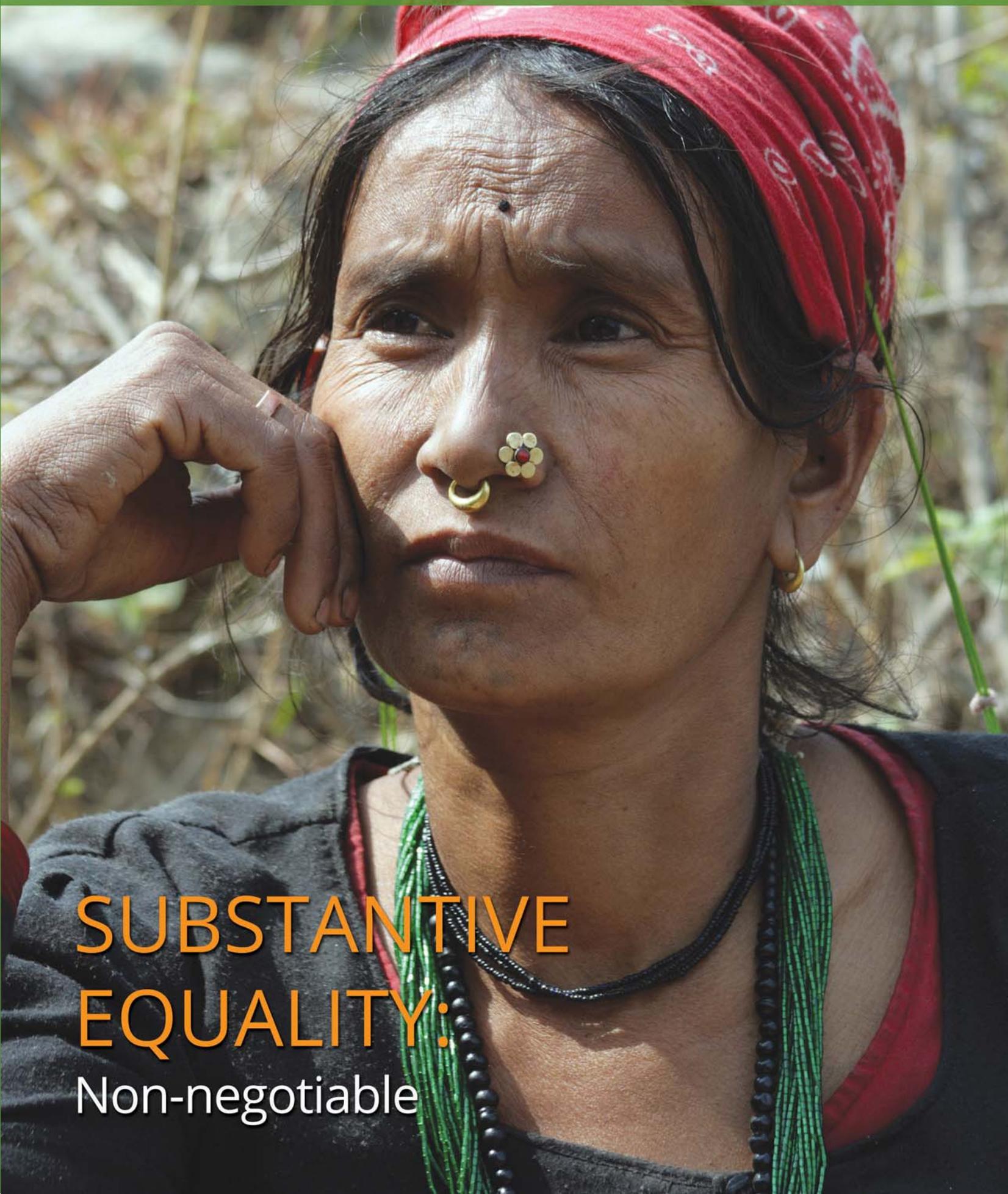


PROGRESS OF WOMEN IN NEPAL (1995-2015)



**SUBSTANTIVE
EQUALITY:**
Non-negotiable

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FOREWORD

Progress of the Women in Nepal Report is a very timely contribution towards the formulation and implementation of the targets of Sustainable Development Goals for Nepal. The year 2015 marks an unprecedented congruence of several important global, regional and national processes. The international community has recently finished the 20-year review of the implementation of the Beijing Platform for Action, the global blueprint for gender equality and the Millennium Development Goals-2015 and decided on a global agenda for post-2015 development and the Sustainable Development Goals, in which gender equality and women's empowerment figures prominently.

Nepal is strongly committed to ensuring non-discrimination and equality to women and girls under its Constitution and the international human rights framework including CEDAW, the BPfA as well as UNSCR 1325 and 1820 and has been actively involved in all of the above processes, carrying out national review of the implementation of the Beijing commitments and identifying gaps and challenges in the implementation of the gender equality agenda. It has been planning ahead for the post-2015 development goals and its overall goal of graduating from a Least Developed Country status by 2022. Attention to these plans – and ensuring that they are gender responsive – is now more important than ever as Nepal is seeking to recover from the aftermath of the recent devastating earthquakes, expedite reconstruction and face head on the crisis created by virtual economic blockade by India.

This *Progress of the Women in Nepal* report makes a significant contribution to the evaluation of the progress and identification of gaps in the implementation of the gender equality agenda in the country. It establishes an evidence-based, updated record of the situation of women in Nepal covering a 20-year period between 1995 and 2015. Focused on examining three particular areas – violence against women and women's human rights, resources and capabilities, and voice, agency and leadership – the report shows that there has been some notable progress towards gender equality and the empowerment of women over the period covered by the report. Nepal's constitutional and legislative frameworks have become more gender friendly. Affirmative action laws and policies have improved women's voice and agency in politics and governance. Gender has received increased attention in government development programmes, plans, policies and budgets. Women and girls have improved access to education, reflected in educational and



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professional outcomes. There has been significant reduction in maternal and child mortality rates. Some improvements have also been evident in women's access to economic resources, including land and house ownership.

However, as the report concludes, much more remains to be done for overcoming the remaining barriers to achieve the goal of gender parity by 2030. The report puts much emphasis on equipping and strengthening the national women's machinery and other relevant government entities with the necessary capacity to carry out their responsibilities. The report also puts strong emphasis on the need for empowerment and capacity building of women as rights holders to claim their rights and demand accountability and concerted efforts to address the widespread discriminatory social norms and gender stereotypes in the society.

We now have an opportunity to take these lessons learned and recommendations to formulate our vision, goals and plans for the post-2015 period. Together with the findings from the national Beijing review, we have clearer idea of the gaps and challenges needing to be addressed and the measures we need to take to make gender equality and women's empowerment a reality in Nepal. We also have an opportunity to build back better the post-earthquake Nepal, in a manner that responds to the needs, rights and interests of all Nepalese, including women and girls.

This report authored by a team of competent researchers led by Dr. Meena Acharya has been the outcome of collaborative efforts by Nepalese women's civil society organizations, SAHAVAGI, Didi Bahini and the Feminist Dalit Organizations and supported by UN Women. I like to take this opportunity to express my sincere appreciation to the researchers, the institutions, the advisors and peer reviewers for their dedicated efforts to document and record an important period in the history of the gender equality agenda in Nepal, which will have an important role to serve in informing future directions of work on gender equality and women's empowerment in Nepal and beyond.

Yuba Raj Khatiwada,
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EXECUTIVE SUMMARY

Twenty years have passed since UN member countries and civil society activists gathered in Beijing for the Fourth World Conference on Women, which concluded with the adoption of the Beijing Declaration and Platform for Action (BPfA). This year, in 2015, the international community reviewed the progress in the implementation of the commitments agreed in Beijing. The Beijing+20 review has taken place at a very strategic moment as the world has concluded the Millennium Development Goals (MDGs), and decided on the shape of the post-2015 development agenda and the Sustainable Development Goals (SDGs); this concurrence created an important opportunity to position gender equality and women's empowerment (GEWE) at the centre of the global agenda, both as an important end in itself and as an essential means for the achievement of sustainable development in all its dimensions. It is now up to each country to exploit this opportunity to work towards ensuring substantive equality to women, putting gender equality and women's empowerment at the centre of SDGs.

Nepal has been committed to the implementation of the BPfA since the 1995 Beijing conference, alongside the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other normative GEWE instruments. Earlier this year the Government of Nepal, led by the Ministry of Women, Children and Social Welfare (MoWCSW) and supported by UN Women, carried out the national level

Beijing+20 review and participated in the regional review. Civil society contributed to the overall review process with their comprehensive Beijing+20 civil society review report. A large national conference was held in Kathmandu as part of the comprehensive national review process, and a political statement with recommendations for the way forward was adopted.

This report as a follow up to the above exercises, seeks to address the lack of consolidated analysis of the overall status of women in Nepal since the adoption of BPfA in 1995 until 2015. In recognition of the need to strengthen the evidence base to provide relevant data, analysis and good practices to inform gender-responsive policy and programming, the report examines the progress of women in Nepal over the 20-year period in three particular areas: freedom from violence, capabilities and resources, and voice, leadership and participation. It looks at commitments made, progress achieved, challenges and barriers in the above three areas during what has been a particularly complex period of time in the country's history – a period that witnessed ten years of internal conflict, the complex political transition and restoration of multi-party democracy, and the recent large and devastating earthquakes in April-May 2015. In light of the above, the report provides recommendations for the way forward, towards the overarching goal of gender parity by 2030.

LOOKING BACK: MEASURES ADOPTED BY NEPAL SINCE BEIJING

The Government of Nepal is committed to gender equality, women's rights and the empowerment of women under its Interim Constitution (2007) and the just promulgated 2015 Constitution, a range of international human rights frameworks, including the CEDAW, the BPfA, the MDGs, and the United Nations Security Council Resolutions (UNSCRs) 1325 and 1820. Over the past two decades, the Government of Nepal has carried out substantial legal reforms to eliminate discrimination against women in the country's constitutional and legal frameworks. The Interim Constitution's guarantee of fundamental rights to Nepalese women, including the right to freedom, equality and social justice, presented a particularly important milestone. The Interim Constitution prohibited discrimination on the basis of gender, recognized reproductive health and rights as fundamental rights, and banned all forms of violence against women. It also established affirmative measures for women's representation, provided for women's right to equal pay and social security, established daughters' right to ancestral property, and encouraged special provisions for women's education, health, and employment for increased participation of women in national development. Spearheaded by gender equality advocates and women's organizations, often through public litigation in the Supreme Court, considerable number laws have been amended or enacted to guarantee non-discrimination and to promote equality. A study conducted by women's rights NGO, Forum for Women's Law and Development

(FWLD) in 2007 shows that 64 provisions and 19 schedules in different pieces of legislation have been amended to guarantee non-discrimination. Amendments have taken place in areas such as property rights of unmarried and married daughters, marriage and divorce, abortion, and marital rape. A significant achievement has been the change in understanding of violence against women and girls (VAWG) as a private matter to making all forms of domestic violence – including marital rape – punishable crimes alongside human trafficking, cultural practices that perpetuate VAWG, and sexual harassment at work place. The Supreme Court has also ordered the government to establish fast track courts with provisions for continuous hearing in serious cases such as rape, human trafficking and hostage taking. A number of laws have been amended and enacted in support of substantive equality in politics, governance and other public institutions, employment, education, and health. A study conducted by FWLD in 2003 identified 150 legal provisions that had been enacted to facilitate substantive gender equality. Some 56 gender discriminatory laws were amended following the enactment of the Gender Equality Act, and were incorporated into the 12th amendment of the Country Code. Notable has also been the establishment of the right of girls to basic livelihood, education and health support without discrimination.

The Government of Nepal has adopted specific policies and measures to ensure that women and girls benefit more equally from national development initiatives. Among the

most notable strategies adopted to make the development programmes and budgets more gender-responsive have been the gender equality and social inclusion (GESI) policies and gender-responsive budgeting (GRB). The overall aim of GESI and GRB has been to increase women's access to sector resources. Initially developed as part of the Local Governance and Community Development Programme (LGCDP), all development plans since 2007 have adopted the GESI approach in planning, programming, monitoring, and evaluation, and detailed, sector-wise guidelines have been developed for agriculture, forestry, irrigation, rural infrastructure, education, health, and water supply and sanitation. Several acts and regulations have also been reformulated and amended with the GESI approach in mind. To ensure that adequate resources are allocated to fulfill national and international GEWE commitments, Nepal began implementing GRB in 2007/2008 to monitor spending and progress on GEWE programmes. Important changes have been made to industrial and labor policies, technical training and migration policies to make them gender responsive as well as inclusive. Moreover, a number of steps have been taken to support women to overcome economic barriers in the market, and to promote women's entrepreneurship and increased opportunities for education and employment. In addition to specific measures targeted to improving women's health, a rudimentary social security system with a universal pension for all senior citizens, widows, Dalits and physically disabled persons, has been established to ensure some income for particularly disadvantaged groups.

Affirmative action policies have been adopted to ensure women's representation, voice and agency in politics, governance, and

in the society more generally. Most notable affirmative actions have been the quotas establishing minimum 33 per cent women candidates in the Constituent Assembly (CA) elections, a minimum representation of women in the Cabinet, other constitutional bodies and public institutions, including local peace committees, the civil service, the police, and the army. Measures, such as GESI policies and GRB, have also made it a requirement to have 33 per cent women's representation and minimum 50 per cent benefit to women in all central and local development programmes. Moreover, affirmative action policies have been implemented through widespread scholarships, cash grants for medically assisted delivery and free basic health services including some common medicines. Political parties, civil society and trade unions have been ensured freedom of organization and action, and there has been increased collaboration with NGOs for their participation in the management and implementation of development programmes, including those focusing on ending violence against women and girls (EVAWG).

A network of institutions has been established for effective implementation of laws, policies and programmes to ensure accountability to women and other historically marginalized groups. The MoWCSW with offices in all 75 districts was established in 1995, followed by the Women and Children Service Directorate in 1996, and the National Women's Commission (NWC) in 2002. In addition to the Gender Responsive Budget Committees (GRBC) and the Gender Unit of the Office of the Prime Minister and Cabinet of Ministers (OPMCM), several sectoral ministries, the police and the army have established relevant GESI or human rights units to support the integration of GESI issues into their plans

and programmes. Additionally, the National Human Rights Commission (NHRC) and the recently formed Truth and Reconciliation Commission were specifically constituted to investigate cases of human rights violations during the armed conflict. Similarly, the Office of the Special Rapporteur on Trafficking in

Women and Children is also expected to work on ensuring that women's human rights are not violated. Moreover, special funds have been created to combat VAWG, to ensure the protection of victims, and to contribute to the rehabilitation and reintegration of victims/survivors.

MAKING PROGRESS: KEY ACHIEVEMENTS SINCE BEIJING

A more gender-friendly constitutional and legal framework

A substantial improvement in women's representation in the public sphere

Increased access to education and higher educational achievement

Significant improvements in maternal and child health

Increased access to economic resources, land, property and micro-credit

A more gender-friendly constitutional and legal framework

The measures adopted in Nepal to tackle gender inequality since the Beijing Conference in 1995 have resulted in some important achievements for women in Nepal. Nepal's constitutional and legal frameworks are more gender-friendly as a result of the many normative and legislative frameworks adopted to advance women's rights and gender equality. The country, signatory to 24 International human rights instruments, now has legal frameworks largely supportive of women's rights and gender equality, and it continues to review and amend remaining discriminatory laws. For example, the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs tabled the Bill on Amending Some Nepali Acts to Maintain Gender Equality and End Gender-Based Violence, 2014 on 6 August 2014, proposing to amend further 32 gender discriminatory laws.

A substantial improvement in women's representation in the public sphere

There has been a substantial improvement in women's visibility and voice in the public sphere, including in the CA, local governance and peace mechanisms. A historic milestone was reached when 33 per cent of the 2008 CA/Parliament that was sworn in were women. Representation of women in the cabinet has increased significantly since 2006. Women comprised 10.5 per cent of the civil service in 2014. Reservations for women in the Nepal Army, Nepal Police and Armed Force Police also have resulted in increased numbers of recruits in recent years. Women currently constitute only 3.2 per cent, 5.7 per cent and 4.9 per cent of the three security organs, respectively. Similarly, there have been increases in the number of women in the judiciary. As of 2015 January, there were six female judges in the appellate courts (8.1 per cent) and two (1.2 per cent) in the district courts.

Increased access to education and higher educational achievement

Women and girls also enjoy greater access to education, and have achieved higher educational qualifications in increased numbers. According to Department of Education sources, the gender parity index (GPI) in net enrolments up to Class 8 (lower secondary) had reached 0.99 in 2012/13. This data suggests that Nepal has already achieved the MDG goal of universal primary education. The female literacy rate (6+ years) has increased from only 25 per cent in 1991 to 57 per cent in 2011 while youth literacy (15-24 years) has increased to 88.6 per cent. Enrolment of girls in higher education has also been increasing. At the Bachelor's level, women constitute 44.2 per cent of the total student population, and 11.4 per cent at the PhD level.

Significant improvements in maternal and child health

As a consequence of large investments that broke down barriers preventing women from accessing basic health services, women's maternal and child health has improved significantly. Between 1996 and 2013, maternal mortality rate has declined from 539 to 170 and women's life expectancy increased from 55.5 to 70 years, surpassing male life expectancy by three years. Similarly, the percentage of contraceptive users has increased from 29 to 45 per cent and total fertility rate (TFR) declined from 4.6 to 2.6.

