows and people with disabilities, especially women. According to 2012 INSEC data, people between the ages of 21 and 40 are most often accused of witchcraft. Witchcraft accusations and persecution are more common in the Terai region than hilly areas and rarely occur in mountain regions.<sup>246</sup> Typically, accusations of witchcraft are a way to grapple with misfortune, and according to local beliefs witchcraft is attributed to causing diseases, droughts, epidemics, earthquakes, crop damage and even death. Individuals experiencing a series of misfortunes, like constant material and financial loss, diseases, etc., tend to attribute it to witchcraft. Witchcraft charges are brought up by *jhankris*, who then subject the accused to extreme physical and mental torture, including "forced feeding of human excreta and urine, garlanding shoes, smearing soot, naked parading, etc." (Atteraya et al. 2021).

Some researchers (Adinkrah and Adhikari 2014) have found that upper-caste individuals with rigid religious views are most likely to make accusations of witchcraft. Their prejudiced beliefs about other castes and women make lower-caste women more likely to be accused of witchcraft, using them as scapegoats for other problems (e.g. illnesses). In some instances, men exploit the belief in witchcraft to deprive women of their assets, and community officials or religious leaders have made accusations for the

same reason (Adinkrah and Adhikari 2014).

As in the case of other harmful practices, there is limited data on the number of people affected by accusations of witchcraft, mostly due to under-reporting, primarily out of fear of further victimization and reprisals, similar to the reasons for other types of GBV. The stigma attached to a witchcraft accusation can stay with a woman for her entire life and most victims are unaware of their rights. Reported cases are rarely prosecuted and the perpetrators aren't usually punished, leading to mistrust of the legal system. Local police often choose to ignore witchcraft allegations, possibly due to their own beliefs in witchcraft, leaving communities to handle the matter on their own. In comparison to other harmful practices in Nepal, the potential for extreme violence against those accused of witchcraft is very high, which is another factor that deters victims from reporting. Witchcraft accusations often lead to social exclusion, humiliation, torture and death. Estimates suggest that approximately 90 women in Nepal die annually due to witchcraft allegations, but only an average of 37 cases are registered annually (Shah et al. 2021). After the start of the COVID-19 pandemic in Nepal in 2020, there was a rise in witchcraft accusations. A total of 64 cases were reported in the FY 2020-21, according to Nepal Police statistics, compared to 34 reported cases in the FY 2019-20 (Service 2021).

246 UN and UNFPA 2020.

**Chapter Summary** - Gender violence in its various manifestations (domestic violence, VAW, IPV and harmful practices) is a widespread problem in Nepal and affects women across caste, class, ethnic, disability status and sexual identity. Nepal's shift to framing GBV as a public health issue – which goes beyond the narrow view of GBV as a criminal justice issue – has led to its prioritization and the development of a conducive legal and policy environment. Despite existing legal proscriptions, efforts to make a serious dent in the incidence of gender violence is stymied by weaknesses in existing legislation and in their implementation as well as the persistence of harmful gender norms and practices. Inadequate preventive efforts, protective services and access to justice mechanisms hinder the safety of victims while also diminishing perpetrator accountability. Women's insufficient awareness – the fact that 61 per cent of women are unaware of laws against GBV (GoN 2012) – further complicates the situation. The dearth of reliable disaggregated data imposes serious constraints on developing a full understanding of the magnitude of gender violence in Nepal and the specific groups of women who are affected, thereby limiting the potential for effective and targeted policies and interventions.

## Priority Action Areas

### Policy Measures

- Instituting a comprehensive National Action Plan on GBV is an urgent priority.
- Adopting a strict anti-harassment policy that covers all forms of harassment and includes implementation and enforcement mechanisms.
- Strengthening existing laws, policy and justice measures governing gender violence in all its forms through amendments to sharpen their focus and scope; allocating adequate resources and guidelines for their effective implementation; ensuring compliance with international norms and standards; and ensuring their enforcement through clearly defined procedural guidelines and accountability measures so that perpetrators are brought to justice without impunity and victims are assured speedy access to justice.
- Amending the regulations of the GBV Elimination Fund and the Single Women Protection Fund to repeal their legally inconsistent provisions.
- Instituting key legal/policy reforms, including the abolition of the six-month statute of limitation for reporting rape/ filing FIRs on rape, and amending domestic violence legislation to encompass all forms of sexual violence, including between partners and outside marriage.

- Expediting the adoption of key pieces of legislation, including the Bill on Gender Equality and Violence against Women, and strengthening the implementation effectiveness of the Sexual Harassment at the Workplace Prevention Act (2015). Other policies that should be adopted include measures to protect women working in the informal sector, codes of conduct for reporting, measures to raise women's awareness and access to confidential and transparent proceedings (due to the stigma attached to reporting on GBV) and gender-sensitive dispute resolution mechanisms (Adhikari 2019).
  - Ensuring the operationalization of the GBV Elimination Fund so that protective and essential services are equally accessible at the provincial and local levels.
  - Expanding and ensuring the effectiveness of protective services through adequate budgetary and human resource investments, including multisectoral services, such as legal aid, and protective services for victims of gender violence.
  - Strengthening the political will and involvement of key stakeholders in the implementation of GBV services, given its direct impact on service delivery.
- Protection Fund and the Rehabilitation Fund) and how they can be accessed.
- Strengthening awareness-raising efforts, not only through annual campaigns but also through regular mass media messages that highlight the harmful impacts and toll of gender violence on women, children, the well-being of households and society at large.
  - Launching efforts to destigmatize menstruation and end *chhaupadi* practices through community education campaigns that debunk popular myths about menstruation, relying on the network of village-based health volunteers.
  - Launching awareness-raising efforts in workplaces and among employers on the gravity of workplace harassment and its health consequences and implications for women's productivity.
  - Educating employers and civic administrators about legal proscriptions against gender violence.
  - Engaging men as 'champions' in raising social consciousness about the gravity of gender violence through dialogues and community intervention strategies.
  - Monitoring the role of community mediation mechanisms and ensuring that they render justice to women instead of settling domestic violence cases for the sake of 'family harmony.'

### Programme Efforts

- Launching awareness-raising programmes on the availability of the GBV Elimination Fund and related protective funds (Single Women

## Data Gaps

- Strengthening the regular and systematic collection and analysis of national gender violence prevalence data through an independent mechanism, in coordination with the NWC, MoWCSC and other key ministries as well as service providers, police and the health-care system.
- Improving data collection on a regular basis and collecting disaggregated data based on the range of harmful practices that affect girls and women, given the limited availability of data on caste-based discrimination, child marriage, dowry-related violence and witchcraft accusations.
- Strengthening the use of the Nepal Monitor database so that it is utilized more effectively by local authorities to investigate and address incidents of gender violence without impunity and in a manner that renders justice to victims.



## REFERENCES

- ActionAid. (2020). "Online violence: An alarming call." Kathmandu: ActionAid Nepal.
- ActionAid. (2016). "Integrating women's rights into wider social movements in Kathmandu, Nepal: challenges, opportunities and effectiveness." Kathmandu: ActionAid Nepal.
- Adhikari, Nirjala. (2019). "Sexual harassment on women at workplace." Seminar paper, National Law College, Tribhuvan University. [https://www.academia.edu/49230931/Sexual\\_Harassment\\_on\\_Women\\_at\\_Workplace](https://www.academia.edu/49230931/Sexual_Harassment_on_Women_at_Workplace)
- Adhikari, R. and Wagle, A. (2018). "Effect of Intimate Partner Violence on Pregnancy Outcomes." *Journal of Reproductive Health and Contraception*, vol.3 No.3, p. 17.
- Adhikari, R. and Tamang J. (2010). "Sexual coercion of married women in Nepal." *BMC Women's Health*, vol. 10, issue 31.
- Adinkrah, Mensah and Adhikari, Prakash. (2014). "Gendered Injustice: A Comparative Analysis of Witchcraft Beliefs and Witchcraft-Related Violence in Ghana and Nepal." *International Journal of Sociology and Anthropology*, vol.6, Issue 10, pp. 314-321, October.
- Anmol, Amrita. (2020). "Lumbini Provincial Hospital's One-Stop Crisis Management Center is crippled by lack of infrastructure and staff." *Kathmandu Post*, 16 February 2020. <https://kathmandupost.com/province-no-5/2020/02/16/lumbini-provincial-hospital-s-one-stop-crisis-management-centre-is-crippled-by-lack-of-infrastructure-and-staff>
- Argento E. et al. (2021). "Global Burden of Violence and Other Human Rights Violations Against Sex Workers." In: Goldenberg S.M., Morgan Thomas R., Forbes A., Baral S. (eds) *Sex Work, Health, and Human Rights*. Springer, Cham. [https://doi.org/10.1007/978-3-030-64171-9\\_3](https://doi.org/10.1007/978-3-030-64171-9_3)
- Ashe, S. et al. (2016). "Costs of Violence Against Women: An Examination of the Evidence." Working Paper No 2. What works to prevent violence against women. <https://www.whatworks.co.za/documents/publications/68-authors-ashe-s-duvury-n-raghavendra-s-scriver-s-and-o-donovan-d/file>
- Asia Foundation. (2016). "Building Justice and Peace from Below: Supporting community dispute resolution in Asia." San Francisco: The Asia Foundation.
- Asian Development Bank. (2019). "Police and community partnership in Nepal tackling violence against women." Website article. 18 March 2019. <https://www.adb.org/results/police-and-community-partnership-nepal-tackling-violence-against-women>
- Asia-Pacific Network of Sex Workers. (2019). "Implementation of SWIT in Nepal." Website article. 27 November 2019. <https://www.apnsw.info/programs/implementation-of-swit-in-nepal>
- Atteraya, Alok et al. (2021). "Accusations of Witchcraft: A form of violence against women in Nepal." *Medicine, Science, and the Law*, vol. 61, Issue 2, pp. 147-149. <https://journals.sagepub.com/doi/10.1177/0025802421998222>
- Atteraya, Madhu S. et al. (2015). "Factors associated with intimate partner violence against married women in Nepal." *Journal of Interpersonal Violence*, vol. 30, Issue 7, pp. 1226-1246.
- Babcock, Rebecca L., and A. P. Deprince. (2013). "Factors contributing to ongoing intimate partner abuse: childhood betrayal trauma and dependence on one's perpetrator." *Journal of Interpersonal Violence*, vol. 28, Issue 7, pp. 1385-402. <https://doi.org/10.1177/0886260512468248>