Nepal is very much on track to meet MDGs for reducing child mortality and improving maternal health.

Increased access to economic resources, land, property and micro-credit

Women have increased access to economic resources, property and micro-credit, and the percentage of households in which women own land and house has increased considerably since 2001. The government has increased resources allocated to GEWE, its directly gender-responsive budget allocation increasing from 11.3 per cent in 2007/08 to 21.93 per cent in 2014/15, and allocated targeted budgets to local communities, including a 10 per cent allocation for women's leadership at the community level. Nepal's Human Development Index (HDI) has increased from 0.343 to 0.540 and the gender development index (GDI) has almost trebled from 0.310 to 0.912 between 1995 and 2014. Along the same lines, female/male earned income ratio in terms of Purchasing Power Parity dollar (PPP) has jumped from a third to 0.727 in that same period. By 2001, the percentages of households where women own land and house had also increased to 20 per cent and 11 per cent respectively. Women's access to and command over economic resources, plays a critical role in their access to education and health, and provides the foundation for empowerment and equality in other fields.

OBSTACLES: BARRIERS TO REALIZING SUBSTANTIVE EQUALITY AND RIGHTS

Constitutional and legal frameworks

- Ongoing discrimination/ambiguity in laws & regulations, including the Constitution
- Lack of/inadequate enforcement clauses/mechanisms
- Perpetuation of stereotypes - women projected as subordinate and weak and in need of protection

Violence against women and girls

- High levels of violence in public and private spheres despite extensive efforts to address VAWG
- Conflict-related sexual violence uninvestigated and unaddressed
- Lack of data/evidence base
- Lack of effective monitoring system

Towards substantive equality

Capabilities and resources

- Structural barriers for market entry, wage discrimination, informal/low level work
- Discrimination in access to services and resources
- Inequality among groups of women - intersectionality of vulnerabilities
- Lack of data/evidence on domestic and care work and poverty
- Inadequate monitoring system

Voice, agency and leadership

- Affirmative action policies not implemented widely enough
- Inadequate commitment
- Inadequate mandates, budget and human resources
- Sustainability of gains

Constitutional and legal frameworks

Despite Nepal's commitment to gender equality, women's rights and the empowerment of women under various human rights instruments and normative frameworks, including CEDAW, BPfA, and UNSCRs 1325 and 1820, discriminatory laws continue to exist in Nepal. For example, there are aspects of the Constitution promulgated on 20 September that are inconsistent with Nepal's international treaty obligations under CEDAW and other conventions concerning women's rights. Contradicting the CEDAW, many laws and policies continue to discriminate against women based on their

marital status, including in such areas as inheritance rights and citizenship rights. Clear legal discrimination against women exists in the realm of civil service and pension benefits, and there are significant disparities in the way that women and men are treated legally in the area of foreign employment. A large part of Nepali laws are still in effect constituted within the formal model of equality, which prescribes equal treatment of all people regardless of circumstances on the understanding that all people have the same rights and entitlements. Due to the focus on formal equality of treatment, the many of the measures adopted have failed to improve the overall social,

political and economic conditions of women, particularly from rural and remote areas and historically excluded groups. Most importantly, normative and legal commitments have not always been translated into effective measures that are comprehensively implemented and monitored, and supported by a clear framework of accountability.

Violence against women and girls

Despite the increased focus and momentum on addressing VAWG as a priority since Beijing, progress in this area has nonetheless been limited. Violence against women and girls remains pervasive, and measures to address it inadequate. The 2011 Nepal Demographic Health Survey presents valuable comparative data on VAWG prevalence based on a household questionnaire collected across demographics, showing that women are most at risk of physical and sexual violence within the home. For physical violence, victims most commonly were married (26%) or divorced/separated women (28%). Every 5th woman between 15-49 years old has faced this form of violence at least once in her life. Similarly, victims of sexual violence most likely originate from the remote parts of the country (15%), and in the span of a lifetime, at least 12 per cent of women between 15-49 years have become victims. The profile of perpetrators ranges from mostly husbands committing violence against their wives (84%), whereas siblings account for the largest proportion of perpetrators at 38 per cent among never-married women. In addition to a combination of deeply embedded patriarchal norms, customary practices and common beliefs that fuel VAWG in Nepal, the decade long conflict contributed to increased levels of VAWG, including conflict-related sexual violence (CRSV), which remains yet to be investigated

and addressed. Increased migration for foreign employment has also made women vulnerable to different forms of violence and exploitation, unsafe migration practices contributing to increased risk of trafficking.

While Nepal has committed to eradicating VAWG through a considerable number of laws and other provisions, the impact of these has been limited. In addition to problems related to the way the legislation is drafted and implemented, multiple structural issues have hindered progress in this important area. A major limitation in the fight against VAWG in Nepal has been inadequate financial and human resources. Survivors of VAWG continue to have limited access to justice and services due to inadequate enforcement of existing VAWG laws, policies and programmes resulting from ineffective and slow bureaucratic culture, capacity of service providers and attitudes to VAWG among law enforcement, service providers, families, and communities. Driven by the stigma associated with being a victim of violence or due to external pressures such as political interference, cases are often settled outside the formal judicial system through 'compromise'. Further, there is a notable absence of efficient and consistent monitoring and evaluation of VAWG policies and programmes, with particular challenges in data collection and data management. A combination of the above factors means that ensuring accountability in any meaningful sense is overwhelmingly difficult.

Capabilities and resources

Despite these many positive changes in women's access to and command over economic resources, education and health over the past couple of decades, women in Nepal continue to face considerable barriers in this area. They remain concentrated

in subsistence agriculture, the informal non-agricultural sector, and at the lower rungs of the formal industrial and business establishments, prevented from benefitting from the market opportunities opened up by the democracy and an open economy. While the slightly increased ownership of land or property does give women some formal leverage in household decisions on property matters, this remains limited due to a range of social barriers. Women also continue to experience problems accessing adequate credit and other support services for successful entrepreneurship. Women's mobility is curtailed by violence or the threat thereof, pervasive in both private and public life. Most of all, women continue to be sidelined due to the fact that the society does not recognise their economic role, which impacts on women's ability to acquire better employment opportunities, increases their likelihood of being among the first to be laid off from work, and ignores any particular needs of women in terms of employment and work place.

Women and girls continue to face discrimination in access to services and resources at home and in their communities, and they continue to carry the main burden of household and care work – which remains unacknowledged, unmeasured and unaccounted for hindering their progress in education, regular work and professional life. Compounding the above is the intersectionality of vulnerabilities and identities, which remains to be recognized and addressed, even as inequality among various groups of women is increasing. Despite the emphasis on ensuring equal access and opportunities to all, larger macro-economic and sectorial policies are still directed primarily at improving the investment climate to

promote private and foreign investment in the country. The fiscal and banking sectors as well as the privatization of government assets are yet to be considered through inclusion and gender lenses. Most importantly, development planning at the national level has yet to make links between the macro and meso-economic levels, looking comprehensively at private sector promotion policies as well initiatives for ensuring people's livelihood, food security, gender equality, equitable income distribution and sustainable development. The above will be critical for changing the development paradigm and transforming everyday gender relations.

Voice, agency and leadership

In addition to ensuring women's participation and voice in the state and political structures through legal reforms and affirmative action, the Government of Nepal has implemented measures to promote women's participation, voice and agency in the peace process, in local governance and in the management of development programmes. However, a number of factors still prevent women from exercising effective voice, agency and leadership. Deeply entrenched cultural norms restrict women's mobility, participation and leadership from early on and throughout their life, establishing a gender-biased socialization process. Such upbringing and cultural norms restrict women's advancement not only in politics but also in other professional fields. One of the primary reasons for women's restricted ability to engage in politics is their limited access to household and public resource and assets. This reality also hinders women's ability to invest in media, career development or any other enterprise. Moreover, in Nepal's multiparty democracy, political parties play the decisive role in the

management of the country, both when they are in power and in opposition. Yet, across the board, political leaders have been resistant to more radical changes in the party structure and demands for proportional representation of women within parties. Additionally, media's potential to raise public consciousness about women's equal rights to citizenship, property, political potential or changing the traditional practices of gendered socialization is yet to be fully recognized and leveraged.

The affirmative action policies in place are often restricted to certain state organs or institutions without firm commitment to ensuring results or to expanding these policies more widely to other institutions. Institutions and mechanisms established to implement GEWE laws and policies are understaffed, underfunded and not equipped with

necessary power to fulfill their responsibilities. Overlapping of responsibilities on the one hand, and lack of adequate coordination on the other, render the system dysfunctional. Programmes targeting women remain underfunded and often fail to cater for old women, Dalits, rural women and other marginalized or disadvantaged groups. When gains are made, there are no guarantees that these to be permanent or sustainable – as evidenced by the decline in women's representation from the CA elections of 2008 to the elections in 2013. A lack of a robust and regular gender monitoring system from district to national level in combination with inadequate gender-responsiveness of regular monitoring systems of the sectoral ministries contributes to the overall accountability gap.

MOVING FORWARD: AN AGENDA FOR ACTION

The Government Nepal is in the process of formulating an agenda for the SDGs as well as a national gender equality policy. The policy should set a transformative stand-alone goal on achieving gender equality, women's rights and women's empowerment as well as integrate the gender equality goal across all other agendas of the forthcoming SDGs. In the words of the UN Secretary General, *"to be transformative, the future agenda must be universal and anchored in human rights. It must achieve sustainable development in all three dimensions, economic, social and environmental. It must create peaceful societies by changing cultures of violence, masculinity and militarism."*

Understanding and integrating the concept

of substantive equality in development is critical if we are to build on the positive changes that have taken place in the country and eliminate the gaps that have been identified in this review. The forthcoming gender equality policy should set a goal of bringing about transformative change in the way gender issues are perceived and aim for ensuring formal as well as substantive equality for women. The policy should not focus only on equality of treatment but equality in outcomes as defined by CEDAW and its Protocol. It should also evaluate current gender policies, strategies and actions that are being implemented by various ministries and institutions from a human rights perspective.

Policies and programmes across sectors must address the discriminatory social norms, power relations and gender stereotypes and focus instead on promoting positive norms of gender equality, human rights and social justice. A forward-looking strategy needs to be formulated for faster progress on substantive equality for women of all socio-economic groups, focusing on the following six specific areas.

- Ensuring constitutional and legal equality for all
- Transforming discriminatory social norms and gender stereotypes
- Transforming the economy to achieve gender equality and sustainable development
- Investing in women: Ensuring access of all women to quality education and health services
- Ensuring women's full and equal participation, voice and agency in decision-making at all levels and in all spheres of governance
- Improving the accountability systems: Strengthening institutions, establishing a robust monitoring system with a gender responsive data/evidence base

Ensuring constitutional and legal equality for all

To ensure that women can enjoy substantive equality in practice and realize their rights, a strong national legal framework is essential. The framework must protect the formal political, civil and socio-economic rights of women as well as recognize the various forms of violence perpetuated by state and non-state actors. Transformative change in gender relations involves a change in the overall power relations between the sexes in all spheres of life, including in the state's constitutional and legal framework. Laws, policies and programmes need to focus on ensuring both de jure and de facto outcomes in equality. While appreciating the adoption of temporary special measures

such as affirmative action, it must be noted that by themselves they are not adequate to bring real long-term outcomes. The state must understand that what is most critical is to transform the whole system to ensure substantive equality and dignity to women.

As a first move towards a transformative change, the Constitution of Nepal should incorporate the principle of substantive equality in its preamble. The Constitution should ensure non-discrimination not only on the basis of sex but also on factors that constitute other vulnerabilities. It should also be specified that the prohibition of discrimination on the basis of sex, refers to both direct and indirect discrimination, and discrimination that occurs in the public and private spheres. The Constitution must recognize that to ensure dignity to women, equal citizenship and reproductive rights are critical. Subsequent amendments to the Constitution promulgated on 20 September must ensure that these are addressed. Along with a strong constitutional and legal framework prohibiting all forms of discrimination, the state needs to put in place a strong socio-economic support system, including affirmative action and empowerment policies and programmes for women. These measures must be accompanied by a strengthened accountability system expertly implemented with adequately funded outcome-based monitoring mechanisms through time-bound goals, accompanied by indicators that measure the success of actions and support, discussed in more detail below.

Transforming discriminatory social norms and gender stereotypes

The transformation of discriminatory social norms and gender stereotypes must be a priority in future action agendas for GEWE.

This has proved to be most difficult to achieve, in part because adequate efforts have not been put into it. The following three immediate actions are recommended to address this issue:

Formulate and implement a gender-responsive media and information campaign

The campaign should be geared towards promoting progressive changes in gender and social relations, projecting women's positive roles, avoiding negative stereotyping, creating an environment of zero-tolerance of VAWG, and facilitating transformation to a gender-just and equitable society. Multiple channels of communication should be used, including informal media. It is recommended that the government use all channels to spread messages on gender equality and women's rights. The media policy should also aim to increase women's reach and presence in the media, particularly at the decision-making levels. Alongside these measures, it is necessary to guarantee the safety of journalists, especially women journalists, and implement a capacity building plan for gender-sensitive journalism. A rigorous monitoring and evaluation system on women in media, agreed upon by the Federation of Nepalese Journalists (FNJ), the Press Institute, government, representatives of women journalists, and women's NGOs is required. The majority of Nepali women and men have very limited access to mainstream print and visual media. Adopting newer mediums of communication, such as through mobile phones, as well as having anti-VAWG and pro-gender equality slogans on public transport, schools, government office walls, and grain, fertilizer, cement and other bags should be used. Educating the community and tapping into existing opportunities within

communities is of the utmost importance to reduce domestic violence and address issues of stigma. This is specifically the case for trafficking returnees and rape victims. Strategies must ensure that programmes do not adversely impact those for whom initiatives are undertaken.

Redesign educational books, teaching materials and teacher training modules

Messages on women's human rights, gender equality and a zero-tolerance attitude VAWG should be integrated in the school education system so as to influence students at the early stages of learning. Efforts need to be initiated at an early learning stage from elementary school. The private sector schools also should be required to integrate such materials in their curricula more effectively. From practical experience, getting teachers to change their attitudes and behavior to women and girls seem to be a difficult task. Repeated and effective training is crucial in this respect. The new recruits should be given such training right at the beginning of their teaching tenure and tested on attitudes and past behavior before recruitment. Inclusion of sexual education, concepts of harassment and consent for adolescents in the schools could be helpful to increase their awareness and power to resist.

Design and implement a programme to involve men and mainstream institutions

Design and implement a programme to involve more men, particularly young men, and non-gender focused institutions in becoming active in gender equality and anti-VAWG campaigns. Positive male role models should be rewarded for their work on gender equality advocacy and in combating VAWG. Men and boys must be educated to

take responsibility for their behavior. A few successful campaigns have been organized in the past in South Asia engaging men and boys. But such efforts have been few, far apart and often inspired and funded by external sources. They should be resourced nationally and locally as well. Include more stakeholders such as Federation of Nepalese Chambers of Commerce & Industry (FNCCI), Federation of Women Entrepreneurs Association of Nepal (FWEAN) and other business houses and their federations, cultural associations, literary and music clubs and the media in the collaborative mechanisms established to combat VAWG and promote gender equality. They play crucial roles in setting the social norms, and their involvement will enhance the impact of the awareness raising programmes.

Transforming the economy to achieve gender equality and sustainable development

With the conclusion of the MDGs this year, achieving sustainable, holistic development, peace and security is going to be the express aim of the SDGs that are being developed at the global level for the period 2016-2030. The realization of women's and girls' economic rights is among the major components of the agenda. Attaining this goal will involve a total transformation in the way the issue of women's economic empowerment is conceptualized and addressed. Economic approaches generally have drawn on women's knowledge and time without conferring upon women the rights and the benefits of sustainable development, including in Nepal. Consequently, they have tended to reinforce gender stereotypes and entrench gender inequalities. It should be remembered that sustainability is not only about physical environment but includes human

security and peace. The following concrete recommendations illustrate what is required to catalyze such a transformation in the context of Nepal.

Redefine the goals of macro-economic policies

The macro-economic policies in Nepal, which so far have accorded priority to the pursuit of economic growth despite the government's declared goal of building an "Equitable and Just Society", must be redesigned to provide an environment to achieve gender equality and inclusion. The taxation, fiscal and monetary policies must make sure that they do not impact adversely on employment and economic opportunities for women and other marginalized social groups, with a specific focus on the poorest within the group. Additionally, more resources must be mobilized for investments in gender responsive infrastructure, public services and social protection measures on a priority basis. Similarly, monetary policy should expand its narrow target of inflation control and one-dimensional average growth to include inclusive and gender responsive growth. For reducing poverty and promoting sustainable development, social security must be integrated in the development planning process.

Recognize, reduce and redistribute unpaid care and domestic work

Economic policies and the country's overall planning and programming process must take into account the contributions made by women to household and care work for ensuring equal economic, social and political rights. Concrete plans and actions are required to measure, analyze and integrating household and care work in the overall planning process including generation of time

use data. Other necessary actions include investment in innovative technology and its better diffusion to reduce the drudgery of the care and household work, and expansion of care facilities for children and senior citizens. Policies and programmes are needed to promote better distribution of care and household work within the household.

Create more and better jobs and entrepreneurial opportunities for women

Nepal is in the process of implementing a second round of structural reforms to promote private local and foreign investment in the country. It is imperative that these policies incorporate specific safeguards to ensure that they do not harm women's interest as well as provide an equal playing field for women entrepreneurs. The process of integrating gender dimensions into the investment climate reform policies – industrial, employment and labor policies – are welcome. But such efforts have been inconsistent to date. Specifically, investment climate reform policies must aim to create more and better jobs for women and improve entrepreneurial opportunities for them. This is possible through a series of concrete actions such as ensuring equal wages, facilitating the establishment and growth of women's enterprises, investing in technology and related training for women, redesigning and expanding the training programmes for women for more market-oriented and higher level technical jobs, requiring business houses to follow ILO work standards, ensuring women's equal rights to property and citizenship in law and in practice, and better implementation and monitoring of GESI and GRB.

Regulate the informal sector work

As the majority of workers – especially women – are in the informal sector, ensuring

work standards in the organized sector will touch only a small percentage of workers. Furthermore, women also earn lower wages than men, even in the formal sector, in addition to which the female/male wage ratios are declining both in the agricultural and non-agricultural sectors. Therefore, better implementation of the equal wage provisions as well as regulation of the informal sector work with an upgrading of the universal social security system should be priorities.

Investing in women: Ensuring access of all women to quality education and health services

Public services in education, health, social services and reducing structural barriers to women's access to formal institutions are all essential for the achievement of substantive equality for all women. In recent decades, Nepal has made large investments in improving girl's access to basic education, maternal and child health and ensuring a kind of universal social security to the elderly, widows, single women, and selected marginalized groups such as Dalits. However, such services still remain outside the reach of a large section of women. Further actions and investments are required for reducing inequality in educational and health access. Reducing inequality in access to education between men and women and among women of various social groups will need special attention to improve the quality of education in government schools, particularly in remote areas and the schools catering to the children of the marginalized communities. It is necessary to expand the scope of scholarships for higher technical education for women from those areas and communities.

In the health sector, there is a critical need to expand the objectives of health policies

with a life cycle approach to women's health and improving the health management system. Nepal has achieved considerable progress in improving maternal and child health, but little attention has been paid to the needs of the girl child, adolescent and elderly women. Expanding the network of OCMCs and improving the services of the police cells and shelters in the districts to cater to VAWG victims are critical. Other actions that need attention are the collection and analyses of gender disaggregated data on so-called gender neutral diseases such as tuberculosis and malaria, and better analysis of women's broader reproductive needs such as psychological violence, uterus or breast cancer and uterus prolapses. Another critical need is to improve the supply of equipment and trained human resources in government health institutions in remote rural areas and district hospitals, and large scale training and deployment of technical human resources in marginalized communities to reduce the inequality in access. A third area that calls for urgent investment is strengthening the institutional accountability system, discussed in more detail below.

Ensuring women's full and equal participation, voice and agency in decision-making at all levels and in all spheres of governance

The right to representation and voice is an integral part of the democratic freedoms of an individual and of groups. Representation of stakeholders at decision-making levels is also a necessary step to ensure that they have a voice. Nepal has adopted a policy of affirmative action to increase women's representation and voice in the various political and administrative organs of power. However, these have neither been wide enough to

cover all institutions nor guarantee results in a fixed proportion of representation. To address this, the government must formulate and implement a medium-term, multi-sector action plan to chart out a path to achieving at least 33 per cent representation of women at decision-making levels in all state organs in the medium term with a goal of reaching 50 per cent in the long term. Political parties should be constitutionally required to increase women's representation in their executive bodies at all levels to 33 per cent and to make their statutes, rules and regulations more responsive to gender. A concerted campaign is also needed to change the attitudes of leaders and activists to VAWG as well as projecting women's potential as leaders, contributors to the economy, peace and social progress. The banks, media, and corporations in the public and private sector need to institutionalize the proportional system in the elections to their executive bodies and recruitment of white collar staff in collaboration with the concerned institutions and FNCCI in a phased manner. Women's representation should be increased in the implementation of the NAP of UNSCRs 1325 and 1820. Additionally, investing in capacity-building of different responsible individuals/groups as well as in the Local Peace Committees (LPCs) and GESI units to investigate the cases of VAW during the armed conflict with sensitivity, bring the culprits to justice, and compensate for the psychological and physical injury to women and their families. Women's voice and agency should also be ensured in all mechanisms and policies aimed at rehabilitating disaster victims.

Capacity development of diverse groups of women for effective participation with a time-bound plan of action should be carried out. The target groups should include all political women representatives at the

central, district and local levels and members of community-based service management committees, and cover themes related to not only women's rights issues but also economic policies, related laws, regulations, procedures, budgets and resources. Women's organizations should be supported to claim their rights and shape the policy agenda at all levels. The existing collaborative process with the government in development should be strengthened and expanded to cover other areas such as formulation of financial, monetary and fiscal policies, foreign investment and infrastructure. Moreover, a new determination is required on the part of women's representatives in the state structures, the civil society and the feminist movement to continue their collaborative and collective struggles to achieve equality and women's rights. It is particularly important to push for legal reforms to eliminate the remaining discriminatory provisions in the constitution and the legal system. The mainstream feminist agenda must particularly reflect the voices and issues of Adivasis/Janajatis, Dalits, Muslims, Madhesis and other marginalized women's groups. Such collaborative work is essential to protect the advances made so far and to ensure further changes in the state structure as well as in social norms and behavior.

Improving the accountability systems: Strengthening institutions, establishing a robust monitoring system with a gender responsive data/evidence base

Concrete actions are required in three particular areas to ensure that the plans and programmes aimed at ensuring gender equality and women's human rights are implemented properly to yield the desired outcomes.

Equip the existing mechanisms and institutions established to oversee, implement and monitor the gender equality policies and programmes with adequate power, financial resources and technical knowledge

Collaborative and coordinated multi-sectorial and holistic interventions are required to ensure that women's rights are realized. However, as evidenced by the foregoing discussions, most special institutions established to support women in Nepal suffer from insufficient financial and human resources, and even lack the power to effectively fulfill their responsibilities. Coordination between institutions is also a major problem making the system dysfunctional. Clearly specifying the responsibilities and functions of various institutions, especially those of the NWC, MoWCSW and OPMCM is thus crucial. The National Women's Commission should be an independent constitutional body resourced from the Consolidated Fund of the State and its members appointed on the basis of professional expertise. The Office of the Prime Minister and Cabinet of Ministers' activity should be limited to overall supervision and monitoring of progress on gender equality and providing a coordination platform to multi-sector action plans and initiatives. The status of NHRC and NWC should be upgraded to that of ombudsman to ensure that the country observes the human rights codes as per international standards, particularly for all women and the girls. Extensive capacity development trainings are required for all government institutions engaged in delivery of services to women. Trainings on VAWG are required for a range of actors, from shelter providers and counselors to lawyers and private sector employers to media personnel and security agencies. Women from poorer

sections of the population and marginalized communities need particular attention in this respect; due to past experiences of discrimination and neglect, they may be more reluctant to seek services.

Improve the justice delivery system for the victims of VAWG

Access to justice is particularly important for women as it allows them to enforce and obtain remedies for their substantive rights and, by promoting substantive equality, helps to eliminate discrimination. But accessing justice remains difficult for women generally and almost impossible for the poor vulnerable groups of women, such as Dalits or women from remote rural areas. Therefore, improving the system of delivery of justice to women must be a priority. To this end, first Nepal must adopt a restorative justice system, defined as “a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible”.¹ Second, the proportion of women in the judiciary must be increased. Studies suggest that people have increased confidence in their judiciary if they see it as representative of the population. Third, actions must be taken to strengthen the victim and witness protection mechanisms by establishment of gender sensitive infrastructure and fast track judicial system (courts), to expand the number and geographical distribution of “shelter homes” with experienced staff and adequate funding so that standard operating procedures are followed, and to establish a few second stage homes as working women/girls hostel for survivors. Further actions needed to expedite

1 Zehr, H. (2002) *The Little Book of Restorative Justice*. Good Books, Intercourse, PA, pg. 37.

justice for women requires designing and implementing a programme for perpetrators, aimed at changing behaviors and psycho-social patterns, and collaborating with NGOs, women and other human rights defenders and protecting them when needed.

Ensure that women's reproductive and other needs are addressed effectively in times of crisis

Nepal is becoming more and more prone to natural disasters as a consequence of its geological location, climate change and population pressures including unplanned urbanization. These natural disasters present another big hazard for women. This was clearly illustrated during the 2015 earthquakes whereby women were more severely impacted than men. Moreover, as already poorer in economic endowment and capacity to cope with the situation, their vulnerability to violence increases manifold. The groups such as Dalits, elderly, widows and single women already in precarious economic positions, are pushed to the brink. For example, a total of 498,852 houses were damaged in the 2015 April earthquakes with about 26 per cent of the damaged houses being female-headed, 41 per cent belonging to Dalits and indigenous communities, and 23 per cent belonging to senior citizens. Therefore, the disaster management programmes designed to address the natural calamities must ensure that they include women and their organizations in the impact assessment and planning, implementation and monitoring of the reconstruction and rehabilitation programmes. Women must be included at all levels of decision making. Gender must be mainstreamed in all activities, and it must be ensured that adequate resources are channeled to the vulnerable groups of women, elderly and the children as well as to

the Dalits, marginalized ethnic minorities, and those living in remote regions. The efforts to protect women and children from increased violence in such situations have to focus on prevention and social protection for those at risk and the victims. The process and programmes designed by the Government of Nepal for the rehabilitation of the people and reconstruction of the villages and urban habitats subsequent to the recent earthquakes has been a successful outcome of effective collaboration between the NGOs and National Planning Commission (NPC) and should serve as an example for future action.

Set up a multi-dimensional participatory and robust monitoring system with gender responsive indicators to track women's overall advancement as well as the impacts of gender mainstreaming programmes

Availability of information and data provide a base for designing appropriate policies and programmes in all spheres. They are, however, particularly important for measuring advancement in GEWE, which is a relatively new area for state policies and programmes. The lack of centralized and regular monitoring mechanisms on GEWE goals at both the district and central levels has been a repeated theme in the foregoing chapters. In addition, lack of monitoring of the gender mainstreaming policies such as GESI application and GRB results has been noted repeatedly by gender advocates. Designing and implementing a comprehensive monitoring framework on gender equality and women's human rights is required. This comprehensive database must include data that gives us a holistic sense of women's lives. Setting up sectorial monitoring mechanisms to monitor implementation of specific gender equality and mainstreaming policies and programmes to include indicators

on employment and income generated, assets redistributed, and services provided disaggregated by gender and other social groups as required by GESI and GRB. It is important to involve and collaborate with women's NGOs and other civil society organizations along with the community in design and participatory monitoring systems at all levels. A monitoring framework relevant for public accountability of policies and programmes is especially crucial for combating VAWG. Such an accountability-based system should enable women and NGOs to hold public authorities accountable and vice versa, while simultaneously ensuring all stakeholders carry out their responsibilities. Establishing stronger mechanisms to review, monitor and follow-up on progress made on commitments under CEDAW and its protocol as well as universal and country-specific recommendations of CSW, BPfA, UNSCR 1325 and 1820 and their periodic reviews is important. These monitoring reports should be tabled in parliament for discussion before they are sent to CSW and other concerned institutions. This process may be expected to increase the accountability of the parliament and the government to the country's commitments to gender equality and ensuring women's human rights.

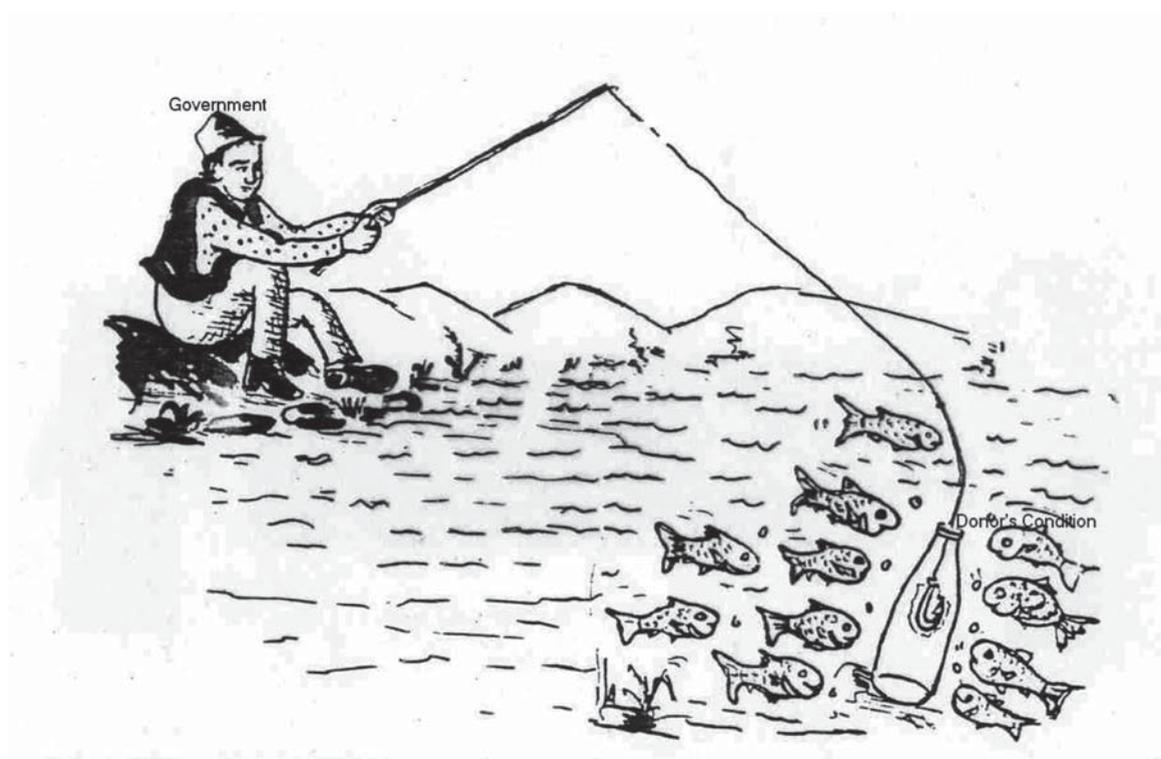
Develop a database with adequately gender responsive indicators including on VAWG, poverty and time-use to measure overall progress in ensuring substantive equality to women

Nepal has already integrated a gender perspective into its population and housing censuses since 2001. Nepal's regular demographic and health surveys with five year intervals provide some information on VAW as well. These alone, however, are not adequate. Specifically, more attention must be paid to

collecting, processing, and analyzing data on different kinds of VAWG, women's economic status and poverty including on time spent on unpaid household and care work. A series of research papers should be commissioned on new areas of VAW related to internal and external migration work in the entertainment and sex industries, and past and present political conflict and other forms of violence. Specific research efforts are needed to identify the circumstances that create/induce such violence and to design and implement targeted interventions. Collecting and undertaking in-depth analysis and regular reporting of time-budget data must be carried out as a priority. To release the productive potential of women, it is imperative that women's care work be integrated in the national planning process as elaborated above. The first step towards such

integration is creating a time-budget database. It is recommended that the Central Bureau of Statistics (CBS)/NPC start to collect, process, analyze, and report periodically the time-use data in a more rigorous manner keeping gender and poverty perspectives in mind. Other actions required on this front include redesigning all surveys and censuses from gender and inclusion perspectives including the National Living Standards Survey (NLSS), agricultural and manufacturing surveys; and creating a database to analyze wealth and professional status in more detail, ensuring at least two digit reporting of the data on the occupational and industrial labour force. It is also important to support the creation of feminist knowledge on key policy issues such as monetary, fiscal and taxation policies, and pension system design.

Will this work?



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A handwritten signature in black ink, appearing to read 'Acharya', with a stylized, cursive script.