- Beaujolaïs, Brienne et al. (2020). "Client-Perpetrated Violence Toward Female Sex Workers in Kathmandu." *Violence Against Women*, vol. 26, Issue 2, pp. 249-267.
- Bhattachan, Krishna B. et al. (2009). "Caste Based Discrimination in Nepal." [https://idsn.org/wp-content/uploads/user\\_folder/pdf/New\\_files/Nepal/Caste-based\\_Discrimination\\_in\\_Nepal.pdf](https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Nepal/Caste-based_Discrimination_in_Nepal.pdf)
- Bhattacharjya, M. et al. (2015). "The Right(s) Evidence – Sex Work, Violence and HIV in Asia: A Multi-Country Qualitative Study." UNDP & UNFPA. <https://asiapacific.unfpa.org/en/publications/rights-evidence-sex-work-violence-and-hiv-asia-multi-country-qualitative-study>
- Blondeel, K. et al. 2018. "Violence motivated by perception of sexual orientation and gender identity: a systematic review." *Bulletin of the World Health Organization*, vol. 96, Issue 1, pp. 29–41L. <https://doi.org/10.2471/BLT.17.197251>
- Bobel, C. et al. (eds.). (2020). "The Palgrave Handbook of Critical Menstruation Studies." [https://doi.org/10.1007/978-981-15-0614-7\\_2](https://doi.org/10.1007/978-981-15-0614-7_2)
- CARE UK. (2020). "Social Norms Analysis: Safe Justice Project analysis." London: CARE.
- CARE. (2019). "Dignified and violence-free world of work: A study on women working in informal sectors in Nepal." Atlanta: CARE.
- CBS. (2015). Multiple Indicator Cluster Survey Nepal 2014, Final Report. Kathmandu: Central Bureau of Statistics and UNICEF.
- CEDAW. (2018). Concluding Observation on Sixth Periodic Report of Nepal, Para 23, UN Doc. CEDAW/C/NPL/CO/6 (14 November).
- Center for (CREHPA). (2020). "Legal landscape: Gender-biased sex selection in Nepal." Policy brief 1. Kathmandu: CREHPA.
- CREHPA and Oxford University. (2015). "Policy Brief: Evidence and action for reducing sex selective abortions in Nepal."
- Channon, Melanie D et al. (2021). "Prevalence and correlates of sex-selective abortions and missing girls in Nepal: evidence from the 2011 Population Census and 2016 Demographic and Health Survey." *BMJ Open* 11:e042542. <https://bmjopen.bmj.com/content/11/3/e042542.info>
- Clark, Cari Jo et al. (2019). "Mixed methods assessment of women's risk of intimate partner violence in Nepal." *BMC Women's Health*, vol. 19, Issue 20. <https://doi.org/10.1186/s12905-019-0715-4>
- Clark, Cari Jo et al. (2018). "Social norms and women's risk of intimate partner violence in Nepal." *Social Science & Medicine*, vol. 202, April, pp. 162–169. <https://www.sciencedirect.com/sdfe/reader/pii/S027795361830073X/pdf>
- Clark, Cari Jo et al. 2017. "Evaluating a multicomponent social behaviour change communication strategy to reduce intimate partner violence among married couples: study protocol for a cluster randomized trial in Nepal." *BMC Public Health*, vol. 17, Issue 75.
- Collective Campaign for Peace (COCAP). (2018). "Violence monitoring report 2018." Kathmandu: COCAP. <http://www.cocap.org.np/assets/uploads/publication/1576047458-Violence-monitoring-report-2018.pdf>
- COCAP. (2019). "The Nepal Peace Monitor: Annual Review 2019." Kathmandu: COCAP. [http://www.cocap.org.np/assets/uploads/publication/COCAP\\_Nepal%20Peace%20Monotring%20Annual%20Review%202019.pdf](http://www.cocap.org.np/assets/uploads/publication/COCAP_Nepal%20Peace%20Monotring%20Annual%20Review%202019.pdf)

- Dahal, B.P. et al. (2017). "Chhaupadi and health of women and girls: A study on effects of Chhaupadi practices on health status of women and girls in Karnali, Nepal." Kathmandu: Action Works Nepal & BEE Group.
- Dhungel, S. et al. (2017). "Is economic dependence on the husband a risk factor for intimate partner violence against female factory workers in Nepal?" *BMC Women's Health*, vol. 17, Issue 82.
- Ellsberg, Mary et al. (2001). "Researching Domestic Violence Against Women: Methodological and Ethical Considerations." *Studies in Family Planning*, vol. 32, Issue 1 (March). <https://doi.org/10.1111/j.1728-4465.2001.00001.x>
- EpiC. (2015). "Shattering the Silence: Preventing Gender-Based Violence against Sex Workers in Nepal." Website article. 28 September 2015. <HTTPS://EPICPROJECT.BLOG/2015/09/28/SHATTERING-THE-SILENCE-PREVENTING-GENDER-BASED-VIOLENCE-AGAINST-SEX-WORKERS-IN-NEPAL/>
- FEDO (Feminist Dalit Organization). (2010). "Report on Dalit Women and Critical Areas of Concern as outlined by the Beijing Platform for Action (BPFA) for women."
- Ferdousy, Elma Z., and Matin, M. A. (2015). "Association between intimate partner violence and child morbidity in South Asia." *Journal of Health, Population, and Nutrition*, vol. 33, Issue 16. <https://jhpn.biomedcentral.com/track/pdf/10.1186/s41043-015-0016-y.pdf>
- FWLD. (2017). "Gender Equality and Social Inclusion in Post-Earthquake Reconstruction Process." Kathmandu: Forum for Women, Law and Development.
- FWLD and UNIFEM. (2007). "Child Marriage: Legal Responses." Kathmandu: FWLD. <https://fwld.org/wp-content/uploads/2019/04/Child-marriage.pdf>
- Gautam, Phanindra and Tek Tamata 2020. "Advancing access to justice during Covid-19." Blog post, 25 June, UNDP. <https://www.np.undp.org/content/nepal/en/home/blog/2020/Advancing-access-to-justice-during-COVID19.html>
- Gautam, Sujana and Jeong, Hyoung-Sun. (2019). "The Role of Women's Autonomy and Experience of Intimate Partner Violence as a Predictor of Maternal Healthcare Service Utilization in Nepal." *International Journal of Environmental Research and Health*, vol. 16, Issue 5, pp. 895. <https://www.mdpi.com/1660-4601/16/5/709/htm>
- Ghimire, Anita and Fiona Samuels. (2017). "Understanding intimate partner violence in Nepal: Prevalence, drivers and challenges." London: ODI and Nepal Institute for Social and Environmental Research. <https://cdn.odi.org/media/documents/11381.pdf>
- Government of Nepal, Office of the Prime Minister and Council of Ministers. (2012). "A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal." Kathmandu: Office of the Prime Minister and Council of Ministers. <http://www.whrin.org/wp-content/uploads/2013/07/Study-Gender-based-violence-government-nepal.pdf>
- Grigaite, Ugnė. (2018). "Witchcraft accusation and persecution of Women in Nepal." Vilnius: Development Cooperation and Democracy Promotion Programme of the Lithuanian Ministry of Foreign Affairs. [https://www.vbplatforma.org/uploaded\\_files/articles/Nepal%20WAP%20Report.pdf](https://www.vbplatforma.org/uploaded_files/articles/Nepal%20WAP%20Report.pdf)
- Gupta, Jhumka et al. (2018). "Disability status, intimate partner violence and perceived social support among married women in three districts of the Terai region of Nepal." *BMJ Glob Health*, vol. 2, Issue 5, e000934. doi:10.1136/bmjgh-2018-000934

Gurung, Raj Kumari. (2016). "Accusations of witchcraft in Nepal: Problems and impact on women," *Asian Journal of Women's Studies*, vol. 22, Issue 1, pp. 65-74. <http://dx.doi.org/10.1080/12259276.2015.1133166>

Himal Innovative Development and Research (HIDR) and the Forum for Women, Law and Development (FWLD). (2021). "Nepal's Gender-based violence and Gender-Equality Funds: The path to effective Implementation." Policy brief. Lalitpur: Sigma Press. <https://nepal.un.org/sites/default/files/2021-06/np-the-path-to-effective-implementation-english.pdf>

Human Rights Council. (2019). Report of the UN Special Rapporteur on violence against women, its causes and consequences on her visit to Nepal, forty-first session, 24 June–12 July 2019, A/HRC/41/42/Add.2.

Human Rights Watch. (2018). Submission to the CEDAW Committee on Nepal's Periodic report for the 71<sup>st</sup> session. October. <https://www.hrw.org/news/2018/10/04/human-rights-watch-submission-cedaw-committee-nepals-periodic-report-71st-session>

Human Rights Watch. (2016). "Our Time to Sing and Play: Child Marriage in Nepal." Research report. [https://www.hrw.org/sites/default/files/report\\_pdf/nepal0816\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/nepal0816_web.pdf)

International Commission of Jurists (ICJ). (2021). "Nepal: Transitional justice mechanisms with a gender perspective." Geneva: ICJ.

ICRW. (2014). "Engaging men and boys, communities and parents to end violence against women, child marriage and other harmful practices in Nepal." Strategy document. New Delhi: International Center for Research on Women.

IFRC. (2017). "Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters: Nepal Country case study." Kathmandu: IFRC.