Dr. Sushan Acharya
Chairperson, SAHAVAGI

ACRONYMS

AATWIN	Alliance against Trafficking
ACP	Association of Craft Producers
ADB	Asian Development Bank
ADBN	Agricultural Development Bank of Nepal
ANTUF	All Nepal Trade Union Federation
BMI	Body Mass Index
BPfA	Beijing Platform for Action
BS	Bikram Sambat (Nepali Calendar dates)
CA	Constituent Assembly
CACs	Citizen Awareness Centers
CAG	Community Action Group
CEO	Chief Executive Officer
CAN	Cricket Association of Nepal
CBOs	Community based organizations
CBS	Central Bureau of Statistic
CDO	Chief District Officer
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CIAA	Commission for Investigation of Abuse of Authority
CIED	Commission on Inquiry of Forced Disappearances
CNI	Confederation of Nepalese Industries
COs	Community Organizations
CPA	Comprehensive Peace Accord
CPN	Communist Party of Nepal
CSO	Civil Society Organization
CSW	Committee on the Status of Women
CVICT	Center for Victims of Torture
CWDO	Chief Women Development Officer
DANIDA	Danish International Development Agency
DCC	District Coordination Committee
DCCHT	District Committee for Controlling Human Trafficking
DDC	District Development Committee
DFID	Department of International Development
DHS	Demographic Health survey
DIG	Deputy Inspector General
DoE	Department of Education
DoFE	Department of Foreign Employment
DWC	Department of Women and Children
EC	Election Commission
ECD	Early Childhood Development
ECOSOC	Economic and Social Council

EPZ	Export Promotion Zone
ESCAP	Economic and Social Commission for Asia and the Pacific
ESP	Enabling State Program
FECOFUN	Federation of Community Forest Users of Nepal
FDI	Foreign Direct Investment
FEDO	Feminist Dalit Organization
FGDs	Focus Group Discussions
FIP	Foreign Investment Policy
FHAN	Federation of Handicraft Association of Nepal
FNCCI	Federation of Nepalese Chambers of Commerce and Industry
FNCSI	Federation of Nepal Cottage and Small Industries
FNJ	Federation of Nepalese Journalists
FPTP	First-past-the-post
FWEAN	Federation of Women Entrepreneurs Association of Nepal
FWLD	Forum for Women Law and Development
FY	Fiscal year
GBA	Gender Budget Audits
GBV	Gender Based Violence
GDI	Gender Development Index
GDP	Gross Domestic Product
GECU	Gender Empowerment Coordination Unit
GEFONT	General Federation of Nepalese Trade Union
GESI	Gender and Social Inclusion
GoN	Government of Nepal
GPI	Gender Parity Index
GRB	Gender Responsive Budgeting
GRBC	Gender Responsive Budget Committee
HDI	Human Development Index
HDR	Human Development Report
HIV/AIDS	Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome
HURDEC	Human Resource Development Center
ICC	International Cricket Council
ICPD	International Conference on Population
ILO	International Labour Organization
IMF	International Monetary Fund
IMR	Infant Mortality Rate
INSEC	Informal Sector Service Center
IPWA	Inter Party Women's Alliance
IT	Information Technology
LGBTQ	Lesbian Gay Bi-sexual Transgender and Queer
LGCDP	Local Governance Community Development Program
LPCs	Local Peace Committees
LSGA	Local Self Governance Act
MAC	Monitoring and Action Committee
M&E	Monitoring and Evaluation
MASVAW	Men's Action to Stop Violence against Women
MCPW	Micro Credit Program for Women

MDGs	Millennium Development Goals
MMR	Maternal Mortality Rate
MoE	Ministry of Education
MoF	Ministry of Finance
MoD	Ministry of Defense
MoFALD	Ministry of Federal Affairs and Local Development
MoHA	Ministry of Home Affairs
MoHP	Ministry of Health and Population
MoLE	Ministry of Labor and Employment
MoLJCAPA	Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs
MoPR	Ministry of Peace and Reconstruction
MoWCSW	Ministry of Women, Children and Social Welfare
MTEP	Mid-term Expenditure Plan
MPI	Multiple Poverty Index
NNAGT	National Network against Girls Trafficking
NAP	National Action Plan
NAWHRD	National Alliance of Women for Human Rights
NBF	Nepal Business Forum
NBI	National Business Initiative
NCC	Nepal Chamber of Commerce
NCCHT	National Committee for Controlling Human Trafficking
NDHS	National Demographic Health Survey
NGOs	Non-government organization
NHRAP	National Human Rights Action Plan
NHRC	National Human Rights Commission
NHSSP	Nepal Health Sector support Program
NIWF	National Indigenous Women Federation
NLSS	Nepal Living Standard Survey
NNAGT	National Networking against Girl's Trafficking
NNBRN	National Network for Beijing Review Nepal
NPC	National Planning Commission
NPI	Nepal Press Institute
NRNA	Non Resident Nepali Association
NPTF	Nepal Peace Trust Fund
NTUC	Nepal Trade Union Congress
NWC	National Women's Commission
OCMC	One-Stop Crisis Management Centers
OECD	Organisation for Economic Co-operation and Development
OPMCM	Office of the Prime Ministers and Council Ministers
OSRT	Office of the Special Rapporteur on Trafficking in Women and Children
PAF	Poverty Alleviation Fund
PCRW	Production Credit for Rural Women
PIL	Public Interest Litigations
PPP	Purchasing Power Parity
PRSP	Poverty Reduction Strategy Paper
PSC	Public Service Commission
RDIF	Rights, Democracy, Inclusion Fund

RTI	Right to Information
RWDUC	Rural Women's Development and Unity Centre
SAARC	South Asian Association for Regional Cooperation
SABAH	SAARC Business Association of Home-Based Workers
SAS	Sancharika Samuha
SAWES	South Asia Entrepreneurship Symposium
SCCI	SAARC Chamber of Commerce and Industry
SDGs	Sustainable development goals
SESP	Secondary Education Support Program
SEZ	Special Economic Zones
SMC	School Management Committee
STIs	Sexually Transmitted Infections
SSRP	School Sector Reform Program
SWAs	Sector- Wide Approach
SWC	Social Welfare Council
TFR	Total Fertility Rate
ToR	Terms of Reference
TPAMF	Tanka Prasad Acharya Memorial Foundation
TRC	Truth and Reconciliation Commission
TV	Television
TW	Three Wheeler
TYIP	Three Year Interim Plan
UDHR	Universal Declaration of Human Rights
UKAID	United Kingdom Assistance for International Development
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNSCR	UN Security Council Resolutions
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	United States Agency for International Development
VAW	Violence against Women
VAWG	Violence against Women and Girls
VCCHT	Village Committee for Controlling Human Trafficking
VDC	Village Development Committee
WCDOs	Women and Children Development Offices
WCF	Ward Citizen Forum
WCO	Women and Children Office
WDO	Women Development Officer
WDP	Women Development Program
FWEAN	Federation of Women Entrepreneurs Association of Nepal
WHO	World Health Organization
WHRD	Women Human Rights Defenders
WOREC	Women's Rehabilitation Centre
WCSC	Women and Children Service Center
WCSD	Women and Children Service Directorate
WWJ	Working Women Journalists

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1

FORMAL TO
SUBSTANTIVE EQUALITY

1.1 FORMAL EQUALITY: MILESTONES AND SETBACKS

The first step towards establishing equal constitutional rights for women in Nepal was taken with the drafting of the Interim Constitution of Nepal 1951,¹ promulgated at the dawn of democracy. Although the document did strengthen the authority of the monarchy, which was powerless under the Rana regime, it also established political and civil rights (including voting rights) for all citizens, including women. The 1959 constitution followed the interim text, with some changes. Prior to these constitutions, Nepal was governed through the Country Code (*Muluki Ain*) of 1853, the first codified set of laws which formed the country code of Nepal. Based largely on the *Manusmriti*, the Hindu code of conduct, the code was in force until 1963. Even the limited democratic order introduced under the 1951 and 1959 constitutions survived only until 1960, when then King Mahendra dismissed the elected parliament and cabinet to assume absolute power. King Mahendra unveiled a new constitution in 1962, which banned political parties, and introduced the Panchayat system; while Mahendra termed the Panchayat a form of democracy suited to Nepal, the system was setup so as to consolidate all power in the hands of the king and his loyalists. The political rights of citizens were severely curtailed under this system, followed by further provisions that have consistently denied citizenship to children by descent from a Nepali mother manifested in the Citizenship Acts of 1963 and 2006. The internationally acclaimed 1990 Constitution also said only fathers could confer citizenship to their children.² The Interim Constitution of 2007 and the newly passed 2015 Constitution

of Nepal (promulgated on September 20) are more lenient by including a provision for the transfer of citizenship to the children by father 'or' mother. The 2015 Constitution, particularly, has tried to make getting a citizenship certificate for women and her children much easier. However, the gendered and patriarchal concept of citizenship, which accepts only men as independent and legitimate claimants of national identity, is implied through in the 2015 Constitution as well. Additionally, the preamble of the constitution does not incorporate the principle of substantive equality. And finally, the equality clauses of both the Constitutions do not include a prohibition of 'discrimination' that encompasses direct and indirect discrimination and discrimination occurring in the public and private spheres. The clause 24 (1) in the new 2015 Constitution does specify that that "no person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition." All such discrimination is made punishable by law with right to compensation as well. But gender is not specified in this clause.³

Nevertheless, over the past two decades, legal reforms have transformed the landscape for gender equality in Nepal, ensuring greater economic security for women, protecting them from violence, safeguarding their sexual and reproductive rights and amplifying their voices in decision-making. The women's rights movement has made a significant contribution towards gender equality, which has been led by many women's rights non-governmental

organizations (NGOs), gender advocates, and political party-affiliated women's organizations who continuously lobbied for better legal, economic and social rights for women. Various organizations filed different public interest litigations (PIL) with the Supreme Court⁴ and feminist lawyers won a number of cases on property rights, succession rights, abortion rights, marital rape, sexual harassment at the workplace and they drove the establishment of the fast track justice system.

Many discriminatory laws in relation to property ownership and inheritance remained until the end of the 1990s. There are multiple examples of discriminatory provisions which impaired women's rights to equality before the law and to equal property rights. Firstly, daughters were entitled to have a right to parental property only after they became 35 years old and as long as they remained unmarried. If a woman married after receiving her share, she would have to return it to the parental family. If a married woman wanted to obtain her share of property from her husband and live separately from him, she would have to have completed 15 years of marriage and be over 35 years of age. A widow could not ask for the partition of property unless she was 30 years old and had a son. A divorcee had an even more precarious life because once a woman was divorced from her husband, she would only be entitled to alimony for up to 5 years providing that the divorce decree was issued by her husband.

Since the restoration of multi-party democracy and the promulgation of the Constitution in 1990, followed by the ratification of CEDAW by Nepal in 1991, the women's rights movement coupled with a progressive judicial response has made much progress in bringing gender equality laws into being in Nepal. The Supreme Court declared

discriminatory laws unconstitutional and issued directive orders to enact new laws in a number of cases, which facilitated the 11th amendment to the Country Code in 2002 (See Case 1.1 on the judicial response to women's rights to ancestral property). Through this amendment, equal inheritance rights for unmarried daughters, wives, divorced women and widows were guaranteed and abortion legalized.

In 2006, as Nepal emerged from a decade of conflict, further change was underway. The Interim Constitution of 2007 guaranteed a daughter's equal right to parental property for the first time. On the other hand, 96 discriminatory laws still existed, identified in a study conducted by examining 289 Acts and 280 regulations in 2007.⁵ The Nepal Citizenship Act, 2006 was passed, enabling children to claim citizenship through their mothers for the first time. The Gender Equality Act, 2007⁶ gave married women the right to keep inherited property, entitled women to use property without the consent of male family members, placed liberal conditions on the use of inherited property by the widows and expanded divorce rights. The Act also legalized abortion within 12 weeks of pregnancy and extended the law to protect women, criminalizing domestic and sexual violence. These provisions built on strategic litigation brought in 2002, which led to the explicit criminalization of marital rape for the first time.⁷ Almost 56 gender discriminatory laws were amended following the enactment of the Gender Equality Act, and were incorporated into the 12th amendment of the Country Code.⁸ The Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs (MoLJCAPA) has further tabled the Bill on Amending Some Nepali Acts to Maintain Gender Equality and End Gender-Based

CASE 1.1

A Daughter's Right to Ancestral Property – A Journey from Discrimination to Formal Equality to Establishing Substantive Equality

In *Meera Dhungana on behalf of FWLD vs. HMG, 1996* the petitioner challenged No. 16 of the law on partition which provided that, while a son was entitled to a partition share of his father's property at birth, a daughter was entitled to obtain a share only when she reached the age of 35 and was still unmarried. This was challenged on the ground that it violated both the guarantee of equality in the Constitution and Article 15 of the CEDAW Convention. The Court appeared to consider that there was a violation of these guarantees, but was reluctant to declare the law unconstitutional with immediate effect, being cautious that such change may not be acceptable at once as it is linked to social norms and values. The court eventually issued a directive order to the government to introduce an appropriate bill to the Parliament within one year, make necessary consultations with recognized social organizations, sociologists and lawyers, and to consider legal provisions made in other countries in this regard. The court had also cautioned that while initiating changes, the government had to take note of the prevalent social norms and values, and the patriarchal nature of the society. The directive order resulted in a nationwide debate on whether daughters should have a right to partition and inheritance.

This directive order of the Supreme Court gave some impetus to the government to introduce an amendment to the law of partition through the 11th amendment to the Country Code in 2002. The amended law provided for equal inheritance rights for unmarried daughters and sons, but daughter's property rights remained dependent on marital status and they were required to return their inherited property if they got married.

In 2004, another writ petition was lodged in the Supreme Court (*Prakash Mani Sharma vs. OPMCM et al.*) demanding No. 16 of the amended law on partition null and void, claiming that the need to return the property by the daughter after entering into the marital relation is against the spirit of the equality clause of the constitution and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) provisions. As the law was new and its impact yet to be assessed, the Supreme Court held back from declaring void the status to the legal provision of No. 16. However, the Court directed the government to re-think the legal provision in consultation with the concerned stakeholders.

Following this judgment, the Interim Constitution, 2007 was promulgated which, for the first time, guaranteed the equal right of women/daughters to ancestral property as a fundamental right. The Gender Equality Act, 2007 was subsequently adopted which repealed No. 16 of the law on partition, establishing an equal right to ancestral property for the unmarried daughters as it was already for sons, without the need to return the property after marriage. This was also incorporated in the 12th amendment to the Country Code.

Almost a ten-year long battle for a daughter's equal right to ancestral property ended in Nepal with a victory in establishing that right. However, this right is yet to be translated into a reality for many women as the entrenched social norms and values, coupled with lack of legal literacy, have restricted many women from claiming their right. The power of social norms is such that women do not claim their legal rights due to pressure put on them to conform to societal expectations.

Addressing the gap in the implementation of this important law requires efforts at multiple levels: legal literacy campaigns are needed to raise women's awareness of their entitlements and erode discriminatory social norms; legal procedures need to be simplified, and government functionaries trained to increase their responsiveness to women's property rights.

Source: FWLD and ICJ, 2014.

CASE 1.2

Marital rape established as a crime

In Nepal, married women subjected to rape by their husbands had no recourse to justice until 2002, when the Forum for Women, Law and Development (FWLD) brought a petition *Meera Dhungana on behalf of FWLD vs. HMG* to the Supreme Court. The case invalidated the provision of the criminal code that exempted husbands from being charged with the rape of their wives. In rejecting the Government's argument that outlawing marital rape would offend Hindu beliefs, the ruling also ended the conflict between the Country Code, based on Hindu religious principles, and the 1990 Constitution, which pledged to end all forms of gender discrimination. The Court stated that, "sexual intercourse in conjugal life is a normal course of behaviour, which must be based on consent. No religion may ever take it [marital rape] as lawful because the aim of a good religion is not to hate or cause loss to anyone." The Court ordered Parliament to amend the rape law. As per the directive order, the rape law was amended by the 12th amendment of the Country Code with the penalty for marital rape set at six months' imprisonment.

Claiming the penalty as significantly lower than for other types of sexual assault, a separate writ petition *Jitkumari Pangei vs. HMG* was filed in 2006. The Court delivered a verdict that the difference in penalties was discriminatory and that the law must be amended. The Bill on Amending Some Nepali Acts to Maintain Gender Equality and End Gender-Based Violence was tabled before the Parliament in 2014 with the increased sanction for marital rape from three to five years.

Cases such as these reflect sweeping changes to the assumption that a wife implicitly consents to all sexual activity.

Source: FWLD and ICJ, 2014.

Violence, 2014 on 6 August 2014⁹, proposing to amend 32 gender discriminatory laws.

Despite the laws and policies in place, the practice of discriminating against women still continues. Laws have proved difficult to implement in the absence of easily accessible enforcement mechanisms as well as in the face of discriminatory cultural norms. Major discrimination exists in relation to citizenship, property, family matters, employment, sexual violence and reproductive rights. Women are not recognized as independent citizens able to transfer citizenship to their children or spouse.

Almost all of the post-1951 constitutions and laws of Nepal have embodied the principle of formal equality. In reality, all of these laws either treated men and women as the same, or discriminated against women in the name of

protection, legitimizing hierarchical structures and male dominance.

The majority of Nepali laws and policies are still constituted within the formal model of equality where formal equality prescribes equal treatment of all people regardless of circumstances, on the understanding that all people have the same rights and entitlements. The underlying logic is that by extending equal rights to all, inequality is eliminated. Equality of treatment is linked to fairness of treatment. The formal approach to equality is operationalized through anti-discrimination legislation. It requires policy or legal measures to "treat likes alike" as described by Aristotle. In other words, individuals with similar attributes or those who are similarly positioned are to be given equal, identical or consistent treatment.

The decades of experience of women and

other excluded groups with legal equality, however, indicates that the formal model of equality of human rights by itself does not necessarily lead to de-facto or substantive equality. For example, the interpretation of the prohibition of discrimination on the basis of sex proved too narrow and its frame of reference excluded women's needs and experiences. All it may mean is that women will be protected from discrimination only in circumstances where they are situated

similarly as men. Protection of this nature is grossly inadequate when women face problems larger than discriminatory treatment in comparison to men. Due to historical and social discrimination, women are de facto in an inferior position and exercise very little power in the public or private spheres. It is the systemic discrimination against women that requires change, making a formal equality and an anti-discrimination approach necessary, but not sufficient and often ineffective.

1.2 MOVING FROM DE JURE TO DE FACTO EQUALITY: RECENT TRENDS

The recognition of rights through the law is critical for progress. Only with de jure recognition of rights can accountability be created. In a positive step, for the first time, the Interim Constitution of Nepal 2007 has recognized reproductive health as a fundamental right of women and prohibited discrimination on the basis of sex. A study conducted by women's rights NGO, Forum for Women's Law and Development (FWLD), shows that 64 provisions and 19 schedules in different pieces of legislation have been amended to guarantee non-discrimination.¹⁰ These amendments have taken place in the areas of property rights of unmarried and married daughters, divorce, widow remarriage, the decriminalization of abortion and the criminalization of marital rape.¹¹ Additionally, other recently enacted legislation such as the Human Trafficking and Transportation Control Act 2007, Domestic Violence Act 2009 and the Sexual Harassment at the Work Place

(Prevention) Act 2014 are worthy of mention; through these laws, the State has been able to create legal accountability not only in public but also in the private sphere.