ILO. (2004). "Sexual harassment at the workplace in Nepal." ILO: Kathmandu. [https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-kathmandu/documents/publication/wcms\\_113780.pdf](https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-kathmandu/documents/publication/wcms_113780.pdf)

IWRAW and NWSP. (2017). "Sex workers rights." <https://www.iwraw-ap.org/wp-content/uploads/2018/04/Framework-on-Rights-of-Sex-Workers-CEDAW-1.pdf>

Jagriti Mahila Mahasangh 2018. Web posting. <https://www.apnsw.info/3011>

Jewkes, Rachel et al. (2019). "Preventing violence against women and girls: Community activism approaches to shift harmful gender attitudes, roles and social norms." London: United Kingdom Department for International Development. <https://www.whatworks.co.za/documents/publications/357-social-norms-briefweb-28092019/file>

Jewkes, Rachel et al. (2017). "Women's and men's reports of past-year prevalence of intimate partner violence and rape and women's risk factors for intimate partner violence: A multi-country cross-sectional study in Asia and the Pacific." *PLoS Med* 14(9): e1002381. <https://doi.org/10.1371/journal.pmed.1002381>

Karaev, Zainiddin and Chhetri, Renu (2018). "Addressing gender-based violence in Nepal." 14 September, World Bank Blogs. <https://blogs.worldbank.org/endpovertyinsouthasia/addressing-gender-based-violence-nepal>

Karki, K. B. et al. (2017). "Menstrual Health and Hygiene Management in Nepal: Scoping Review and preliminary mapping." Lalitpur: Population Services International, Nepal. <https://maverickcollective.org/wp-content/uploads/2017/06/Scoping-Review-and-Preliminary-Mapping-of-Menstrual-Health-in-Nepal.pdf>

- Khan, Nisar A et al. (2020). "Evaluation report of enhancing access to justice through institutional reform in Nepal." Kathmandu: UNDP Nepal.
- Koirala, Samiksha (2020). "Female Journalists' Experience of Online Harassment: A Case Study of Nepal." *Media and Communication*, vol. 8, Issue 1, pp. 47–56. <https://doi.org/10.17645/mac.v8i1.2541>
- Kunwar, Lal Bahadur et al. (2014). "Sexual harassment among females in working place at Dhangadhi municipality Kailali District." *GJMEDPH*, vol. 3, Issue 3.
- Lamichhane, Bimal P. (2019). "Legal aid: Existing laws, policies and practices in Nepal." *Journal of Political Science*, vol. 19, pp. 21-42.
- Lamichhane, Prabhat et al. (2011). "Sex-selective abortion in Nepal: A qualitative study of health workers' perspectives." *Women's Health Issues*, vol. 21, (3 suppl), pp. S37-41.
- Mishra, D. and Lamichhane, J. (2018). "Experience of sexual harassment in public transport among female health science students. A cross-sectional study of Kathmandu, Nepal." *Journal of Manmohan Memorial Institute of Health Sciences (MMIHS)*, vol 4, Issue, pp. 20-32. <https://www.nepjol.info/index.php/JMMIHS/article/view/21134>
- Ministry of Health (MoH) and New Era (2017). Nepal Demographic and Health Survey (DHS) 2016. Kathmandu: Ministry of Health.
- Ministry of Health and Population (MoHP), New Era, and ICF International (2012). Nepal Demographic and Health Survey 2011. Kathmandu, Nepal: Ministry of Health and Population, New ERA, and ICF International, Calverton, Maryland.
- MoWCSC. (2019). Annual Progress Report (FY 2018/19). Kathmandu: MoWCSC.
- Mukherjee, Amrita et al. (2020). "Perception and practices of menstruation restrictions among urban adolescent girls and women in Nepal: a cross-sectional survey." *Reproductive Health*, vol. 17, No. 81. <https://reproductive-health-journal.biomedcentral.com/track/pdf/10.1186/s12978-020-00935-6.pdf>
- Nanda, Priya et al. (2012). "Study on Gender, Masculinity and Son Preference in Nepal and Viet Nam." Report, vol. 98, New Delhi: International Center for Research on Women: .. <https://nepal.unfpa.org/sites/default/files/pub-pdf/Studyonsonpreference.pdf>
- National Women Commission (NWC). (2021). "A Study on the Implementation Status of Concluding Observations of United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) on the Sixth Periodic Report of Nepal." Kathmandu: NWC.
- Navsarjan Trust, FEDO and the International Dalit Solidarity Network. (2013). "The situation of Dalit Rural Women." Submission to Discussion on CEDAW General Comment on rural women – Article 14.
- Nepal Disabled Women Association. (2019). "Invisible realities: Understanding the lived experiences of women with disabilities in rural Nepal." Kathmandu: Womankind.
- Neupane, Gita and Meda Chesney-Lind. (2013). "Violence against women on public transport in Nepal: Sexual harassment and the spatial expression of male privilege." *International Journal of Comparative and Applied Criminal Justice*, vol. 38, pp. 23-3. DOI:10.1080/01924036.2013.794556
- Pandey, Ashim L., et al. (2016). "Justice mechanisms and conflict dynamics in Nepal: Local perceptions and impacts." London: Saferworld.

- Paudel, Radha. (2011). "Understanding Masculinities in Public Transport." Research report. Kathmandu: Action Works Nepal. [https://www.actionworksnepal.org/wp-content/uploads/2018/09/Research-Report-on-Understanding-Masculinities-in-Public-Transport-by-AWON\\_2012.pdf](https://www.actionworksnepal.org/wp-content/uploads/2018/09/Research-Report-on-Understanding-Masculinities-in-Public-Transport-by-AWON_2012.pdf)
- Puri, Mahesh, Geetanjali Misra and Sarah Hawkes. (2015). "Hidden voices: prevalence and risk factors for violence against women with disabilities in Nepal." *BMC Public Health*, 15:261
- Rahman, Habib et al. (2019). "Safety First: Responding to violence against sex workers in 4 countries in Asia." Bangkok: Asia Pacific Network of Sex Workers (APNSW). <https://static1.squarespace.com/static/5d51506e02321b000197ff9e/t/5db90a435e89a65debafc55d/1572408053612/Final+Safety+First+Report.pdf>
- Raj, Anita and Boehmer, U. (2013). "Girl Child Marriage and Its Association With National Rates of HIV, Maternal Health, and Infant Mortality Across 97 Countries." *Violence Against Women*, vol, 19(4), pp. 536-51.
- Rawal, D.S., and K. Agrawal (eds). (2016). "Barriers to women's land and property access and ownership in Nepal." Kathmandu: International Organization for Migration.
- Rijal, Soniya and Sharada Prasad Wastib. (2018). "Factors influencing career progression of working women in health services: A case from Kathmandu Valley in Nepal." *International Journal of Healthcare Management*, vol. 11, No. 3, pp. 164-170. <https://doi.org/10.1080/20479700.2018.1444952>
- Samuels, Fiona et al. (2017). "Tackling intimate partner violence in South Asia: Why working with men and boys matters for women." London: Overseas Development Institute (ODI). <https://www.refworld.org/docid/58bd74be4.html>
- Schwab-Reese, Laura M. et al. (2016). "Associations of financial stressors and physical intimate partner violence perpetration." *Injury Epidemiology*, vol. 3, Issue 6. <https://rdcu.be/cA4Y7>
- Service, H. N. (2021). "Cases of witchcraft allegation rise by 79.41PC in 2020-21." *The Himalayan Times*, 6 September 2021." <https://thehimalayantimes.com/nepal/cases-of-witchcraft-allegation-rise-by-7941pc-in-2020-21>.
- Shah, Richah et al. (2021). "Witchcraft allegations and untouchability as forms of violence upon women in Nepal: A 7-year study," *Medico-Legal Journal*, 0(0), pp. 1-3. [https://www.researchgate.net/publication/353038547\\_Witchcraft\\_allegations\\_and\\_untouchability\\_as\\_forms\\_of\\_violence\\_upon\\_women\\_in\\_Nepal\\_A\\_7-year\\_study](https://www.researchgate.net/publication/353038547_Witchcraft_allegations_and_untouchability_as_forms_of_violence_upon_women_in_Nepal_A_7-year_study)
- Shai N, Pradhan GD, Shrestha R, Adhikari A, Chirwa E, Kerr-Wilson A, et al. (2020) "I got courage from knowing that even a daughter-in-law can earn her living": Mixed methods evaluation of a family-centred intervention to prevent violence against women and girls in Nepal." *PLoS ONE*, vol. 15
- (5): DOI: <https://doi.org/10.1371/journal.pone.0232256>
- Sharma, Gopal. (2020). "Nepal arrests three men for quarantine rape, amid protests over unsafe conditions." Reuters. <https://www.reuters.com/article/us-health-coronavirus-nepal-rape-idUSKBN23M2CB>
- Singh, Jitendra Kumar et al. (2018). "Intimate partner violence during pregnancy and use of antenatal care among rural women in southern Terai of Nepal." *Women and Birth*, vol. 31, issue 2, pp. 96-102. <https://pubmed.ncbi.nlm.nih.gov/28844866/>

- Singh, Vijay et al. (2014). "Characteristics of men who perpetrate intimate partner violence." *Journal of American Board of Family Medicine*, vol. 27, issue 5, pp. 661-668. <https://www.jabfm.org/content/jabfp/27/5/661.full.pdf>
- Erin Stern, Susi McGhee, Gemma Ferguson, and Cari Jo Clark. (2019). "A comparative case study of couples programming to support relationship quality in Nepal and Rwanda." *Journal of Social and Personal Relationships*, pp. 1-21.
- Sudarshan Subedi, Manisha Hamal and Hari Prasad Kaphle. (2013). "Sexual Harassment in the Hospital: Are Nurses Safe?" *International Journal of Health Sciences and Research*. [https://www.ijhsr.org/IJHSR\\_Vol.3\\_Issue.6\\_June2013/8.pdf](https://www.ijhsr.org/IJHSR_Vol.3_Issue.6_June2013/8.pdf)
- Sukumar, Deepthi (2020). "Caste is my period." *The Palgrave Handbook of Critical Menstruation Studies*, pp. 137-142. [https://doi.org/10.1007/978-981-15-0614-7\\_13](https://doi.org/10.1007/978-981-15-0614-7_13)
- Society for Women Awareness Nepal (SWAN). (2018). "Discrimination and violence to Female Sex Workers and Third Gender Women Sex Workers of Nepal." Shadow Report submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) for consideration at the 71st Session.
- Thakuri, Dipendra et al. (2021). "A harmful religio-cultural practice (*Chhaupadi*) during menstruation among adolescent girls in Nepal: Prevalence and policies for eradication." *PLOS One*, vol. 16, Issue 9. <https://doi.org/10.1371/journal.pone.0256968>
- UNDP. (2020). "Enhancing Access to Justice through Institutional Reform Project 2018-2020." Project Document. Kathmandu: UNDP.
- United Nations Nepal. (2020). "Literature Review on Harmful Practices in Nepal." United Nations (UN) Harmful Practices Working Group, Nepal.
- UNDESA. (2014). "Guidelines for Producing Statistics on Violence Against Women - Statistical Surveys." United Nations, New York. [https://unstats.un.org/unsd/gender/docs/guidelines\\_statistics\\_vaw.pdf](https://unstats.un.org/unsd/gender/docs/guidelines_statistics_vaw.pdf)
- UNDP. (2013). "Strengthening the rule of law and human rights system in Nepal programme. Project document." [https://info.undp.org/docs/pdc/Documents/NPL/Project%20Document\\_RoLHR\\_2013.pdf](https://info.undp.org/docs/pdc/Documents/NPL/Project%20Document_RoLHR_2013.pdf)
- UNFPA and UNICEF. (2019). "Nepal country profile: global programme to end child marriage."
- UNFPA. (2015). "Sex work, violence and HIV in Asia: From evidence to Safety." Policy Brief. [https://asiapacific.unfpa.org/sites/default/files/pub-pdf/FINAL%20Policy%20Brief-Violence%20against%20sex%20workers-June%202015\\_0.pdf](https://asiapacific.unfpa.org/sites/default/files/pub-pdf/FINAL%20Policy%20Brief-Violence%20against%20sex%20workers-June%202015_0.pdf)
- UNFPA (no date). Child marriage. Website article. <https://nepal.unfpa.org/en/node/15217>
- United Nations Human Rights Council (UNHCR). (2018). "United Nations Special Rapporteur on Violence against women, its causes and consequences." Dubravka Šimonović Official visit to Nepal 19 - 29 November 2018. <https://digitallibrary.un.org/record/3835021?ln=en>.
- UNHCR. (2012). "Violence against Madheshi Dalit women in Dhanusa and Mahottari districts." Field bulletin, Issue 39, April. [https://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report\\_706.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_706.pdf)
- UNHCR. (2011). "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity." HRC/19/41. Geneva: United Nations Human Rights Council.

UNICEF. (2016). "State of the World's Children - Data 2016." <http://data.unicef.org/child-protection/child-marriage.html>

UNICEF. (2005). "Early Marriage: A Harmful Traditional Practice." New York: UNICEF.

United Nations and UNFPA. (2020). "Literature Review on Harmful Practices in Nepal." <https://nepal.unfpa.org/sites/default/files/pub-pdf/Literature%20Review%20on%20Harmful%20Practices%20in%20Nepal.pdf>

University College London and Centre for Research on Environmental Health and Population Activities. (2013). "Tracking Cases of Gender-Based Violence in Nepal: Individual, Institutional and Policy Analyses."

UNODC (no date). "Nepal takes a step forward against human trafficking." Website article. <https://www.unodc.org/unodc/en/human-trafficking/Webstories2020/nepal-takes-a-step-forward-against-human-trafficking.html>

UN Women. (2021). "Facts and figures: Ending Violence Against Women and Girls." <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

UN Women. (2020a). "Toolkit for developing legislation and policies on gender-based violence against women and girls in Nepal." Kathmandu: UN Women.

UN Women. (2020b). "Nepal Gender Equality and Social Inclusion (GESI) profile for Covid-19 Responses and Preparedness." Kathmandu.

UN Women. (2020c). "What happened after Covid-19 hit." Web article, 16 November 2020. <https://www.unwomen.org/en/news/stories/2020/11/what-happened-after-covid-19-hit-nepal>

UN Women and CARE Nepal. (2020). "Rapid gender analysis report on Covid-19 Nepal, 2020." Kathmandu: Nepal Research Institute.

Uprety, Sanjeev. (2016). "Triple Headed Patriarchal Hydra: Masculinities and Violence against Women in Nepal." *Sociology and Anthropology*, vol. 4, Issue 7, pp. 509 - 522. DOI: 10.13189/sa.2016.040701.

World Health Organization. (2012). "Understanding and addressing violence against women." Geneva: WHO.

WOREC. (2014). "Anveshi: Status and Dimension of Violence against Women, Reality Revealed." Kathmandu: WOREC.

World Bank South Asia Transport Unit. (2013). "Gender and public transport: Kathmandu, Nepal." <https://documents1.worldbank.org/curated/en/558581468053931803/pdf/860850WP0Final0Box382164B000PUBLIC0.pdf>



# CHAPTER 5 CROSS-CUTTING ISSUES AND PRIORITIES



# 1. OVERVIEW



The preceding chapters of the Nepal CGEP focused on three thematic issues critical for understanding the most persistent gender inequalities in Nepal: leadership and participation in the political arena, economic security and rights and gender-based violence. They documented persistent gender gaps and challenges in achieving GEWE, as well as challenges pertaining to each theme at the national, provincial and local level that constrain the achievement of GEWE. This chapter now highlights the main cross-cutting concerns for advancing GEWE that are shared by all three thematic areas, in line with commitments by UN Women Nepal, the GoN and other key national and international stakeholders. The evidence and analysis presented in the Nepal CGEP will contribute to policy and programmatic actions that address gender inequalities and discrimination in a manner that is grounded in local realities and reflective of the needs of Nepali women and girls at the intersection of caste, class, ethnicity, region, religion, disability and/or sexual identity.

## 2. KEY CHALLENGES TO ACHIEVING GEWE IN NEPAL



The extensive compilation of information undertaken as part of the Nepal CGEP, which included an in-depth review

and analysis of data, published and unpublished documents, national consultations, KIIs and evidence from the field, has revealed the following key concerns. Despite a high level of commitment by the GoN, gender and social inequalities remain pervasive and deep-rooted in Nepali society. Even though the principles of inclusion and proportional representation are outlined in the 2015 Constitution, a range of factors contribute to maintaining gender gaps, disparities and discriminatory and harmful practices that constrain the achievement of GEWE, including:

- The persistence of harmful gender norms and practices within households, at workplaces and in public office and public spaces that severely undermine women's potential and human capital, meaningful engagement in governance, economic security and quality of life.
- The disparities faced by women from vulnerable and excluded groups in Nepali society, including those marginalized due to their caste, class, ethnicity, disability status and/or sexual identity. These groups experience continuing lags and disparities in their ability to participate equitably and meaningfully in governance matters, exercise their voice and agency and access resources and services that would ensure their economic security and reduce their social and physical



vulnerability, as noted in the CEDAW shadow report of 2018.

- The implementation of many progressive laws and policies are hindered by delays in formulating their regulations and procedural guidelines or missing regulations and procedural guidelines all together, especially in the context of federalism and the devolution of powers to the provincial and local level.
- Discriminatory provisions in some laws (e.g. those pertaining to citizenship, nationality and migrant work) deny the human rights of women and sexual minorities and contravene the principles of non-discrimination enshrined in the new constitution.
- The ineffective implementation and lags in the enforcement of existing GBV laws (including the criminalization of child marriage and bans on other harmful practices, such as *chhaupadi*, dowry, witchcraft accusations and equal inheritance rights) and inadequate justice mechanisms as noted in the CEDAW shadow report of 2018. This results in the continuance of detrimental practices that devalue women and girls, violate their human rights and diminish their quality of life and life outcomes.

### 3. GAPS IN UNDERSTANDING THE BARRIERS TO GEWE



Nepal has launched efforts to regularly generate data on key social and economic indicators through five DHS surveys, the most recent two in 2011 and 2016, under the aegis of the Population Division, Ministry of Health and Population and through the NSIS of 2018. These two instruments have generated a wealth of disaggregated data<sup>247</sup> (by sex, caste, ethnicity and to some extent by location, age, disability and sexual identity) on key issues. However, data gaps on some aspects of gender inequality, especially its intersectional dimensions, hamper a deeper understanding of the nuanced aspects of gender disparities, especially their interrelationship with other markers of vulnerability and marginality. Furthermore, the lack of data on the reasons for gender gaps and disparities limits knowledge and understanding of *why* these gaps persist; as such, future data collection should *probe beyond the indicators to explore the underlying causes* and generate data on those issues as well.

Although the GoN has developed a 15-year roadmap to achieve the SDGs, demonstrating its strong commitment to implementing the 2030 Agenda

<sup>247</sup> The broad term “disaggregated data” will be used to refer to the various levels of data disaggregation necessary in Nepal, including by sex, gender, caste, class, ethnicity, religion, location, disability and sexual identity.



for Sustainable Development, only 37 per cent of the gender-related SDG indicators were available as of December 2020.<sup>248</sup> The political will to monitor and report on gender equality commitments has not translated to the establishment of a strong enabling environment for producing and disseminating gender statistics. Gender statistics were not included in the 2019 National Strategy for the Development of Statistics (NSDS) and their generation is compromised by weak implementation and poor coordination mechanisms.

The lack of high-quality disaggregated data also thwarts the possibility of developing evidence-informed and gender-responsive policy and programmatic interventions, as well as regular monitoring of the latter to assess their effectiveness and fine-tune their targets. It has now been widely established that data gaps on gender issues (especially disaggregated data) hinder the ability of governments to develop evidence-based policy reforms and programmatic interventions, ensure their implementation and monitoring and issue the requisite allocation of resources. The main data gaps relevant to GEWE issues in Nepal are:

- **The general lack of disaggregated data on GBV** has been flagged as a concern in the CEDAW shadow report of 2018. Regular collection and analysis of disaggregated data on GBV is essential, particularly its various manifestations (as discussed in Chapter 4), including on child marriage, the trafficking of girls and women and the way GBV in general affects women at the intersection of caste, class, ethnicity, religion, location, disability and sexual identity. The utilization of such data will facilitate the identification and development of tailored prevention strategies and protection programmes supported by adequate budgetary, technical and human resources, as well as the assessment of the impact and effectiveness of relevant policies and programmes, as called for in the 2018 CEDAW shadow report.
- **Disaggregated data on critical asset gaps** (e.g. material assets, such as land and property ownership and financial and digital assets) and the underlying reasons for gaps in these assets.
- **Gender statistics and disaggregated data on labour issues**, including guidelines on methodologies to measure various types of unpaid work, both in productive and reproductive tasks.
- **Disaggregated data on gender-based wage disparities** in order to identify which occupations, sectors and workplaces continue to practice wage discrimination.
- The collection, analysis and use of **data on unpaid care and household work**.
- **Quality data on migration for work**, as recommended by the NAWHRD in their contribution to the 2018

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CEDAW shadow report, to inform an understanding of the structural factors that compel women to migrate, the barriers they encounter, the costs and vulnerabilities they face and the implications migration has for their improved autonomy, economic security and social empowerment.

- **Disaggregated data on internet access and usage trends,**<sup>249</sup> which will be critical for developing a deeper understanding of the digital gender divide and devising strategies to address barriers in access, affordability, safety and digital literacy sufficient to close the gender gap in internet and mobile phone use as well as access to (digital) financial services.
- **Data on the impact of the COVID-19 pandemic on exacerbating pre-existing vulnerabilities** and disaggregated data on the hardest-hit population groups will be essential for creating evidence-driven national policy frameworks.