However, having a law is not enough unless rights can be realized. Recognition of rights must come with enabling conditions to ensure their use and enjoyment. For example, CEDAW calls not only for both de jure and de facto equality, but also for the elimination of discrimination covering informal practices that are not sanctioned by law but regulate women's rights and freedoms.¹² Therefore, along with laws, policies and programmes, it is necessary to have institutional arrangements and resources to implement them. Enhancing the capability of the rights holders to bring changes in attitudes is key to ensuring the realization of rights in everyday life. Moving from de jure to de facto equality involves fundamental changes in the way the issue of equality is approached and defined.

1.3 NEPAL'S COURT SYSTEM AND WOMEN'S ACCESS TO JUSTICE

There are three types of courts in Nepal: the Supreme Court, Appellate Courts and District Courts. The Supreme Court is the highest court in the judicial system of Nepal. The Supreme Court comprises fifteen judges including a Chief Justice. The Chief Justice is appointed by the President on the recommendation of the Constitutional Council. Other judges of the Supreme Court are appointed by the Chief Justice on the recommendation of the Judicial Council. The Supreme Court has both judicial and extra-judicial powers. The judicial powers include the power of hearing the writ petitions, appeals, the power to review its own judgments, the power to revise the judgments delivered by the Court of Appeals and the power to try certain cases. There are 16 Appellate Courts in Nepal and 75 district courts, one in each district. Various institutional arrangements in terms of policy, laws and organizations exist to direct and regulate activities pertaining to the recruitment and development of human resources required in the judicial sector. The Interim Constitution 2007, Civil Service Act 1993 and Judge Appointment (Procedures) Standards 2012 have made major organizational arrangements for working towards an inclusive judiciary. However, these have hardly been reflective of adequate, specific and effective concerns for the promotion of gender equality and social inclusion in the judiciary.¹³ There is a low representation of women and vulnerable groups in the formal justice sector. Women, despite making up 51.5 percent of the national population, made up only 3 percent of the judicial sector in January 2015. Women judges

accounted for only eight (six at the Courts of Appeals and two at the district courts) among the 262 judges in the country.¹⁴ There has become a practice of appointing at least one female judge in the Supreme Court in the past few years. Currently (as at July, 31, 2015), among the eleven justices of the Supreme Court, one is a woman. Nepal also has few women lawyers. For instance, in May 2013, only 8 percent of licensed lawyers were women, less than 1 percent Dalit¹⁵, and very few of these women actually practiced law.¹⁶ Studies suggest that people have increased confidence in their judiciary if they see it as representative of the population. The lack of female representation in the Nepal judiciary is one of the reasons hindering access to justice for women victims, as they do not feel comfortable approaching the male dominated judiciary for a legal remedy.

Access to justice is particularly important for women as it allows them to enforce and obtain remedies for their substantive rights and, by promoting substantive equality, helps to eliminate discrimination. But the judicial process in Nepal is very slow, the courts are laden with backlogs, and cases require much legal preparation to be fought. Often, party politics also intervenes in the judicial process. Corruption cases are also often raised against individual judges. This makes accessing justice very difficult for women victims, who are already pressured by society to let it go and at the same time, lack a strong long-term support system such as shelter and subsistence, to see the case through. Many women, and poor and disadvantaged people, are unable to

invest the considerable time, effort and money needed to pursue cases through the courts. Nor do they know about their rights and how to channel their complaints to get their grievances redressed. Even after approaching the courts, their cases are sometimes not tried fairly. Another drawback of Nepal's criminal justice system is that many laws are outdated and contrary to international standards. The shortcomings of Nepal's justice system are exacerbated by the increased court caseload that makes it difficult to administer speedy and fair justice. Access to justice is considered to be a fundamental human right and Article 2(c) of CEDAW speaks specifically about the obligations of States to, "establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public

institutions the effective protection of women against any act of discrimination."¹⁷

Women and socially excluded groups have many complex needs that must be fulfilled to ensure their due representation in the judicial sectors. These needs are related to the creation of awareness and sensitization to policy makers, women and socially excluded groups and other concerned stakeholders, making legal education attractive, allocating adequate scholarship to pursue education, pre-service and in-service capacity building support, changing legal and administrative provisions, as well as the criteria for appointing judges. Additionally, there is a need for a major shift in public policy and strategic focus to develop a more inclusive judiciary without sacrificing the quality of justice delivery.¹⁸

1.4 INVESTING IN SUBSTANTIVE EQUALITY: WHAT WILL IT TAKE?

As an alternative to merely investing in formal equality, CEDAW promotes a corrective approach based on the substantive model of equality. This approach, instead of accepting the differences as given, examines the assumptions behind the differences to assess the disadvantages resulting from it. Only after those discriminatory attitudes are identified, is it possible to develop different attitudes towards women. CEDAW seeks to eliminate the existing discrimination faced by women at the individual, institutional and systematic levels through corrective measures. The model's principle concern is to ensure that

laws, policies and programmes correct the imbalance in the treatment between men and women, and make an impact on the overall outcomes and benefits for women. In doing so, the model seeks a paradigm shift from equal treatment to "equality of outcomes".¹⁹

1.4.1 Current arrangements made by the Nepalese government

By ratifying CEDAW in 1991, the Government of Nepal (GoN) committed to substantive equality, incorporated special measures promoting substantive equality in the Tenth Plan (2002-2007) and also incorporated certain

provisions in the constitution and laws. A study conducted by FWLD in 2003 identified 150 legal provisions that had been enacted to facilitate substantive gender equality.²⁰ These are related to participation in political and public life, education, health, employment and violence against women and girls (VAWG).²¹ The number of special measures has increased with the adoption of the Interim Constitution, 2007 and the commitment to inclusion after the signing of the Comprehensive Peace Accord (CPA) in 2006. Affirmative action policy²² has been implemented by the government to ensure women's equal access to and full participation in, power structures and decision making at all levels and to address the existing gap in representative numbers of women in these roles. Election laws providing for proportional representation as well as amendments to the Civil Service Act, Police Act and Army Act have increased women's participation and voice in public life. Progress is being made with 29 percent female representation in the Legislature Parliament²³ and women are represented at 17 percent at the ministerial level.²⁴ The Civil Service Act allows women to join government until the age of 40, whereas for men the age limit for entry is 35 years. Furthermore, the law provides special treatment for those women who retire earlier than a 20 years' service term, to be granted an additional 2 years of service to be included in pension benefits.²⁵ Efforts to create a more enabling environment are underway with socio-economic support measures such as paternity leave, an anti-sexual harassment law at the workplace and special training to build capacity. Women's representation in Civil Service, however is increasing only slowly despite the government's affirmative action policy. For example, at the gazetted positions, women still constitute 8 percent only (January,

2015).²⁶ They had made up 6 percent of the officers already in 2006.²⁷

1.4.2 The challenges to overcome

Due to the focus being on formal equality of treatment and not on the effects of, or the outcomes of the treatment, the approach has not contributed much to achieving gender equality. Therefore, despite multiple policies and programmes implemented by the government, and the progress achieved in improving the overall social, political and economic conditions of women since 1995, women particularly from rural and remote areas and historically excluded groups, still continue to lag far behind men in all spheres. Many civil society organisations have recognised that due to Nepal's traditional feudal and patriarchal mentality, gender equality is often limited to policy papers and is frequently not translated into reality for women. Large numbers of women and girls, particularly in the rural areas, remain unaware of laws that protect them. Discriminatory social and cultural practices continue to exist in many parts of Nepal. For example, Dalit women face a high degree of social and economic exclusion and traditional harmful practices, including child marriage, which continues despite legal abolition. Similarly Dalit women and other marginalized groups, continue to face major hurdles accessing justice and social services despite the enactment of the Discrimination and Untouchability (Offence and Punishment) Act, 2011, which criminalizes those acts, due to various reasons such as lack of legal awareness, and lack of legal identity. Many people, specially women from Dalit community do not have citizenship certificates. In the context of Nepal's multi-ethnic and multi-cultural setting, the Tarai/Madhesh-origin groups – with the notable exception of the Madhesi “high caste” groups

– are doing worse on almost all health and education indicators when they are compared with the Hill/Mountain groups. For example, nutrition outcomes for both women and children are particularly poor among Tarai/Madhesi, Tarai Dalits and Muslims. And Muslims have the highest fertility rate – and also the highest level (37 percent) of unmet need for family planning. But not all of the low health, education and empowerment outcomes found among Tarai/Madhes-origin groups are due to misguided policies or inadequate resource allocation – or to the centuries of Parbatiya political dominance which has long rendered Madhesis as “second class citizens” in their own country. While all of these factors contribute, at least some part of the low outcomes observed in the Tarai/Madhes-origin groups is rooted in the hierarchical caste, ethnic and gender relations that structure the interactions of daily life at the family and community levels among these groups. These hierarchies persist among the Hill/Mountain groups as well, but among these groups education levels of women and Dalits have risen much faster. In addition, gender norms among Tarai/Madhes-origin groups have always been more restrictive than among the Hill origin groups.²⁸

Women still face a high risk of losing their lives during child birth with 170 maternal deaths per 100,000 deliveries on average. Women also continue to have limited access to, and control over, family planning devices. Additionally, violence against women and girls (VAWG) is becoming a life-threatening menace for a vast majority of women. In the 2011, NDHS, 22 percent of the women reported to have experienced violence at some time in their lives²⁹ (see Chapter 2). Even after the amendments in inheritance law as outlined earlier, only 20 percent of households had some amount of land under a women’s legal

ownership and only 11 percent reported that some women in the household had a house in their name.³⁰ Disparities also exist in employment opportunities and remuneration despite a de jure commitment to the right to employment and equal remuneration (see chapter 3). Huge disparities exist between men and women in terms of foreign employment. These disparities emerge from the protectionist approach which fears that Nepali women will be made ‘impure’ through sexual exploitation in the country of migration. This can be assumed to be the case, for if the concern was labour exploitation, male migrants too face very high rates of abuse; for example in the fiscal year 2013/14, a total of 447 corpses – mainly of male migrants – had to be flown back to their respective districts by the Foreign Employment Promotion Board.³¹ This number has been increasing year by year.

On top of the socio-political environment of discrimination, in contradiction to CEDAW, some of Nepal’s laws and policies discriminate against women based on their marital status,³² especially the citizenship rights as noted above. In practice, a Nepali woman married to a foreigner has a hard time accessing her own citizenship, as her citizenship has to be authenticated by her father or another male relative from the parental side. These existing gender inequalities in different aspects of life raise the question of what substantive equality should aim for and what it should achieve in Nepal.

The first goals undertaken simultaneously must be to prohibit discrimination,³³ establish goals aimed at achieving substantive equality and ensure that goals are tied to outcomes. Discriminatory laws continue to exist in Nepal even after the ratification of CEDAW, Article 1 of which prohibits discrimination based on sex, marital status and pregnancy. Indeed,

CEDAW says even a neutral law may have discriminatory effects, and calls on states to prohibit direct or indirect discrimination.

These issues exist because there is poor conceptual understanding that non-discrimination and equality are different, but complementing concepts. The problem is further exacerbated by the fact that Nepal has no specific law prohibiting discrimination in outcomes or effects. Discrimination is also neither punishable, nor requires compensation to be paid by the perpetrator. To rectify this situation, equality measures must be constructed to break the cycle of discrimination people face.³⁴ In this context, it is imperative to keep in mind that the goal of substantive equality has to be the promotion of dignity and the self-worth of individuals, regardless of differences in circumstances. At its core, substantive equality is about striving for the equality of opportunity through 'formal equality', equal access to opportunities through pro-active policies/programmes and redistributive measures, and sustainable equality of outcomes through institutional reform and the creation of an enabling environment.³⁵

The Interim Constitution had provisions calling for inclusion and proportional representation in all state structures and the just promulgated 2015 Constitution of Nepal specifies that "women shall have right to participate in all state structures and bodies on the principle of proportional inclusion." However, what constitutes inclusion and proportional representation is subject to interpretation; no sectors and targets have been fixed to bring about the equality of outcomes. A key question is whether the provisioned quotas are even adequate in number. In the Civil Service, only a 33 percent (out of 45 percent total) reservation for women

in new recruitment is provisioned; in the security sector, the quota is at 20 percent. While the number of members differs between commissions, most constitutional bodies such as the Election Commission and the Public Service Commission currently have five members each, of which one is a woman.

Limited as these provisions already are, the government and political parties fulfill only the bare minimum requirements in appointments. Furthermore, a number of important sectors have no provisions for inclusion quotas. Key among these is the judiciary, where quotas exist only in judicial administration. Similarly, the government has no legal framework to compel the private sector to adopt affirmative action and quota policies. The state can, of course, enact special laws and measures to insert quotas into sectors which currently lack them. Yet, having special measures in place is of limited value if they cannot bring any real outcomes. For example, The Foreign Employment Act, 2007 not only guarantees non-discrimination but also provides for special measures, but women still face very unfavorable situation in such employment (See Chapter 3).

It is precisely because special measures are only valuable if they catalyze real outcomes that the underlying assumptions of different approaches and their impact on women need to be analyzed carefully before adopting temporary and/or permanent legislation for bringing about substantive equality. All permanent measures to ensure dignity must recognize that ensuring reproductive rights is a critical responsibility of the state. This is not the case currently. For example, even after the legalization of abortion in 2002, the Supreme Court had to issue an order to make abortion safe, affordable, and accessible for poor and rural women.³⁶

1.5 STRENGTHENING ACCOUNTABILITY FOR SUBSTANTIVE EQUALITY

A strong national legal framework which protects socio-economic and political rights, as well as recognizes various forms of violence perpetuated by state and non-state actors, is essential to ensure substantive equality for women. This legal framework must also take into account Nepal's international commitments under various human rights instruments, including CEDAW, BPfA, and UNSCRs 1325 and 1820. Nepal has taken important steps to reform its legal system to comply with its international commitments as reviewed above. The government has also been submitting its periodic reports under a number of these instruments. The government has also formulated and adopted plans of actions to implement CEDAW, the Beijing Declaration and UNSCRs 1325 and 1820.

The problem, however, is that the commitments do not always translate into outcomes. There are a number of reasons for this. First, some commitments made in relation to the international human rights instruments have not been translated into national laws, and the implementation of concluding comments from the concerned committees are yet to be seen. Second, there is poor implementation and monitoring of commitments under international treaties due to a lack of adequate resources and untrained personnel. For example, although provisions are made to ensure female participation in different commissions and boards, there is usually only a minimum inclusion of women while at other times the clause is not followed (see chapters 2 and 4). To remedy

this situation, the government must develop mechanisms to analyze the concluding comments under all the human rights bodies including CEDAW and mainstream the recommendations in five-year plans and ministerial-level yearly plans. Clear measures must also be set to monitor implementation.

Alongside the universally applicable legal framework, Nepal has set up national bodies empowered to investigate and monitor cases of women's rights violations and to ensure justice that respects the dignity and privacy of women. Nonetheless, custom and culture often override considerations of state obligations under CEDAW. These regressive practices can only be challenged through the creation of new social and power dynamics between men and women. The transition process from conflict to peace currently underway in Nepal has created space for examining these power relations, and challenging entrenched patriarchal foundations and ensuring both de jure and de facto non-discrimination and equality.

There are positive signs that power relations are being highlighted and challenged.³⁷ Some undisputed language in the preliminary draft constitutional reports from the first Constituent Assembly, not only recognized patriarchy as a reason for injustice and inequality but also included provisions calling for the sharing of household responsibilities, while recognizing women's contributions to household work. The draft report further included language which recognized custom, culture, tradition and even religion, if discriminatory, as exploitation. The New Constitution of Nepal, 2015 however is silent

about the patriarchy, while it does prohibit discrimination in the name of culture, religion etc. It also includes a clause as a directive principle 51(J)4 to “Economically evaluating the works and contribution in regard to child care and care for the family”. Nonetheless, there are aspects of the new constitution that are inconsistent with Nepal’s international treaty obligations under CEDAW and other conventions concerning women’s rights. For example, the preamble of Nepal’s constitution does not incorporate the principle of substantive equality as one of the principles on which Nepali citizens will build an equitable society as mentioned above. Furthermore, the constitution does not include a definition of ‘discrimination’ based on gender and does not make clear that discrimination encompasses both direct and indirect discrimination and discrimination occurring in both the public and private spheres.

Women’s NGOs, women’s organizations affiliated with the political parties and their networks, and gender advocates/

activists had joined their strength together to protest the gendered features contained in the draft of the new constitution and submitted a collective memorandum for their amendments, but only a few their demands have been accepted in the final version of the 2015 Constitution of Nepal, thus perpetuating the overall unequal power relations between the sexes. One significant change from the Interim Constitution, however is the clause in the 2015 Constitution which requires each political party to have at least 33 percent women not only among its total candidates in the elections to the federal and provincial parliaments, but also among its total membership (elected plus nominated) in both the legislatures, thus ensuring 33 percent representation of women in them. Additionally, the 2015 Constitution provisions that either the president or the vice-president has to be a woman. Similar provision has also been made for the positions of the speaker and the deputy-speaker of the House of Representatives.