<sup>249</sup> Disaggregated data are essential to gain a better understanding of information and communication technology (ICT) access and usage gaps and will be able to guide evidence-informed policy measures to boost digital literacy. ICT data will also support gender-responsive policies that will boost girls' participation in STEM-related subjects, for example, and address gender mainstreaming in education pathways.

## 4. CHALLENGES IN IMPLEMENTING INTERNATIONAL, REGIONAL AND NATIONAL COMMITMENTS



The GoN has ratified and endorsed several international treaties and global conventions related to GEWE and is signatory to key global and regional standards that advance it, as documented in Chapter 1, section 3.3. Progressive laws and provisions that aim to strengthen gender equality and social inclusion have been recently adopted through the 2015 Constitution. The implementation challenges that thwart the effectiveness of these commitments include:

- Weak operationalization of legislative provisions due to the lack of rules and procedures and an inadequate allocation of resources (financial, technical and human) across all three levels of government.
- Inadequate operational guidance for provincial and local governments in the context of federalism.
- Low awareness among rights holders, especially women and marginalized groups, and their low access to claims mechanisms due to language barriers, mobility constraints and discriminatory practices that diminish their voice and agency.



## 5. GENDER-TRANSFORMATIVE POLICY FRAMEWORKS FOR ADVANCING GEWE



Nepal has succeeded in establishing an enabling policy environment for gender equality, at least in the letter of the law. The task ahead is to ensure its effective implementation through operational procedures that equip the three tiers of government under the new federal structure to execute legal mandates. One crucial issue that will also need to be considered in policy reform moving forward is the impact of the COVID-19 pandemic on gender and other intersectional forms of vulnerability, as documented in Chapter 1. These policy reforms will need to rely on the BPfA as a guiding framework so that they bring about GEWE outcomes that are transformative and inclusive. The GoN's 15-year roadmap to achieve the SDGs includes policy commitments. The task ahead will be to mainstream gender effectively across these policies so that the targets of SDG 5 are effectively met. This section outlines the main approaches and issues to be considered in this regard.

**Macro-Economic Policies** - Given that the COVID-19 pandemic has exacerbated Nepal's ongoing gender and social disparities,<sup>250</sup> gender-responsive corrective

and restorative policy measures are needed to ensure economic security and protect households from further vulnerability. In the short-term, gender-informed fiscal stimulus packages have been identified as one policy approach to overcoming pandemic-induced inequities, avoiding gender-blind macro-economic policies and ensuring that macroeconomic policies are responsive to the priorities and needs of Nepal's most vulnerable groups of women and their households. Specific measures that would be effective in advancing GEWE include:

- Policy reforms that target the drivers of gender inequality in productive employment, such as increasing the availability of decent work, providing better income opportunities and ensuring women's property rights, especially for rural women.
- Policies that address care work in a holistic manner<sup>251</sup> by accounting for the gendered division of labour throughout the life cycle and aiming to reduce and redistribute women's unpaid care and domestic responsibilities, thus opening pathways to paid work.

### **Promotional and Protective Policies** -

Policy measures that not only safeguard but also promote women's rights, physical and mental integrity and dignity, economic security and quality of life will be important in Nepal, especially in light of the gender-disproportionate impact of the global economic downturn and the ensuing

<sup>250</sup> At the intersection of caste, class, ethnic, religious, regional, disability and sexual identity markers.

<sup>251</sup> Given that piecemeal policy approaches to care fall short of realizing GEWE, such policy measures include the public provisioning of care (pre-schools, crèches and elder care) and care facilities and accommodations established in workplaces.



vulnerabilities caused by the COVID-19 pandemic, as well as the exacerbation of GBV and the unequal burden of unpaid domestic and care work on women. Policies that promote and protect women's economic security and rights, increase their access to decent work, ensure workplace standards and public benefits/social security provisions and improve their skills to enter and take part in paid work will be critical for Nepal's gender-transformative post-COVID recovery. A few key efforts in this regard include:

- The urgent prioritizing of services and interventions to prevent gender violence in all its forms as well as ensuring full access to support services and strengthening the enforcement of existing legislation and justice mechanisms impartially, effectively and efficiently, as recommended in the 2018 CEDAW shadow report.
- Safeguarding and promoting universal access to healthcare and sexual and reproductive health (SRH) services, especially for adolescent girls and women from marginalized populations (WHO 2020),<sup>252</sup> as recommended in the 2018 CEDAW shadow report. This would include access to mental health services, especially to address the adverse mental health consequences of income insecurity, and preventive care to avert the deterioration in SRH, maternal mortality, adolescent pregnancies and related complications (ibid).
- Increasing public investment in infrastructure and services that are accessible and affordable for women and girls from low-income and marginalized households/communities, given the proven efficacy of these services in reducing the time and energy spent on unpaid care and household work.
- Implementing legal and policy reforms to enhance gender-responsive access to justice, ensuring a proactive role of law enforcement agencies in prioritizing and registering cases of GBV, including domestic violence, as recommended in 2018 CEDAW shadow report.
- Strengthening subsistence security by introducing price stability and technological improvements for subsistence crop production; this will not only increase household and national food and nutritional insecurity but also support women's roles in meeting household food security needs and preserve the cultural value of subsistence production.<sup>253</sup>

### Targeted Sectoral Policy Measures -

Specific sectoral policy measures have been identified for each of the three thematic foci of the Nepal CGEP and have been listed at the end of each chapter. Most of those recommendations address the need to fine-tune existing policy and legislative provisions to strengthen their gender responsiveness, social

252 World Health Organization (WHO) 2020.

253 Holmelin (2021) argues, for instance, that subsistence production is motivated not only by the concern to satisfy biological (nutritional needs) but also because of its role in fulfilling social, ceremonial and moral obligations in the community.

inclusivity and implementation. In light of the COVID-19 pandemic's impact on specific sectors, prioritizing some policy areas will be an important restorative and safeguarding strategy. The priority policy areas in this regard include:

- Strengthening the variety of legal and policy measures on GBV (as detailed in Chapter 4), including making amendments to domestic violence legislation and the regulations of the GBV Elimination Fund and the Single Women Protection Fund and instituting a comprehensive National Action Plan on GBV, a strict anti-harassment policy and the Bill on Gender Equality and Violence against Women, as noted in the 2018 CEDAW shadow report. These GBV laws must be changed to explicitly address emotional and verbal violence, harassment and abuse and online violence (ibid) – not just physical violence – and ensure a zero-tolerance policy that covers all population groups.
- Developing targeted support for informal sector work (which is predominately occupied by women), including legal provisions for the implementation of social security rights guaranteed in the Right to Labor Article 34(2) for women engaged in informal sector work, as recommended in the 2018 CEDAW shadow report.
- Strengthening social protection schemes to mitigate the vulnerabilities induced and exacerbated by the COVID-19 pandemic.
- Developing legislation supporting women's property rights.
- Addressing normative barriers to women's financial inclusion, including the removal of legal and regulatory barriers that prevent women from accessing financial services, and instituting innovative financial services that empower women economically.
- Implementing policies and programmes incentivizing secondary school attendance and completion, which are likely to extend girls' education and prompt families to delay the marriage of girls while also facilitating pathways for girls to enter the formal labour force.
- Operationalizing the stipulations of the 2015 National Employment Policy and the capacity of the Ministry of Labour and Employment (MoLE) to ensure the inclusion of marginalized groups and women.
- Protecting labour rights and ensuring safe and secure work environments, including for migrant workers, especially women, and providing legal awareness support in destination countries and service provision for reintegration, as recommended in the 2018 CEDAW shadow report.
- Developing gender-responsive policies that address gender-based wage disparities in order to ensure equitable and adequate compensation for women's work and time burdens, especially because lower-income women work longer hours to gain sufficient household incomes.



## 6. NEXT STEPS: ADVOCACY, STRENGTHENING THE EVIDENCE BASE AND MONITORING



Nepal has taken the first steps towards streamlining GEWE into several legislative, policy and programmatic initiatives, many of which have been supported by the international community/agencies. Assessments on their shortcomings have also been well documented over the years, the main findings of which have been gleaned and documented in this CGEP. Three key issues stand out in this regard, highlighting the way forward for ensuring inclusive GEWE outcomes:

- Addressing the social context of entrenched gender norms that are harmful and discriminatory.
- Resolving implementation inadequacies that prevent the full effectiveness of existing policy and legislative provisions.
- Improving the availability of disaggregated data to inform the GoN, society at large, social institutions, the donor community and other key stakeholders about the broad extent of and types of gender inequities that persist in Nepal.

Based on the extensive review, assessment and analysis undertaken to prepare this CGEP, the next steps are:

- a) Addressing entrenched gender norms.
- b) Strengthening and tracking gender-responsive budgetary allocations.
- c) Improving the efficacy of policy implementation.
- d) Conducting adequate monitoring and evaluation.
- e) Strengthening the production, analysis and utilization of gender statistics and disaggregated data.

### a) Addressing Entrenched Gender Norms

- The available body of research on gender norm change indicates that since norms are social constructs, they are amenable to change through different drivers, such as economic development, purposeful efforts (like gender-responsive policy reforms) and advocacy/activism to mobilize change, which increases public knowledge about the implications of harmful gender norms and exposes society to new ideas and practices (ODI 2015).

Norm change is a gradual process and may also incur resistance and backlash until it is fully internalized. While norm changes per se may not be responsive to legislative and policy prescriptions, the shift in practices they prescribe are likely to eventually shift the construction of gender norms. For example, compliance with prohibitions on child marriage may not necessarily or immediately result in a norm change of girls being assigned greater value and respect in society. However, the practice of delaying marriage can bring about beneficial outcomes in terms of girls' education and labour market

engagement, which causes economic benefits for households – results that have intrinsic value in and of themselves. The demonstrative effect of positive changes that benefit households (i.e. the increased value of girls as they enter the labour force and contribute to household income) can also lead to gender norm change.

The specific priority areas for gender norm change in Nepal are:

- **Strengthening existing legislation and policies** on gender equality and social inclusion in their content and implementation, through amendments and efforts to enforce them, as discussed above in section 5.4.
- **Raising societal awareness and understanding of the overall impact, costs and consequences** of harmful gender norms and practices, as recommended in the 2018 CEDAW shadow report, including the deleterious impact of all forms of GBV. This would include its impact on individuals, households, families and communities across generations and as an impediment to social and economic development in general. These awareness-raising efforts would be targeted to specific audiences, such as influential figures within the household/family (in-laws and grandparents) and community (religious and administrative leaders) in order to build public understanding of biased perceptions, individual and societal roles in perpetuating discriminatory/harmful practices and one's responsibility to shift towards positive behaviours. Awareness-raising programmes would be designed to be culturally relevant and resonate locally among Nepal's diverse communities in order to enhance receptivity and engagement towards transformative gender norms and practices.
- **Engaging in advocacy** to mobilize communities to intentionally embrace attitudinal shifts on gender equity by engaging 'gatekeeper' figures in communities who can voice and model positive shifts, given their power to convince, persuade and condone changes in attitudes towards harmful practices. Advocacy efforts would include a 'ground-up' mobilization of gender champions within communities to assume the 'generation of consensus,' alleviate fears and enhance compliance to positive norm shifts. Engaging men and boys to serve as advocates for and to endorse transformative shifts in gender norms and practices has a proven efficacy in fostering positive, equitable and empowering norms and behaviours. Building the capacities of girls and boys, especially adolescent girls and boys, to advocate for gender equality is a proven strategy in reducing harmful gender norms and practices.
- **Introducing programming interventions** to break the intergenerational transmission of negative gender norms and ensure positive gender socialization through early childhood development (ECD) programmes that inculcate communities with ideas about the

equitable treatment of girls, positive parenting and the importance of community reinforcement of such strategies.

### **b) Strengthening and Tracking Gender-Responsive Budgetary Allocations**

- Nepal is considered a global leader in establishing gender-responsive budgeting (GRB) markers at the national level, including the development of a comprehensive aid management information system (AMIS) to track internationally funded initiatives. However, inadequate data on government spending towards gender equality hampers the task of tracking the implementation of GEWE activities implemented by the different ministries and subnational governments. As a result, there is insufficient data and information on the expenditure of sub-national governments on gender equality in Nepal and unclear directives to provincial and local governments on applying the GRB marker to their own budgets. Data availability in this regard would also improve an understanding of development outcomes and the impact of GEWE through strategic GRB allocations and contribute towards fulfilling SDG 5. In order to rectify this situation, the following priority areas are suggested:

- **Improving the availability and accessibility of up-to-date and quality data** on government gender financing in order to ensure the efficient and appropriate allocation of funds towards gender equality goals.
- **Creating GRB guidelines and tools** to track spending towards gender equality

priorities and strengthen accountability mechanisms for gender financing.

- **Identifying strategies to strengthen the effectiveness of the GRB Committee** in collaborating across levels of government and with external stakeholders
- **Ensuring that GRB allocations translate into tangible outcomes** for women and girls, including within systems, to assess the quality of expenditure and monitor results/changes in the lives of people.
- **Instituting participatory and inclusive decision-making** on public spending and priority setting by involving CSOs and women's organizations in participating and influencing budgetary discussions and outcomes.
- **Ensuring transparent access to financial and programmatic data** on gender equality initiatives in Nepal, which is critical for measuring impact, informing programme design and planning gender-responsive budgets and commitments across all organizational types.

### **c) Improving the Efficacy of Policy Implementation**

- Developing a strategy to improve the implementation of existing policies in a gender-responsive manner is essential to reap optimal outcomes from existing policies and laws supporting GEWE and GESI. Since the implementation gaps and their causes have been discussed above in section 5, the following steps are suggested to strengthen implementation efficacy:

- **Strengthening the capacity of the MoWCSC** to coordinate and monitor the implementation of GEWE policies across all three tiers of government, including the creation of a mechanism to enable an assessment of their outcomes/results.
- **Requiring that national organizations/entities implementing GEWE policies submit mandatory annual reporting on key indicators** relevant to GEWE and GESI concerns.
- **Strengthening knowledge of GEWE policies through a GESI lens** from a practical perspective in terms of implementation procedures, including at the provincial and local levels of governance.

#### **d) Conducting Adequate Monitoring and Evaluation**

- Now that Nepal has instituted a supportive policy and legislative framework for GEWE, a critical next step is to go beyond the letter of the law and assess the outcomes of the development interventions aimed at achieving GEWE outcomes. The GoN is credited for its fairly robust M&E system to track the progress of policies, programmes and projects. The task ahead will be to ensure that M&E mechanisms are gender-sensitive in order to elicit information on the gender-specific impacts of development interventions. A prerequisite for M&E on GEWE is the integration of a gender perspective into strategies, policies, plans and budgets. Furthermore, gender mainstreaming must also be ensured across sectoral efforts and all levels of government. Capturing the broad impact of GEWE efforts will be important

to understand results/outcomes beyond single projects or interventions (Batliwala and Pittman 2010).

A robust national M&E system on GEWE would also serve as an accountability mechanism that could enable the GoN to respond to the SDG 5 expectations and Agenda 2030 goals. Strengthening M&E processes and improving the capacity of local stakeholders to carry out monitoring would be another way of overcoming challenges in terms of programme outcomes. Achieving better M&E of gender-related outcomes in services should be rewarded and recognized, along with the local- and federal-level officials who perform well in achieving those outcomes. This would also encourage officials and service providers to improve their services to women. Priority areas for action are as follows:

- **Reviewing the effectiveness of the M&E Act.**
- **Assessing the alignment of the National M&E Guidelines with the SDGs**, especially SDG 5, in order to enable tracking and evaluation of SDG targets.
- **Improving the effectiveness of line ministries in tracking progress on the SDGs**, especially SDG 5.
- **Extending the scope of the Integrated Evaluation Action Plan for 2016-2020.**
- **Prioritizing monitoring of the five targets of SDG 5:** eliminating GBV, gender-based wage discrimination and all harmful practices; increasing seats held by women in the national

Parliament; and increasing women's share in public service decision-making positions.

- **Building on and fine-tuning existing social indicators** used in the DHS and in regular national surveys to ensure that the indicators capture GESI issues, are sufficiently disaggregated and enable the measurement of key gender-related changes over time.
- **Complementing quantitative data with qualitative indicators/information**, especially given the importance of qualitative analyses in ascertaining the quality of changes and the underlying reasons they take place, which can in turn be leveraged to accelerate the pace of changes or reduce backlash and slippages.

#### e) Strengthening the Production, Analysis and Utilization of Gender Statistics and Disaggregated Data -

Closing gender data gaps is essential for achieving gender-related SDG commitments in Nepal. Apart from data production, improvements in accessibility and capacity are needed to utilize gender statistics to support the development of evidence-driven policy reforms for GEWE. Considering the exacerbation of vulnerabilities as a result of the COVID-19 pandemic, it will be even more important to generate disaggregated data that provide policymakers with evidence, which in turn will be invaluable for devising and implementing corrective, gender-responsive policy frameworks, as recommended in the 2018 CEDAW shadow report. In addition to addressing the data gaps noted in section 5.2, the broad next steps suggested are:

- **Strengthening the coordinating role and capacities of CBS** across the three tiers of government with adequate budgetary allocations, especially for the production of gender statistics.
- **Ensuring that government agencies tasked with statistical activities have sufficient budgetary and human resources**, including the relevant skills and capacities to produce, analyse and use gender statistics and disaggregated data.
- **Supporting statistical capacities at the local level** and in the context of the new federalist structure to enable the production of robust and reliable gender statistics generated by local administrators.
- **Ensuring that national statistical systems are harmonized with international standards** and classification, especially with regard to gender statistics.
- **Strengthening the regular generation/availability of gender data to monitor the SDGs**, especially on the five indicators prioritized by the GoN (listed above).
- **Developing a Gender Equality Indicators (GEI) Framework** (Gunewardena 2015) for Nepal, which would be similar to the one developed in the Caribbean, to prioritize disaggregated data collection *on a select number of gender indicators* (rather than tracking 415 indicators). These gender indicators would cover the most critical gender and social inclusivity concerns in Nepal.

## REFERENCES

Batliwala, Srilatha and A. Pittman. (2010). "Capturing Change in Women's Realities: A Critical Overview of Current Monitoring and Evaluation Frameworks." Toronto: AWID. [https://www.awid.org/sites/default/files/atoms/files/capturing\\_change\\_in\\_womens\\_realities.pdf](https://www.awid.org/sites/default/files/atoms/files/capturing_change_in_womens_realities.pdf)

CEDAW. (2018a). Concluding Observations on the Sixth Periodic Report of Nepal CEDAW/C/NPL/CO/6.

National Alliance of Women Human Rights Defenders. (2018). CEDAW Shadow Report. Kathmandu: NAWHRD.

Gunewardena, Nandini. (2015). "Gender Equality Indicators Model: Framework and Strategy." <https://www2.unwomen.org/media/field%20office%20caribbean/attachments/publications/2019/20200130%20caricom%20gei%20list%20for%20digital.pdf?la=en&vs=3025>

Overseas Development Institute (ODI). (2015). "How do gender norms change?" London: Overseas Development Institute.

UN Women. (2018). "Nepal: Making Every Girl and Women Count." Kathmandu: UN Women Nepal.

NPC. (2017). "Nepal's Sustainable Development Goals Status and Roadmap: 2016-2030."

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# ANNEXES

## Annex 1

### NATIONAL POLICIES, PLANS AND STRATEGIES AIMED AT ADVANCING GEWE

Name of Policy, Plan or Strategy	Focus
National Gender Equality Policy 2021	Requires the GoN to adopt gender-responsive strategies in policies, plans and laws; empower women's access to all bodies of the state; increase women's participation in income-generating activities; reduce business and social risks to women's economic activities; and ensure their equal representation at all decision-making levels.
Gender and Inclusion Policy 2013	Stipulates the increased participation of women, men, third gender and Dalits of all communities, classes and regions (including the "oppressed, marginalized and excluded citizens") <sup>255</sup> in every stage of the election process.
National Plan of Action on Anti-Human Trafficking 2012-2022	Provides for the prevention, protection and prosecution of trafficking cases and the capacity building of implementing bodies (GoN 2020). <sup>256</sup>
Agriculture Development Strategy 2015-2035	Recognizes women's roles in natural resources management; aims to build the capacity of women farmers in irrigated agriculture and water resource management; and supports women's representation in coordinating, monitoring and decision-making bodies related to forestry and the environment (GoN 2020).
National Strategy and Action Plan on Gender Empowerment and Ending GBV - Draft	Initiated by the Office of the Prime Minister and Council of Ministers.
GBV Elimination Fund 2011	Contributes to VAWG campaigns and provisions support services for victims.
The Sexual Harassment at the Workplace (Prevention) Act 2015	Provides a comprehensive legal framework to address many facets of VAWG in public places.
Witchcraft-Related Accusation (Crime and Punishment) Act 2015	The Crime and Punishment Act of the National Penal Code criminalizes accusations of witchcraft and stipulates the perpetrator's compensation requirement to the victim (based on the gravity of the offence).
National Penal (Code) Act, 2017	Section 160 of the National Penal Code criminalizes all forms of discrimination based on caste, gender, religion, physical characteristics and other factors.