1.6 RECOMMENDATIONS

The current provisions undertaken by the Government of Nepal need to better align with the international commitments that have been signed, like the political declaration of the 59th Commission on the Status of Women (CSW). This requires a number of improvements to achieve change from formal to substantive equality.

- To ensure that women enjoy equality in practice, not only under the law, the

preamble of the Constitution should incorporate the principle of substantive equality. It is also recommended that the prohibition of discrimination on the basis of sex, refers to both direct and indirect discrimination and discrimination that occurs in the public and private spheres.

- The Constitution should ensure non-discrimination, not only based on sex, but also on factors that constitute vulnerabilities to ensure an inclusive

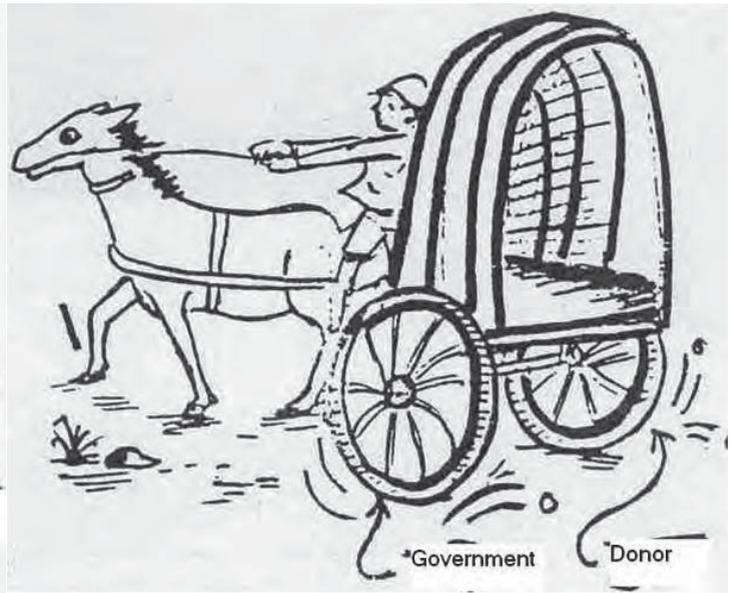
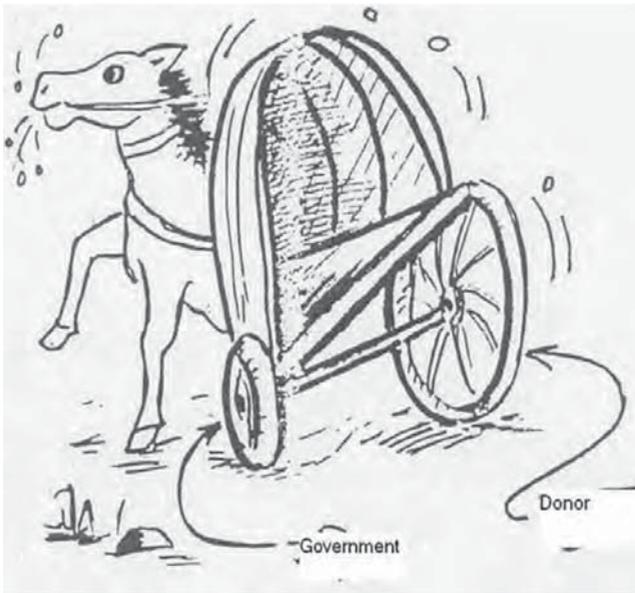
female-friendly legislative which then needs to transform into an instrument of effective implementation of laws, policies and strategies.

- Special measures, including affirmative action and the creation of a socio-economic support system, need to be taken to bring about equality in outcomes with strengthened implementation through time-bound goals, with indicators that measure the success of actions and support.
- Institutional mechanisms need to be strengthened for improved inclusion and equal representation targeting all women and girls.
- Different forms of violence need to be recognized as crimes. The response to these crimes must ensure justice to victims within a restorative justice system.
- Institutions established to ensure that women can enjoy their rights should be strengthened with the necessary financial and human resources as well as the power to fulfill their responsibilities. The National Women's Commission (NWC) must be made autonomous with adequate budget and an independent appointment process.
- To enable women to claim their rights, it must also be a priority to develop the capacity of rights holders with the necessary knowledge and mindset, so that women and girls are respected by duty bearers as equal citizens of Nepal.
- Financial investments from all sources need to prioritize both women and girls and acknowledge gender mainstreaming

across sectors while striving to close resource gaps.

- It must be appreciated that while recognizing that pluralism is key to institutionalizing democracy, the 2015 Constitution safeguards women from gender-based abuse in the name of cultural identity and freedom. Pluralism can enhance choice and access for women seeking justice. However, there is also growing evidence that it creates barriers to women's rights. A culture of positive norms and recognition of women and girls needs to be developed to eliminate discrimination and enhance social inclusion. Therefore, it is imperative to improve the draft Civil Code as well as the informal justice system based on experiences related to gender inequality. All codes should be drafted within the substantive equality framework.
- To align with international agendas and recent achievements, gender equality needs to be made a preference together with women's empowerment to expedite effective official development assistance.
- Nepal should set-up stronger mechanisms to review, monitor and follow up on progress made on commitments under various human rights instruments as well as on universal and country specific recommendations made by the respective monitoring committees in their periodic reports. Only by strengthening M&E, research and data collection, can the accountability of executive and legislative bodies be guaranteed.

Walk together





2

HUMAN RIGHTS AND FREEDOM FROM VIOLENCE

2.1 BACKGROUND

Violence against women and girls (VAWG) ranks among the most pervasive human rights abuses taking place across the world today.¹ A manifestation of gender discrimination, VAWG is compounded by structural barriers and social prejudices built into patriarchal societies. VAWG significantly inhibits women's and girls' abilities to enjoy rights and freedoms equally with men and boys all over the world.

As part of the global agenda, the Millennium Development Goals (MDG) 2015 aimed to, "promote gender equality and empower women." However, in regard to the disappointing state of women's rights in Nepal, the MDG Progress Report 2013, jointly produced by the Government of Nepal (GoN) and the UN Country Team, indicates positive progress in achieving all goals except this one on gender equality and empowering women.² The report states that though VAWG increased, according to government findings remedies from state mechanisms were either very slow or ineffective. This leaves many questions about whether there are possible gaps in the response, proper accountability of monitoring systems and sufficiently targeted interventions to promote gender equality and women's empowerment.

Additionally, the Beijing Platform for Action (BPfA) has been in place, building the initial momentum of VAWG as a matter of policy and subsequently, contributing to a sharp rise in the number of NGOs working on gender equality, women's empowerment, addressing diverse forms of VAWG and human rights. Both government institutions and NGOs have made an effort to work on domestic violence, trafficking of girls and women, child rights

and single women's (widow's) rights. Efforts have been concentrated on capacity building of government and NGOs through gender advocacy, empowerment, as well as research and media mobilization³ at the national, district and community levels.

An increasing interest and awareness on VAWG among the people of Nepal resulted in new findings on its pervasiveness in the public and private sphere throughout the country. Violence spreads in different forms from street harassment, bonded labour, to commercial sex work and domestic violence, exhibited by many different perpetrators and rooted in a range of underlying causes.

The 2011 Nepal Demographic Health Survey (NDHS) presents valuable comparative data on VAWG prevalence based on a household questionnaire collected across demographics, showing that women are most at risk of physical and sexual violence within the home. For physical violence, victims most commonly were married (26%) or divorced/separated women (28%). By residence, women from the Tarai (28%) were most likely victims. The difference in likelihood of being victims of physical violence based on the urban-rural divide was only 3 percentage points. And every 5th woman between 15-49 years old has faced this form of violence at least once in her life (See Table 2.1, Annex 2). Similarly, victims of sexual violence most likely originated also from the Tarai (15%), and in the span of a lifetime, at least 12% of women between 15-49 years have become victims (See Table 2.2, Annex 2). The profile of perpetrators ranges from mostly husbands committing violence against their wives (84%), whereas siblings account for

the largest proportion of perpetrators at 38% among never-married women (See Table 2.3, Annex 2). Violence appears across all wealth quintiles. But women from the highest quintile households reported significantly lower rates of physical violence (Ibid). Education however did seem to correlate negatively with rate of violence encountered. For example girls with high school education have only 9 percent likelihood of facing physical violence, the likelihood goes up to nearly 33 percent in the case of illiterate women. Similarly women employed for cash seemed to have experienced higher incidences of physical as well as sexual violence (See Tables 2.1 and 2.2, Annex 2). These statistics refute some of the assumptions that poorer women are more likely to be victims of violence and employment by itself will ensure freedom from violence for women.

Other forms of violence are much more difficult to trace statistically such as

psychological violence, sexual harassment in public, the consistent oppression of women through notions of masculinity leading to fear of speaking out and women lacking confidence in mixed social settings. The NDHS, though, does show that about 10 percent of married women aged 15-49 faced emotional violence often or sometimes from their husbands.⁴ Emotional violence in this case includes humiliation, threats to hurt and insults. Additionally, harmful practices are not mentioned, though they lead to repeated stigmatization of rape victims and a culture of silence which provides impunity for many perpetrators. Violence often goes unreported, leaving it to the national newspapers to publicly illustrate the magnitude of struggles women and girls face in Nepal everyday (See Box 2.1).

A local NGO called Sancharika Samuhahas analyzed 15 national newspapers between January and March 2015.

BOX 2.1

VAWG continues unabated

On 01 January 2015, *Kantipur*, the largest selling Nepali-language daily, reported the following five incidences of VAWG:

- **Dowry:** A young woman in Banke district is burnt by her husband for not bringing enough dowry. She did not report the crime or seek legal redress.
- **Suicide:** In Ilam district, 37 people commit suicide within five months. Police say this is a high number when compared with the cases reported to them.
- **Murder:** In Bara district, 18 people were murdered within a year. The majority of victims were women and children killed due to domestic violence, dowry demands, the consequence of sexual relationships and for economic gains.
- **Rape:** In Rautahat district, five minors (5-8 years) were raped within a month. Four of the children were raped by the same 53-year-old man whose wife is a migrant laborer.
- **Disappearance:** In Banke district, 262 migrant women laborers disappeared. Maiti Nepal, an anti-trafficking NGO, suspects that they have been trafficked for sex.

They found the following statistics on violence perpetrated against women for that period: 61 murdered; 10 raped and killed; 48 died due to domestic violence; and six dowry-related deaths. Additionally, also reported in that period were 159 rapes, 124 cases of domestic violence, 102 cases of human trafficking, 102 cases of harmful traditional and cultural practices, 34 cases of accusation of practicing witchcraft, 11 cases of polygamy, 32 cases of sexual harassment and 14 dowry cases.⁵

Newspaper reports often show the close relationship between norms, customary practices and common beliefs in Nepal which illustrate the underlying causes of much of the VAWG. As revealed by Nepal's 2014 *Civil Society Report* on Beijing+20, "Century old harmful cultural practices – rooted within cultures and fueled by patriarchal values, and misinterpretation of religion continues to leave their marks on many – affecting women's 'health, life, dignity and personal integrity.'"⁶ Harmful traditional practices such as Deuki⁷

(offering young girls to temples for ceremonial purposes), Jhuma (enforced nunhood), Chaupadi⁸ (menstrual seclusion), *boksi*⁹ (accusations of witchcraft) and increasing demands for dowry resulting in homicide remain pervasive in the country (See Box 2.2).

Nepal does not only come with a wide range of different religions, castes/ethnicities and customs, it suffered from a decade-long armed conflict ingrained in many people's minds. From 1996-2006 women suffered a range of violence during the conflict including: rape, physical assault to self or family, trauma due to abduction and torture, and the death and/or disappearance of close family members.¹⁰ Documentation remains scarce of investigations into sexual violence committed during the conflict. This scarcity reflects the reality that sexual violence goes unreported due to social and cultural stigma, with victims ashamed and fearful that they will be blamed.¹¹ Though women human rights defenders (WHRD) fiercely address these issues, they themselves face threats of rape,

BOX 2.2

Enduring harmful practices

- **02 August 2007:** In Kapilbastu district, dowry-related harassment resulted in trauma and severe psychological consequences for a young girl. As per the tradition in the Tarai, the girl was married at age 10 but was sent to her husband's home at age 18. Torture by her husband and in-laws nearly killed the girl. Unable to bear the torture, the victim became psychologically imbalanced and was taken back by her birth family.
- **25 May 2008:** In Siraha district, a 21-year-old Muslim woman was beaten to death by her husband and in-laws who were demanding dowry. Her five-year-old child witnessed the fatal beating. (*The Himalayan Times*)
- **01 June 2008:** In Banke district, a Muslim victim of domestic violence was set on fire by her husband and mother-in-law on 07 November 2007. They were demanding water buffalo and motorbike in dowry. The survivor has vowed to advocate against domestic violence through door-to-door campaigns against dowry and dowry-related violence. (*Kantipur*)

kidnapping, shooting, beating and death.¹² In most cases such threats come from the family members of the perpetrators or/and groups supporting them. In recent times, there has been a tendency of political party workers to get involved to protect their own party men, making it even harder to bring the culprits to justice and to collect valid, reliable, and ethical data on sexual and domestic violence.

Another consequence of the conflict is internal and external migration which puts women into unfamiliar roles and countries. These migrant women face various forms of rights violations and VAWG which have been reported by the media. This includes sexual exploitation and abuse which often lead to unwanted pregnancies, child birth and family break-up.¹³ The women left behind by their migrating family members face neglect and sexual abuse at all ages. Furthermore an increase in incestuous relationships has been reported. A specific case of incest which drew wide attention was that of a grandfather and father repeatedly raping a young girl, pushing her close to suicide.¹⁴ Other more recent forms of exploitation and violence described

by the media include the increase in young girls entering the entertainment sector, which is known to have high rates of sexual and economic exploitation and therefore the exploitation of girls entering this industry will most likely grow further.

Almost two decades of advocacy, lobbying and persistent struggle by women's rights groups in Nepal has resulted in a number of substantive outcomes. These outcomes include constitutional provisions, laws, policies and programmes aimed at ensuring gender equality and human rights. The collective voices and actions of women's rights groups have not been deterred by the decade-long conflict either. These voices have been crucial in helping women break the silence around the violence they face. The following section reviews the progress since 1995 in legal reforms, as well as in adopting new policies and programmes towards gender equality and protecting human rights. Additionally, the section provides details on results achieved thus far, while exploring the existing barriers to effective action and concludes with recommendations for further action.

2.2 GOVERNMENT PROVISIONS

2.2.1 National accountability framework for addressing VAWG through the Constitution and legislation

Nepal's accountability to Nepalese women and international commitments to address VAWG are visible in national laws. These laws can be classified into four categories (See Chart 2.1). In the first category are the Constitutions of Nepal. The second category consists of

laws and provisions in the *Muuiki Ain*, the Country Code and clauses in various acts. The third category consists of special acts. And the fourth category consists of regulations which describe procedures and rules for the implementation of acts and laws.

The Interim Constitution of Nepal, 2007 guarantees fundamental rights to Nepalese women, including the right to freedom,

equality and social justice. The guarantee of fundamental rights is a first step to ensure that Nepalese women enjoy equal rights with men, and are protected from all forms of violence. Their constitutional rights are further strengthened by regulations in the country code from 1963 which, for example, includes the criminalization of human trafficking, making it punishable with up to 20 years of imprisonment. Furthermore, the code criminalizes sexual harassment, which is defined as touching or attempting to touch a woman's sensitive organs without her consent.

In a landmark decision in October 2002, the Supreme Court of Nepal ruled that marital sex without the wife's consent is rape, and thus is punishable by law. Marital rape has also been covered by the Act on Maintaining Gender Equality, 2006 which makes Nepal one of the few countries in the world to recognize marital rape. The Gender Equality Act also criminalizes child marriage— setting the minimum age of marriage at 20 years old. Polygamy and bigamy are also crimes.

The chronology of Nepal's legal commitments to eradicating GBV and VAWG are summarized in Table 2.1.