254 Phrases in quotation marks are directly extracted from the wording of the Gender and Inclusion Policy document.

255 GoN 2020

Disaster Risk and Management Act 2017	Mandates women's participation in all levels of institutional implementation mechanisms and provisions for the special and differentiated needs of women and girls in emergency periods.
National Adaptation Plan of Action (NAPA) 2010	Includes gender as a cross-cutting theme and recognizes women's vulnerability to adverse climate effects and engagement in climate-sensitive sectors.
National Action Plan (NAP I) on United Nations Security Council Resolutions 1325 and 1820, 2011-2016	Facilitates conflict-affected women and girls' access to justice.
National Action Plan (NAP II) on UN Security Council Resolutions 1325 and 1820 - Draft	Aims to fill the gaps in NAP I and includes consideration of sexual violence and a framework for monitoring, reporting and evaluation.
Higher Education Policy 2017	Includes provisions to support women and people from marginalized regions and communities in accessing higher education.
School Sector Development Program 2016-2023	Aims for gender equality in education through a focus on equity, quality, efficiency and resilience (in terms of school safety and disaster risk reduction).
The Right to Safe Motherhood and Reproductive Health Act 2018	Protects the reproductive health rights of women.
Multi-Sector Nutritional Plan II: 2018-2022	Aims to improve nutrition outcomes among children, adolescent girls, pregnant women and breast-feeding mothers in low-income groups.
Nepal 15 <sup>th</sup> Plan Approach Paper 2019-2024	Aims to institutionalize gender-responsive planning in all agencies through sectoral policies and guidelines, GRB and the capacity building of provincial and 753 local governments on these issues.
Contribution Based Social Security Act 2017	Provisions for maternity protection (paid leave and lump sum allowance), accident insurance and survivors' benefits.
National Women Commission Act 2017	Enacted to enhance justice for women, girls and children.
The Act Relating to Children 2018	Promulgated to amend and codify laws related to children and their rights.

## Annex 2

### GESI POLICIES, LEGISLATION AND ADVOCACY EFFORTS

Legislation, Strategies and Policies		
MOUD	2015	Gender and Social Inclusion Strategy and Action Plan
	2006	An Act to Amend Some Nepal Acts for Maintaining Gender Equality
	2015	An Act to Amend Some Nepal Acts to Maintain Gender Equality
MoFALD	2009	Gender Equality and Social Inclusion Operational Strategy
	2016	National Strategy for Ending Child Marriage
	2011	Caste-Based Discrimination and Untouchability (Offence and Punishment) Act
	2009	Domestic Violence (Offence and Punishment) Act
		GBV Action Plan/Policies of Office of the Prime Minister & Council of Ministers
	2015	Sexual Harassment at the Workplace (Prevention) Act
	2017	National Penal Code
MoHP	2009	Health Sector Gender Equality and Social Inclusion Strategy
MoWCSC	1998	Safe Motherhood Policy
	2006	National Policy on Skilled Birth Attendants
	2002	National Foundation for Upliftment of Aadibasi/Janajati Act
	2007	National Women Commission Act
	2008	Second Amendment in the Civil Service Act <sup>256</sup>
	2007	National Policy and Action Plan for Persons with Disability
	2015	Witchcraft-Related Accusation (Crime and Punishment) Act
	2006	Nepal Citizenship Act
Action Plans and Guidelines		
MoWCSC and MOUD	2004	National Plan of Action On Gender Equality and Women's Empowerment
MOUD	2013	Gender Equality and Social Inclusion (GESI) Operational Guidelines
MoWCSC	2003	National Plan of Action on CEDAW
	1999, 2001	National Plan of Action against Trafficking in Children and Women for Sexual and Labor Exploitation
	2013	Guideline on Gender-Responsive Budget, Ministry of Finance
	2010	Domestic Violence Offence and Punishment Rule
	2011	National Action Plan (NAP) on the implementation of UNSCR 1325 and 1820
	2014/15 – 2018/19	Fourth National Plan of Actions on Human Rights
	2011	Mechanism introduced to promote the rights of Dalits and eliminate caste-based discrimination and untouchability
		Mechanism introduced to eliminate discrimination against people with disabilities and for the development and promotion of their rights.
	2007	Chaupadi Elimination Directives
Awareness-Raising Campaigns		
		The GoN has launched many awareness-raising campaigns against harmful social practices and behaviours, including child marriage, <i>chhaupadi</i> , dowry, <i>deuki</i> , <i>jhuma</i> , etc.
		To promote gender sensitivity and awareness, the GoN is disseminating information through government-owned media on topical issues, like sexual violence and GBV, media portrayals of women and girls and women's human rights.

256 This act formally introduced a plan to make the civil service inclusive of more gender, caste and ethnic groups.

## Annex 3

### MECHANISMS FOR ACHIEVING GESI IN NEPAL

Sources: ADB 2020, A Common GESI Framework. 2017. GESI Working Group of IDPG.

Last updated in 2019.

Level	Agency	Responsibility
Federal	Ministry of Women, Children and Senior Citizens (MoWCSC)	Empower women, children and senior citizens, especially those who are economically disadvantaged, socially deprived or otherwise underserved.
	Ministry of Federal Affairs and General Administration	Enhance access of socially and economically disadvantaged groups, regions and communities to services and facilities. Empower Dalits, indigenous people, Madhesis, Muslims, people with disabilities and people living in extreme poverty through social mobilization. Ensure inclusive development by enhancing peoples' participation in decision-making and planning processes. Oversee the Social Inclusion and Social Security Section and the different commissions.
	Ministry of Finance, Gender-Responsive Budgeting Committee	Issue guidelines on gender-responsive budgeting that ministries must follow.
	National Commissions for specific interest groups	Formulate and monitor policies and programmes concerning the rights and interests of specific groups: women, Dalits, indigenous people, Madhesis, Muslims and Tharus.
	National Inclusion Commission	Protect the rights of Khas Arya, <i>Pichardiaka</i> ("backward") class, people with disabilities, senior citizens, labourers, peasants, minorities and marginalized communities, people from Karnali region and people living in extreme poverty.
Provincial	The National Human Rights Commission, Election Commission, Public Service Commission, National Natural Resources and Fiscal Commission	Recognize GESI as a cross-cutting theme in all activities.
	Ministry of Social Development	Address GESI-related issues and integrate GESI into the formulation, implementation and regulation of provincial-level plans, rules, standards, policies, work plans, rehabilitation efforts, M&E, gender-responsive budgeting and gender audits.
Local	Municipality/Rural Municipality	Develop and implement programmes for the welfare and overall management of people with disabilities.
	Social Development Section	Design, formulate and prioritize policies and plans. Implement GESI-responsive activities, social security schemes, data and information collection and the operation and management of care and rehabilitation centres for senior citizens, children and people with disabilities.

## Annex 4

### GENDER REPRESENTATION IN MINISTERIAL PORTFOLIOS IN NEPAL

Source: Government of Nepal, Office of the Prime Minister and Council of Ministers

<https://www.opmcm.gov.np/en/cabinet/>

Name	Portfolios
1. Mr. Sher Bahadur Deuba	Rt. Honourable Prime Minister
2. Mr. Bal Krishna Khand	Home Affairs Minister
3. Mr. Gyanendra Bahadur Karki	Communications and Information Technology Minister
4. Ms. Pampha Bhusal	Energy, Water Resources and Irrigation Minister
5. Mr. Rajendra Prasad Shrestha	Federal Affairs and General Administration Minister
6. Mr. Birodh Khatiwada	Health and Population Minister
7. Mr. Janardan Sharma	Finance Minister
8. Dr. Minendra Prasad Rijal	Defense Minister
9. Mr. Umakanta Chaudhari	Water Supply Minister
10. Dr. Narayan Khadka	Foreign Affairs Minister
11. Ms. Renu Kumari Yadav	Physical Infrastructure and Transport Minister
12. Mr. Prem Bahadur Ale	Culture, Tourism and Civil Aviation Minister
13. Mr. Dilendra Prasad Badu	Law, Justice and Parliamentary Affairs Minister
14. Mr. Devendra Paudel	Education, Science and Technology Minister
15. Mr. Mahendra Rai Yadav	Agriculture and Livestock Development Minister
16. Ms. Uma Regmi	Women, Children and Senior Citizens Minister
17. Ms. Shashi Shrestha	Land Management, Cooperatives and Poverty Alleviation Minister
18. Ms. Ram Kumari Jhakri	Urban Development Minister
19. Mr. Ramsahay Prasad Yadav	Forests and Environment Minister
20. Mr. Krishna Kumar Shrestha	Labour, Employment and Social Security Minister
21. Mr. Maheshwar Jung Gahatraj (Aathak)	Youth and Sports Minister
22. Mr. Umesh Shrestha	Office of the Prime Minister and Council of Ministers, State Minister
23. Mr. Bhawani Prasad Khapung	Health and Population State Minister
24. Ms. Bodhmaya Kumari Yadav	Education, Science and Technology State Minister

## Annex 5

### LEGISLATIVE AND POLICY FRAMEWORKS SUPPORTING WOMEN'S ECONOMIC EMPOWERMENT

Legislation or Policy	Provisions	Gaps
Labour Act 2017	Includes provisions for employment and decent work environments in both the formal and informal sector, recognizes domestic workers and provisions a minimum wage and other benefits for the first time. Introduced childcare provisions, including breastfeeding rooms for lactating women, restrooms for pregnant women and changing rooms for menstruating women. <sup>257</sup>	<p>Although the Labour Act specifies the minimum wage for domestic workers, it does not apply to live-in domestic workers.<sup>258</sup></p> <p>Gender-based wage gaps are evident even though they are restricted by law, due to the absence of a mechanism for monitoring and enforcement.</p> <p>An important missing element in the Labour Act is provisions/guidelines to ensure an inclusive and non-discriminatory workplace environment for LGBTIQ+ populations.</p>
15 <sup>th</sup> Plan	<p>Endorsed on the principle of 'Prosperous Nepal, Happy Nepali,' it aims to boost Nepal's production base and generate employment.</p> <p>Incorporates GEWE by fostering women's entrepreneurship through skills development, strengthening women's land rights and ensuring diversity in development programmes through GESI principles. Also considers agriculture to be one of the crucial areas for Nepal's prosperity, in addition to committing to gender equality in governance.</p>	The 15 <sup>th</sup> plan aims to accomplish too many objectives and is constrained by poor-quality data, institutional weaknesses, cumbersome bureaucratic procedures and resistance to innovation and change. Other implementation gaps identified include: low institutional capacity for enterprise and development, corruption and inadequate standards of integrity in public administration.