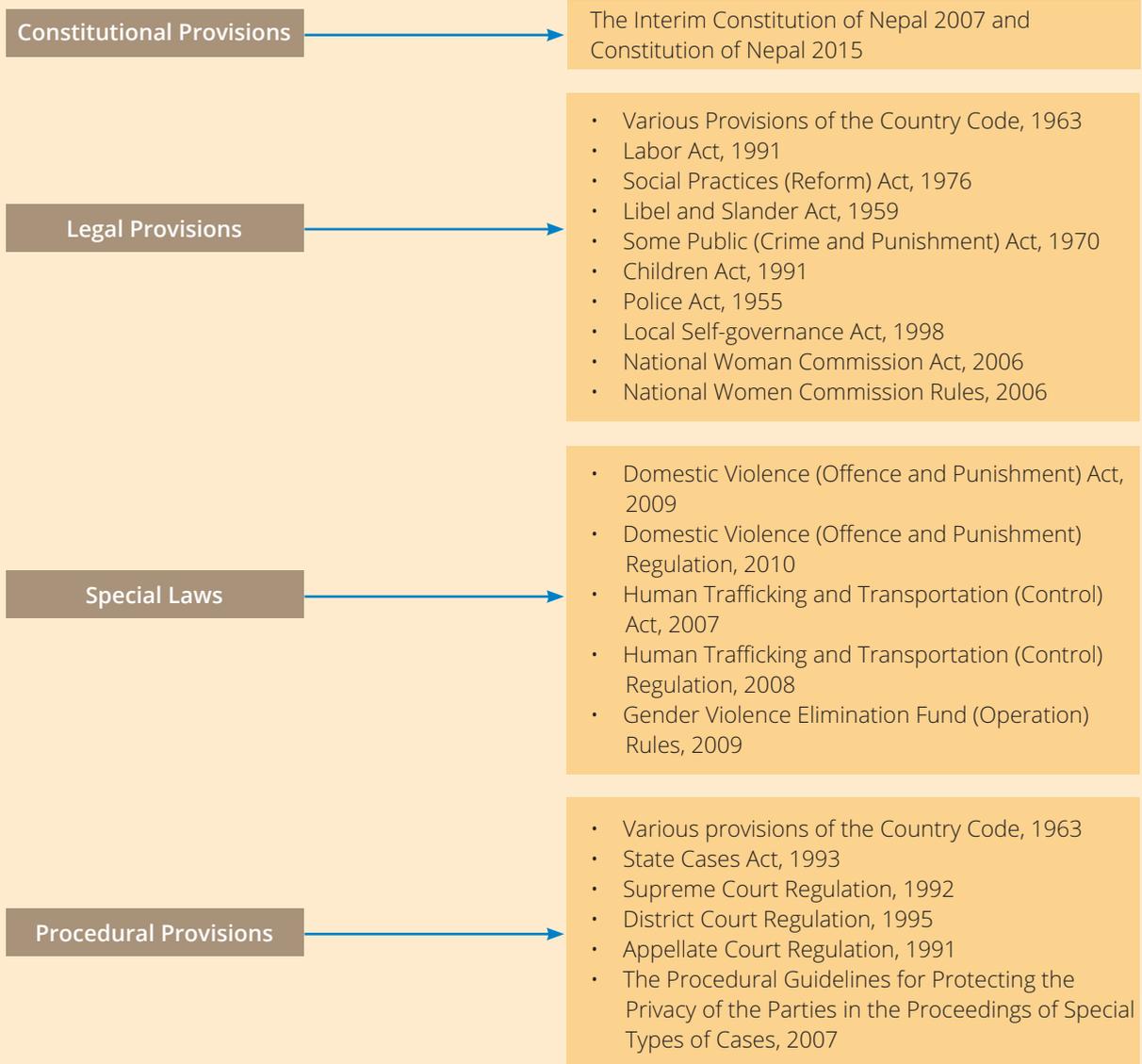
In October 2014, the Ministry of Law and Justice (MoLJ) tabled two separate bills in Parliament: Civil Code 2014 and Criminal Procedure Code 2014. These bills are intended to replace the *Muluki Ain*, the Country Code which continues to be patriarchal and founded on Hindu ideals despite multiple amendments (See Chapter 1). The proposed codes will bring fundamental changes to the legal provisions by raising the age to be defined as a minor from 16 to 18 years old, introducing a will system for inheritance

and criminalizing torture. The proposed Criminal Procedure Bill states that those convicted under serious crimes, including rape and human trafficking, will be put behind bars for life, instead of for the current 20-30 year sentences required by existing laws. The judiciary has also been active in pushing forward changes with regard to gender. In July 2013, the Supreme Court ordered the Government of Nepal to establish a fast track justice system with provisions for continuous hearings in serious cases such as rape, human trafficking and hostage taking. In 2014 the Supreme Court of Nepal issued a verdict that there should not be a statute of limitation in cases of serious human rights violations as it "will create impunity" for international crimes, and applied this to incidents of sexual violence during the conflict.

To date, Nepal has signed, ratified or acceded to a total of 24 international human rights instruments. These range from the Universal Declaration of Human Rights, 1948 (UDHR), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979.

The Government of Nepal can be credited for taking the initiative to enact these laws. However, their impact has been limited to date. This is due to the government lacking an approach that was long-term in perspective. They inadequately contextualize and study the changing patterns of VAWG, prior to enacting the laws. An additional problem has been the long time lags to convert draft legislation into finalized acts. For instance, while discussions on a draft of the Domestic Violence (Offence and Punishment) Act 2009 started in 1995, the Act came into being only 14 years later.

CHART 2.1 Constitutional and Legal Provisions



Source: MWCSW/UN Women/FWLD, 2012

There are distinct gaps on the implementation side including inadequate numbers of police personnel to detain perpetrators, the non-recognition of serious forms of domestic violence such as

physical battery, burning, sexual abuse and deprivation of food and shelter as a crime, and non-recognition of current or past live-in relationships as constituting a domestic relation. A significant problem is that law

TABLE 2.1
Chronology of legal commitments to end VAWG

VAWG and GBV laws in Nepal	
Interim Constitution of Nepal and just promulated Constitution of Nepal 2015 guarantee special rights to women for ensuring gender equality in addition to guaranteeing fundamental rights to all citizens as per the UN Charter on Human Rights.	2007
National Women Commission Act established the Commission as a statutory body to keep vigilance on GBV and investigate and recommend cases to law enforcement agencies.	2007
National Women's Commission Rules.	2007
Local Self Governance Act makes it a duty of the local governance bodies to implement programs for and engage in protection of orphan children, helpless women as well as aged, old, disabled and incapacitated persons in line with the national policy.	1999
Children Act prohibits and punishes involving a child in an immoral profession and employing a child in work which may have adverse impact on the health/life of the child.	1992
Labor Act provides specific facilities for women workers and their employment in jobs similar to men.	1992
Social Practices (Reform) Act seeks to eliminate harmful social practices such as dowry.	1976
Some Public (Crime and Punishment) Act prohibits insulting, threatening, scolding, teasing, or the carrying out of any other unwanted act against women in public.	1970
Police Act obligates police to treat women and children with full respect and due politeness.	1955
Amendments to various provisions of the <i>Muluki Ain</i> country code.	1963
Special Laws	
Separate Civil Code and Criminal Code Bills proposed in the Parliament; the Criminal Code contains provision to provide life imprisonment sentences to perpetrators of rape and human trafficking.	2014
Discrimination and Untouchability (Offence and Punishment) Act.	2011
Domestic Violence (Offence and Punishment) Regulation.	2010
Domestic Violence (Crime and Punishment) Act.	2009
Gender Violence Elimination Fund (Operation) Rules.	2009
Human Trafficking and Transportation (Control) Regulation.	2008
Directives to Control Sexual Abuses Taking place at Workplace Against Working Women.	2008
Sexual Harassment in Workplace Eradication Act defines 'workplace' and acts of 'sexual harassment' and sanctions imprisonment of up to six months or monetary fine up to NRs. 50,000,00 or both depending on the intensity of the crime.	2014
Human Trafficking and Transportation (Control) Act.	2007
Directives issued to control sexual exploitation against working women in dance restaurants and dance bar.	2007
Gender Equality Act amended more than 60 gender discriminatory laws at once, and added several affirmative provisions.	2006
Procedural Provisions	
GoN's 2014/2015 budget speech includes mention of a fast-track judicial service at courts at all tiers for victims of VAW.*	2014
Timeframe for complaint filing for rape increased from 35 days to 90 days.	2014
Supreme Court issued directive to GoN to provide fast track courts and continuous hearings to provide timely justice to victims of domestic and sexual violence. Till October 2014, the Kathmandu District Court had provided continuous hearing in 914 cases of serious nature according to the SC administration.	2013
Procedural Guidelines for Protecting the Privacy of the Parties in the Proceedings of Special Types of Cases.	2007
Guideline for Abolishing of <i>Chhaupadi</i> practice (menstrual seclusion) in Nepal.	2007
District Court Regulation.	1995
State Cases Act.	1992
Supreme Court Regulation.	1991
Appellate Court Regulation.	1991
Amendments to various provisions of the <i>Muluki Ain</i> country code.	1963

* Shrestha, Sadhana, "Zero tolerance for violence against women in Nepal", 11 April 2014. Available from <http://thewip.net/2014/08/11/zero-tolerance-for-violence-against-women-in-nepal/>

enforcers, victims and perpetrators alike have a limited understanding of the law, even when the provisions themselves are highly progressive. This has been the case with marital rape, as a result of which the victims face the risk of being ridiculed by service providers and re-victimized by the husband following his release.

Another set of problems is created by inconsistencies and gaps in the existing laws. For example, under national law, 16-year olds can consent to sexual intercourse while the Convention on the Rights of the Child defines those under 18 as children. Furthermore, national laws define rape narrowly – as the penetration of the vagina by the penis. Similarly, the Human Trafficking and Transportation (Control) Act, 2007 does not include other forms of sexual exploitation such as “pornography”, “forced labor or services”, “slavery or practices similar to slavery” and “servitude” in its definition of trafficking. As a result, victims exploited in such ways do not fall under the purview of the law and are deprived of justice and compensation. Similarly, the act of receiving someone with the purpose of buying and selling that person is missing in the definition of the offence of trafficking, preventing a victim from receiving

any compensation if the offence cannot be proved, unless the act of buying and selling is actually executed. Also, the National Action Plan does not entail provisions on collecting required documentation from survivors of conflict-related sexual violence, which must happen hand in hand with effective victim repatriation, victim security or witness protection, to follow the ‘do no harm’ principles. Matters are further compounded by human trafficking as a crime being addressed by two different laws – the Human Trafficking and Transportation (Control) Act, 2007 and the Chapter on Human Trafficking of the Country Code, 1963. Some provisions of the two laws conflict with each other.¹⁵

While policies and multi-sectorial national action plans (NAP) have been developed to implement laws, commitment to and ownership of the action plans by collaborating ministries/departments is low. Information on effective implementation of these laws and victims’ access to justice is scarce. The Office of the Prime Minister and the Council of Ministers (OPMCM), and its 13 member inter-ministerial committee headed by the chief secretary, is responsible for ensuring that all laws and policies are implemented. While the GBV NAP of 2011 holds all ministries accountable,

TABLE 2.2
International instruments ratified or acceded to by GoN

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1999.	15 June 2007 (r)
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.	27 December 1995 (a)
Convention on the Elimination of All Forms of Discrimination Against Women, 1979.	22 April 1991 (r)
International Convention on Economic, Social and Cultural Rights, 1966.	14 May 1991 (a)
International Convention on Civil and Political Rights, 1966.	14 May 1991 (a)
Convention on the Political Rights of Women, 1952.	26 April 1966 (a)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.	07 January 1963 (a)

a=adopted; r=ratified

there is no consolidated information of such accountability demonstrating positive impacts or the gaps. Furthermore, the criminal justice system remains focused on prosecution and

punishment of perpetrators. Little attention is given to prevention, compensation, rehabilitation and protection of women (See Box 2.3).

BOX 2.3

Gender sensitive court verdicts which remain unimplemented

- Landmark judgments on trafficking cases indicate the increasing sensitization of the judiciary. During May 2012, the Makwanpur District Court ruled in favor of trafficking survivors, and ordered that compensation be paid to survivors from the Government Rehabilitation Fund (GoN vs. Sita Ram Thing).
- In another case, the Makwanpur District Court imposed two distinct penalties for trafficking and forced prostitution on the perpetrator. In the past, the Nepali prosecution system only imposed a single charge (Majari Shah (code name) vs. Ram Kumar Sonam).
- The Sindhupalchok District Court sentenced a perpetrator on the basis of aggregate crimes, handing down a 170-year jail term and a NRs. 1.3 million fine (GoN vs. Bajir Singh Tamang).
- The Makwanpur District Court's understanding of the element of 'deception and exploitative situation' to convert labor migration to trafficking is indicated by this case in which the victim was lured by Kamala Rumba of Churiamai VDC, Makwanpur district with promises of a lucrative job in Bahrain. Instead she faced labor exploitation, having to work 20 hours a day. Upon complaining about the situation to the local agent, the latter ill-treated her by saying her money was already paid to Rumba and he repeatedly raped her. She was repatriated to Nepal with the help of a second employer (GoN vs. Ms. Kamala Rumba, Makwanpur District Court).

Despite victim centric verdicts, perpetrators' reluctance to obey court orders continues, especially in domestic violence and property-related issues. Daily newspaper *Kantipur* published three such cases on 12 February 2015. First, Rabi Kumari Gurung of Dang, Ghorahi was beaten and prohibited from building a house on her land despite a Supreme Court verdict and an order from the Land Revenue Office. Second, forty-year-old Fusri Pariyar of Tulsipur, a victim of domestic violence, has not been able to use the land she received seven years after the court decision. Her ex-husband threatens to harm her if she claims the land. Third, 41-year-old Kwanri Gharti received two rooms in the family house. But living in the same house as her ex-husband and in-laws, she and her children face constant threats of physical and mental violence.

2.3 RELEVANT PLANS AND POLICIES

Following consistent lobbying by the NGO sector to strengthen constitutional and legal provisions, the Government of Nepal adopted a set of policy documents which set out its strategy to prevent and eliminate VAWG as well as uphold human rights with a multi-sectoral approach.

Currently, Nepal views gender equality and the empowerment of women from a human rights perspective. The periodic Ninth Plan (1997-2002) and Tenth Plan (2002-2007) emphasized gender equality and women's empowerment. The objective of the Tenth Plan was to alleviate poverty through enlarged employment opportunities and widened access to means. This was especially intended to reach women and other socially marginalized groups including Dalits and people with disabilities. Gender equality and social inclusion was recognized as one of the crosscutting strategies along with governance for poverty reduction.¹⁶ The subsequent Three Year Interim Plan (FY 2007/08-2009/10) changed gender equality from a strategy to a major objective of its own. Gender equality was defined as a major component of an equitable and just society to which the nation was to strive (See Chapter 3). This and subsequent procedures have introduced new programs for women's empowerment, focused on establishing and strengthening institutions and mechanisms for gender equality, as well as intensified efforts to eradicate all forms of VAWG and ensure women's access to justice. Most importantly, they have adopted Gender Responsive Budgeting (GRB) as a major strategy to ensure sufficient financial resources.

The GBV National Action Plan (NAP) 2011, drafted by the OPMCM, took the following steps. Firstly, it adopted a policy to strengthen the institutional base for eliminating VAWG by setting up new institutions. Secondly, it sought to improve policies and develop operating guidelines. Thirdly, it made provisions for special government funds in all districts for the elimination of VAWG. Fourth, and most importantly, it required development and implementation of a, "mandatory anti-GBV code of conduct for political leaders, members of parliament, employees of government and corporations, employees of security forces and other professionals both men and women."¹⁷

Moreover, the NAP on United Nations Security Council Resolutions (UNSCRs) 1325 and 1820 highlights the need to address the issue of participation, promotion, prevention and protection of women and girls from discrimination, in particular for those women and girls affected by the conflict. The NAP has been under implementation already with national and international financial support, since 2011. In the health sector, the gender equality and social inclusion (GESI) strategy provides comprehensive plans for addressing GBV with a focus on mobile health services, integration of GBV into training for health service providers, and inclusion of boys and men as campaigners.¹⁸

Regarding trafficking, an additional set of policy documents is driving the agenda towards a VAWG-free Nepal together with proposed changes. The National Plan of Action against Trafficking in Persons especially Women and Children, 2012, and the Implementation Plan 2014 on the former

BOX 2.4



UN WOMEN
United Nations Entity for Gender Equality
and the Empowerment of Women

Honorable _____ *Mr. Badri Prasad Neupane* _____

on behalf of the Government of _____ *Nepal* _____

Makes the following commitment to end violence against women and girls

The Government of Nepal is committed to investing in gender equality and women's empowerment to tackle the root causes of violence against women and girls. The Government will strive to provide adequate public resources to implement existing ERAW laws and policies. The Government believes that enhancing women's economic empowerment (by ensuring women's rights to own land and property, to inheritance, equal pay for equal work, and safe and decent employment) and mobilizing men and boys to take a firm stand against violence against women and girls to foster equality are central to preventing the pandemic of VAW/G.



Signed: _____ *Badri Neupane* _____

Print Name: _____ *Badri Prasad Neupane* _____

Title: _____ *Minister, Ministry of Women Children & Social welfare* _____

Country: _____ *Nepal* _____

A Life Free of Violence Against Women and Girls Is One Commitment Away

Violence against women and girls is the most pervasive human rights violation. Up to seven in ten women have experienced violence in their lifetime. It happens everywhere – at home, in schools, at work and in public spaces, at times of conflict and during peace – with profound economic and social consequences for our nations.

UN Women is committed to work with governments around the world to prevent and end violence against women and girls.

"Commit to End Violence against Women and Girls" is a drive for concrete actions from governments to implement measures in their country that will contribute towards preventing violence and supporting survivors.

From passing new laws to strengthening existing ones; making justice accessible for women and girls and supporting youth leadership; from education programmes and public awareness campaigns to ensuring women's economic rights and security – there are many steps to make a life free of violence a reality for women and girls.

Let's make a commitment today!