257 BBC 2019. Beijing+25 National Review, National Parallel Report

258 WEIGO 2020. Domestic Workers, Risk and Social Protection in Nepal. Policy Brief.

Contribution Based Social Security Act 2017	Assures social security for all paid workers in the formal and informal sector, including self-employed workers.	<p>Since this is a contributory social security scheme, it is conditional on employment. Workers are expected to contribute 11% of their basic salary to the Social Security Fund based on their earnings, matched by a 20% contribution by their employer. Since only 22.9% of working-age women were employed in 2018 (compared to 48.3% of men), this means that 77% of adult women are not able to benefit from this scheme.</p> <p>Although the act has a clause to develop a social security system for informal workers, there has been limited progress on this. The labour inspection system and social protection provisions do not effectively cover domestic workers.</p> <p>The integration of the Contribution Based Social Security Act within the private sector has not been achieved, suggesting that many women do not have access to social security schemes.</p>
Twenty-Year Agriculture Development Strategy (ADS) and Gender Equality (2015-2035) and Social Inclusion (GESI) Strategy 2017, Ministry of Agriculture and Livestock Development	<p>The ADS aims to improve the agriculture sector productivity, food security, sustainability and competitiveness, as well as to integrate GESI considerations into related schemes.</p> <p>Recognizes and establishes women farmers' role as independent farmers and ensures adequate budget provision, women's access to and control over productive resources and women's leadership.</p>	<p>Beyond targets for women's participation in programmes and projects, this strategy does not address the root causes of gender inequities in the agriculture sector, especially gender gaps in access to and control over resources (i.e. land and capital) and services.</p> <p>Gender inequalities persist in access to extension services and gender biases persist in the delivery of extension services.<sup>259</sup></p>
Enabled Industrial Enterprises Act 2016	Enabled the first legal recognition of micro-entrepreneurs and women micro-entrepreneurs and introduced a series of subsidies and tax waivers for women entrepreneurs, including free registration of their businesses, allowing them to avoid the normal fee.	Women's lack of awareness of these services has reduced their rate of use.
Women Entrepreneurship Development Fund (WEDF) 2015	Initiated to help women entrepreneurs meet their financial needs, it provides collateral free loans at a 6% interest rate, which also helps with the growth of women's enterprises.	One of the major setbacks of the WEDF is the slow recovery on loans. The loan recovery rate is barely 5-10%. The high interest rate and short payback period has led borrowers' delay in loan repayments. <sup>260</sup>

259 Adhikary, M. 2019. Gender Assessment in Agriculture Sector: Policy and Plans of Nepal. Kathmandu: Association of Nepalese Agricultural Professionals of Americas (NAPA), Research and Policy Brief #3. <https://www.napaamericas.org/downloads/research-policy-brief/napa-policy-brief-issue-3.pdf>

260 The Kathmandu Post 2017. Women Entrepreneurship Dev Fund gets Rs165.8m from Mol. News Article, 15 July <https://kathmandupost.com/money/2017/07/15/economic-empowerment>



Women Entrepreneurship Facilitation Centre Operation Procedure 2021	Aims to bolster women's economic prosperity and independence through independent employment and entrepreneurship, access to information and banking/financial services (concessional loans) as part of the Women and Child Section of the local-level office. <sup>161</sup>	As this is a brand new initiative, no analysis is available yet on its implementation.
Sexual Harassment at the Workplace (Prevention) Act 2015	Aims to ensure a safe working environment for women employees, including in public, private and non-governmental sectors.	<p>Due to lack of fair redress mechanisms, survivors of sexual harassment and GBV in the workplace still feel intimidated to lodge complaints; they fear being fired or that their complaints will be mishandled or forced to be withdrawn.</p> <p>The act is primarily applicable to sexual harassment and does not take into consideration other types of workplace harassment based on sexual identity, gender, place of origin, marital status, disability, caste, ethnicity and age.</p> <p>The practice of 'reconciliation' between victims and perpetrators, although not legally recognized, is widely practiced. Implementation deficits plague this act.</p> <p>The act needs to provision for awareness-raising activities among women workers about harassment and prevention trainings in the workplace.</p>
Constitution of Nepal, 2015, Article 18, Legislative Provisions Regulating Women's Access and Ownership of Land and Property in Nepal	Article 18(5) specifies "All offspring shall have the equal right to the ancestral property without discrimination on the ground of gender."	Land ownership disparities persist along gender, caste, class and ethnic identities, with women from marginalized castes and groups experiencing greater constraints to land ownership.
The President's Women Upliftment Programme (PWUP) 2018 under the MoWCSC	Aims to support excluded women in the areas of health, social and economic development by providing them with life skills training and engaging them in income-generating activities.	The effectiveness of its enterprise development programme has been criticized.

261 The Himalayan 2021. "New provisions to enhance women entrepreneurship." News article. 9 April 2021. <https://thehimalayantimes.com/nepal/new-provisions-to-enhance-women-entrepreneurship>

## Annex 6

### LEGAL PROVISIONS ON ADDRESSING GBV

**2015 - Constitution of Nepal** - Ensures crime victims their right to get information about investigations (21); prohibits any form of exploitation, such as trafficking and slavery (29); ensures that no woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on the grounds of religion, social/cultural traditions or practices or on any other grounds and that such acts shall be punishable by law and the victim shall have the right to obtain compensation in accordance with the law (38.3); and seeks to help women who are vulnerable and subjected to social and family exclusion and victims of violence become self-reliant by ensuring their rehabilitation, protection and empowerment (49.J.2).

**2018 - Four-Point Resolution** - Passed by the House of Representatives to end violence against women and girls; includes an action plan for the implementation of the resolution motion and a high-level mechanism to monitor the implementation and draft laws with strong punishment to perpetrators of rapes against girls under the age of ten and women over the age of seventy.

**2017 - The Criminal (Penal Code)** - Protects women and children, particularly minorities, in Chapter 18 - Section 229 (2), and extends the statute of limitations for the prosecution of cases of sexual violence to one year.

**2017 - The National Civil Code** - Section 95 enables wives to initiate divorce if the husband is proved to have raped her (MoLJPA 2018).

**2017 - The Criminal Procedure (Code) Act** - Amends and consolidates laws relating to the procedures of criminal cases (MoLJPA 2018).

**2017 - The National Penal Code – (168.3)** - Prohibits banishing a woman to a shed (*chhaupadi*) during menstruation or delivery, or subjecting her to similar other discrimination, untouchability or inhuman treatment of any kind. Chapter 13 on Offences against Protection of Pregnancy and Chapter 18 on Sexual Offences and 219 prohibit committing rape (MoLJPA 2018).

**2017 - The Criminal Offences (Sentencing and Execution) Act** - Provides for the determination and execution of sentences for criminal offences.

**2017 - Caste-Based Discrimination and Untouchability Crime Elimination and Punishment Act** - Protects the rights of Dalit communities and other groups of women from discrimination on the basis of caste; the GoN has also established policies on untouchability through social inclusion.

**2017- The Labour Act - 132** - Prohibits sexual harassment: (1) no person shall commit, or cause to be committed, any such act, with the exertion of undue influence, as considered to be sexual harassment under the law in the workplace or in the course of work; (2) the employer may, depending on the condition and gravity of the act, impose punishment to the extent of dismissing a worker who commits sexual harassment; and (3) when the employer or chief executive of any enterprise commits sexual harassment, the trade union, victim or any member of his or her family may file a complaint in accordance with the law.

**2016 - National Strategy to End Child Marriage** - Explicitly prohibits child marriage in the constitution and facilitated the adoption in 2016 of the National Strategy to End Child Marriage by 2030.

**2015 - The Witchcraft Accusation (Crime and Punishment) Act** - Proposes to incarcerate individuals convicted of mistreating people they have accused of witchcraft for a maximum of 15 years and imposes a fine of NPR 100,000 (RSS 2015).

**2015 - Anti-Witchcraft (Crime and Punishment) Act** - Provides seven different clauses to incarcerate individuals convicted of mistreating people whom they have accused of witchcraft. The act also has a provision of compensation in terms of money and health treatment to the victim and provides shelter to the victim if necessary at a service centre, as defined in the Domestic Violence (Crime and Punishment) Act, 2066.

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**2015 - Sexual Harassment at the Workplace Prevention Act** - Protects the right of every individual to work in a safe environment in accordance with existing laws and includes a provision for a complaint mechanism.

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**2015 - Domestic Violence (Offence and Punishment) Act** - Incorporates dowry-related offences, including demanding or forcing someone to pay a dowry or treating them poorly for not paying a dowry, and recognizes such offences as a form of economic violence within the definition of domestic violence.

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**2010 – Gender-Based Violence Elimination Fund (Operation) Rules** - Offers assistance to victimized women and girls through the establishment of a Gender-Based Violence Elimination Fund at all 753 local levels and formulates a procedure for this effort.

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**2009 - Domestic Violence (Crime and Punishment) Act** - Defines domestic violence and has provisions to prevent and control violence between family members and to provide protection to the survivors of such violence.

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**2007 - Human Trafficking Transportation (Control and Punishment) Act** - Defines human trafficking and provides fourteen clauses for punishment and compensation depending on the nature of crime, as well as a special provision to provide victims with compensation.

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**2006 - Gender Equality Act** - Defines rape as a crime and whoever commits an offence is liable to punishment of varying years of imprisonment, depending on the age of the victim and the extent of the crime committed.

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**2006 - National Women Commission Act** - Established the NWC, endowing it with the responsibility to formulate national policies and programmes concerning the rights and interests of women, increase awareness on the need to stop discriminatory practices against women and arrange for essential legal aid to women victimized or deprived of rights.

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**1995 - District Court Regulation** - Defines the provision of legal aid, a procedure for payment of one's share during divorce and settles the issue of monthly expenses or partial claims for livelihood in the case of dissolution of the relationship filed by the wife as the plaintiff.

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**1992 - Children's Act** - Prohibits discrimination between sons or daughters in matters relating to their upbringing, education and healthcare.

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