16 STEPS TO END VIOLENCE AGAINST WOMEN AND GIRLS

1. **Ratify international and regional treaties...**
that protect the rights of women and girls, and ensure that national laws and services meet international human rights standards.
2. **Adopt and enforce laws...**
to end impunity being perpetrators of violence against women and girls to justice and provide women with reparations and remedy for the violations perpetrated against them.
3. **Develop national and local action plans...**
for ending violence against women and girls in every country that bring the government, women's and other civil society organisations, the main media and the private sector into a coordinated, collective front against such human rights violations.
4. **Make justice accessible to women and girls...**
by providing free legal and specialised services, and increasing women in law enforcement and frontline services.
5. **End impunity towards conflict-related sexual violence...**
by prosecuting perpetrators in conflict and post-conflict contexts and fulfilling survivors' right to comprehensive reparations programmes that are non-stigmatising and have a transformative impact on women and girls' lives.
6. **Ensure universal access to critical services...**
to address women and girls' emergency and immediate needs, should be met through free 24-hour hotlines, prompt intervention for their safety and protection, safe housing and shelter for them and their children, counselling and psycho-social support, post-rape care, and free legal aid to understand their rights and options.
7. **Train providers of frontline services...**
especially the police, lawyers and judges, social workers and health personnel to ensure that they follow quality standards and protocols. Services should be confidential, sensitive and convenient to women survivors.
8. **Provide adequate public resources...**
to implement existing laws and policies, recognizing the devastating costs and consequences of violence against women, not only for the lives directly affected, but to society and the economy at large, and to public budgets.
9. **Collect, analyze and disseminate national data...**
on prevalence, impact and consequences of violence against women and girls, profiles of survivors and perpetrators, and progress and gaps in the implementation of national policies, plans and laws.
10. **Invest in gender equality and women's empowerment...**
to tackle the root causes of violence against women and girls. Strategic areas are girls' secondary education, advancing women's reproductive health and rights, addressing the inter-linkages of violence with HIV/AIDS, and increasing women's political and economic participation and leadership. Gender equality and ending violence against women must be placed squarely at the heart of achieving the Millennium Development Goals.
11. **Enhance women's economic empowerment...**
by ensuring women's rights to own land and property, to inheritance, equal pay for equal work, and safe and decent employment. Women's unequal economic and empowerment opportunities are a major factor in perpetuating their entrapment in situations of violence, exploitation and abuse.
12. **Increase public awareness and social mobilization...**
to stop violence against women and girls, and to enable women and girls subjected to violence to break the silence and seek justice and support.
13. **Engage the mass media...**
in sharing public opinion and challenging the harmful gender norms that perpetuate violence against women and girls.
14. **Work for and with young people as champions of change...**
to end violence against women, and ensure that educational systems empower girls and boys to transform and build gender relations based on harmony, mutual respect and non-violence.
15. **Mobilize men and boys...**
to stand with women and girls to take a stand against violence against women and girls, and foster equality and gender solidarity.
16. **Donate to the UN Trust Fund to End Violence against Women...**
the UN's grant-making fund in the world exclusively dedicated to channeling expertise and financial support to national, local and grassroots efforts.



United Nations Entity for Gender Equality
and the Empowerment of Women

have also been approved by the government. Following the Acts, additional guidelines have been developed including: Standard Operating Procedure of Rehabilitation Centers, 2012; National Minimum Standard, 2012; Guidelines for Regulating Women Workers in Dance, Bar, Cabin Restaurant, Massage Parlor, 2008; and operations of the Rehabilitation Fund for Rescue, Protection, and Rehabilitation of Survivors. The three-year Human Rights National Plan of Action (2010/11-2012/13) also has significant provisions to protect the rights of women and children. The Government of Nepal and UNDP's Country Program Action Plan (2013-2017) also emphasizes legal reforms and women's access to justice, a peace-sensitive approach to social empowerment, livelihood enhancement and inclusive governance at the community level.

It has a particular focus on women and other socially excluded groups, especially in post-conflict Nepal.

The above mentioned initiatives align with commitments made as part of the international agenda including the political declaration of the 57th Session of the CSW and the recommendations of the CEDAW committee. Nepal has achieved results in some areas. Some examples include the government commitment to legislative and structural reviews, as well as the adoption of a multi-sectoral approach to combating VAWG while also addressing Conflict-Related Sexual Violence as an integral part of the post-conflict situation, which Nepal is still struggling with. There are, however, no nationwide qualitative and quantitative studies measuring the impact of the plans and programs or institutional gaps.

2.4 INSTITUTIONAL INTERVENTIONS AND PROGRAMMES

A number of government institutions are tasked with initiating and implementing VAWG-related policies and plans. Key institutions include the following: Ministry of Women, Children and Social Welfare (MoWCSW), Ministry of Home Affairs (MoHA), Ministry of Peace and Reconstruction (MoPR), Ministry of Labor and Employment (MoLE), Ministry of Health and Population (MoHP), law enforcement agencies (Judiciary, Nepal Police), National Women's Commission (NWC), National Human Rights Commission (NHRC), and the National Planning Commission (NPC).

2.4.1 Institutional infrastructure and services

In 2010, the OPMCM established an overseeing body called the Gender Empowerment and Coordination Unit (GECU) to register VAWG cases, created inter-ministerial committees to coordinate and monitor cases of VAWG under the NAP of 2010, and initiated hotline services. Concrete actions proposed in the NAP, some of which have already been implemented, include:

- Establishment of 17 district-level service centers and 84 community-level service

centers for VAWG victims in 17 selected districts.

- Introduction of hospital-based One Stop Crisis Management Centers (OCMC) in 15 selected districts, in addition to one at the Kathmandu-based Maternity Hospital, to provide integrated services to VAWG victims.
- Enabling Nepal Police to establish 240 Women and Children Service Centers (WCSC) in 75 districts to deal with GBV cases.
- Development of the National Minimum Standards and Standard Operating Procedures for shelter homes and caregivers for victims of trafficking.
- Facilitating the ongoing preparation stage for the Standard Operating Procedures for Investigation, Prosecution and Adjudication; the Rescue and Raid Guideline; and the Victim/Witness Protection Policy.
- Special funds, e.g. the rescue fund for free paralegal support, for the above outlined activities in all districts with an annual budget and a central fund.
- Inclusion of a provision to prepare a code of conduct for political party leaders, government officials, service providers, security agencies, and other professionals to ensure mandatory implementation of the NAP.

The individual ministries and institutions also have their own infrastructure across the country working in the areas of prevention and response, with the aim of linking different sectors to a comprehensive approach in the fight against VAWG.

The MoWCSW functions through its 75 Women and Children Offices (WCOs) across the nation. It also supports eight rehabilitation

centers for victims and survivors of trafficking, as well as 17 service centres. MoWCSW also operates toll-free numbers at the central and district levels and has organized committees for controlling human trafficking at various levels (NCCHT at central level, 75 DCCHTs at district level, and VCCHT at the village level).

The MoLE operates safe homes at Nepal embassies in six countries with high rates of labour migration. Labour attaches are attached to each of these embassies. Missions have been established in Bahrain and Oman to address the needs of migrant laborers facing human rights and VAWG issues.

It is encouraging to note positive changes within the security sector as the Nepal Police, Armed Police Force, and Nepal Army have made provision for women to make up 20 percent of its new recruitment. The security sector agencies have adopted policies on gender and zero tolerance of sexual violence. The Nepal Police adopted a Gender Policy, as well as the Code of Conduct against Gender Based Violence, 2012. The Ministry of Defense (MoD) initiated a policy of establishing a gender unit, and all security personnel going for peace-keeping missions are trained on women, peace, and security.¹⁹ The Nepal Police provides services through the Women and Children Directorate at Police Headquarters and Women and Children Service Centres in all 75 districts. Service is also provided by the 75 District Court Offices, one in each district headquarters.

As part of financial support across the country, immediate rescue funds have been established by the government in all 75 districts to support programs which include free legal assistance, financial support from the national fund, facilitation and rehabilitation services, and facilitation of NGO-run vigilante cells working along the border areas. Fund management is overseen by the MoWCSW.

Preventive interventions include women's groups and committees (879,000 members), child clubs (14,297 members), gender-based violence watch groups at the ward level (1,400 members), and Child Protection Committees (1,826 members).²⁰ The WCO implements programs, including the Rehabilitation Centers, which are regularly monitored as per the government mandate.

Over 12,000 people have directly benefitted from legal awareness programs in 90 VDCs, in 63 districts under the Nepal Peace Trust Fund Project which has been implemented by MoLJCAPA since 2012. Currently, the Legal Aid Act 2054 and the Regulations Act 2055 are operative in all 75 districts.

2.4.2 Monitoring mechanisms

Within this framework of institutional arrangements, a range of monitoring mechanisms has been established to comprehensively tackle VAWG. The OPMCM's Complaint Management Unit, the Monitoring

Directorate at the NPC, and the Monitoring and Action Committee for Regulating the Entertainment Sector (MAC) are responsible for monitoring all violence and human rights violations. The NHRC and NWC's Complaint Unit for domestic violence cases and civil society serve as watchdogs. The NWC also accepts written complaints of domestic violence, which is registered at the office, and information is collected through media reporting and from other sources for further investigation, support (legal, psychological counseling), and to make referrals for victims of violence.

To combat trafficking, joint monitoring is conducted by the National Committee to Control Human Trafficking (NCHHT) and the District Committee to Control Human Trafficking (DCCHT) members. The programs through the MAC committee are undertaken in the nine biggest cities of Nepal, mostly in cooperation with local organizations addressing VAWG issues.

2.5 THE ROLE OF NON-GOVERNMENT ORGANIZATIONS (NGO)

Nepal's Civil Society Organizations (CSO) have played a critical role in addressing and bringing gender issues into 'mainstream political debate' through various movements. To begin with, UN Women, formerly UNIFEM, must be credited for supporting NGOs to raise awareness on VAWG in Nepal through launching the Global Campaign on VAW in 1997, which commissioned studies on discriminatory laws and trafficking amongst others.

The CSOs of Nepal have played four key roles. Firstly, they have engaged in persistent lobbying and advocacy to reform existing laws, policies and programs as well as to enact new ones. Secondly, they have worked to raise awareness of the public, which is critical for reducing VAWG, including recent efforts to engage men in the fight against VAWG. Thirdly, the role of NGOs has been crucial in supporting survivors in close coordination with government

BOX 2.5

Empowerment of a VAWG survivor – a best practice

Bina Sharma Poudel from Banke district had been facing abuse at the hands of her husband for quite some time. In 1997, when her son was two years old, her husband tried to forcefully take her to India. Fortunately, she managed to run away. To date, her husband is nowhere to be found.

Meanwhile in 1997/1998, Saathi, a national women's rights NGO, was conducting a nationwide 'Community Mobilisation Training to Address Violence Against Women', with support from Match International Center, Canada. As a follow-up program, seed money of Rs. 2000 (approximately US\$ 20) was provided to support individuals in need. Bina, who had approached Saathi when she ran away from the border, was one of the training beneficiaries. Following the training, she was supported by Saathi, Banke to set up a small tea and snacks stall (*Ghumti*) outside a doctor's hospital where she hoped the flow of clients would help her business. For 4-5 years, Bina lived in the stall with her son. Her young son, who was 7-8 years old, was her only helper, and he would also run around to drop-off the tea. With the income she supported his education, and slowly with support and protection from the Saathi, Banke team, her confidence grew and she started doing well. Seeing her progress, Saathi again supported Bina with a fund of Rs. 10,000. Bina moved from her small stall to a shutter, which was based near a hospital. Due to the regular flow of clients her business began to flourish. But disaster struck when a fire broke out and her entire business was in ashes. This, however, did not deter her as she was now out of an abusive situation, felt secure, and had built contacts to seek financial support. There was no looking back. She moved to her current location, the Saathi Krishna Cottage, where she began to pay monthly rent. Seeing her progress, many other organizations approached to help her under the condition that she promotes their organizations. But Bina stuck with Saathi, who had supported her when she most needed help.

Her success is evident for all to see. Her son is educated, and supporting his mother in running their restaurant. Bina's in-laws who had earlier also discriminated against her during her difficult days are now in close contact, and she supports them when required. Her father-in-law passed away while living with her, and he gave his share of land (5-6 *Kattha*) to Bina's son. She has also adopted a young daughter. Financially, she has become a role model for other women in her surrounding area. Bina has presently taken the Saathi Krishna Cottage building for a 6-7 year lease. She is employing 17 people at her restaurant now. And she bought her own land and house close-by. She has also invested in the transportation business, renting out 3-4 vehicles.

Source: Saathi

institutions, in particular the police and policy makers. The results of these practices can be seen by the improved collaboration between the NGOs and the government at the central and district levels. Fourthly, national studies by NGOs to understand the challenges and consequences of various dimensions of VAWG are used as an evidence-base for advocacy and policy change. For example, Informal

Sector Service Center (INSEC) documents cases of human rights violations, including VAWG, in an annual year book; WOREC documents VAWG specific cases, publishing the analysis in its annual year book *Anwesi* since 2008; and Sancharika Samuha monitors and analyzes news on VAWG on a daily basis.

Additionally, many representatives of civil society work on stronger links between

BOX 2.6

Collective voice pushing for change

The National Alliance of Women for Human Rights Defenders (NAWHRD), facilitated by the Women's Rehabilitation Centre (WOREC), comprises of a network of women fighting for human rights across the nation. The NAWHRD became active towards the latter part of the 10-year conflict (1996-2006) in Nepal, with the first National Consultation of WHRDs organized to play a role in resisting State and Maoist repression. The platform enabled WHRDs to discuss and raise their voices against VAW, and support women candidates in decision-making levels. During these movements, WHRDs themselves were not free from VAW. Many faced negative responses for challenging patriarchal systems and values, with some facing 'intimidation, harassment, killing and kidnapping'. One such incident against a WHRD brought about a nationwide movement and symbolizes women's solidarity and collective voices as an instrument of change at the national level.



Photo source: WOREC

Laxmi Bohara was a female community health volunteer, district secretary of the organization *Mahila Sashakti Kendra*, and an active women human rights defender. Despite these positions, Laxmi was facing abuse from her husband, Tek Raj Bohara, who persistently suspected her whenever she spoke to anyone in relation to her social work. Community people believed the abuse took place because of her work as a WHRD. Ten days before her death on 27 May, Laxmi was severely beaten by her husband and forced out of the house. For three days, she was provided shelter by the NAWHRD district network, before returning home after the network held discussions with her family. But on 6 June 2008, Laxmi was brought in to the Mahakali Zonal hospital with claims that she took poison, which however had been given to her by her husband and mother-in-law. The news of Laxmi's death resulted in Tek Raj fleeing the hospital. Initially, attempts by Laxmi's father and WHRDs to register the case with the police failed. After intensive lobbying, the police were forced to register it 10 days later. Meanwhile, WHRDs demanding justice for Laxmi and prosecution of the perpetrators faced harassment and threats to their lives, with some being surrounded and intimidated by youth groups organized by the perpetrators, while others were even shoved by motorbikes while walking.

Laxmi's death ignited a nationwide 24-day movement demanding action against the perpetrators of VAW. The movement began with four demands, namely, (i) formation of an impartial committee to investigate the murder of Laxmi Bohara thoroughly; (ii) formation of a high level committee to deal with all forms of violence against women; (iii) end all forms of violence against WHRDs and guarantee their rights; and (iv) legislation against domestic violence. On 13 July 2008, with the active participation of WHRDs from various districts, a number of initiatives were undertaken which included hunger strikes, *Chakka Jams*, announcements and distribution of pamphlets, nationwide strikes outside the District Administration Offices (10:00 am – 12:00 pm), rallies outside political party offices, and forceful protests (half naked protest - WHRDs prefer to call it the Black protest) to highlight the government's lack of attention. The movement was led by NAWHRD members from Kanchanpur and facilitated by the Kathmandu activists. During the strikes and rallies WHRDs were pushed, pulled and kicked by police on a number of occasions. More than two dozen were injured, and three dozen arrested.

However, in all, 667 women from political parties, Janajati, Dalit and Madhesi women's organizations and women's NGOs participated in the 19-day relay fast in Kathmandu. Similar protests were organized in 50 districts. The protests had support from 100 civil society and human rights organizations, 2,126 human rights activists, and 78 CA members (WOREC, 2008). The movement succeeded in forcing the government to form a High Level Task Force, coordinated by the Secretary of the PM together with another five members representing other ministries. The Task Force also included WHRD representatives. The movement has created pressure on the government to pass the law against domestic violence.

The case highlights the impact of women's solidarity towards challenging the state's lax accountability towards women's human rights. The support garnered by the movement reflects immense possibilities which such campaigns and movements can bring about.

Source: WOREC FILES, 2008.

policy and implementation by collaborating with government institutions to provide comprehensive services. To name a few, there is ABC Nepal, Feminist Dalit Organization (FEDO), Center for Victims of Torture (CVICT), Maiti Nepal, Pourakhi, Rural Women's Development and Unity Centre (RWDUC), SAATHI, Samanata-Institute for Social and Gender Equality, Shakti Samuha and WOREC.

Besides advocating against commonly accepted forms of VAWG, NGOs have also started to probe into emerging risk areas, such as the increasing rate of suicide among women, abandonment of children and drug abuse among children, all of which are areas neglected otherwise.

It is also worth mentioning that a number of organizations active in addressing VAWG emerged from movements. Some examples include the *Mahila Ekta Samaj* which works for landless women; Women Forum for Women which works in the entertainment sector; *Sakchham* which works with survivors of domestic violence; *Shakti Samuha* which works with survivors of trafficking; and Women for Human Rights which works with single (widowed) women.

In addition to their regular work, NGOs continue to pressure the government to provide justice to victims through targeted campaigns. For instance "Occupy Baluwatar",²¹ "One Billion Rising,"²² "Campaign against Rape," and "Movement of the Struggle Committee to End Violence Against Women," are all part of global activism to end injustice and discrimination.

More recently, the engagement of men and boys in combating VAWG has come to the fore through NGOs and their networks. The White Ribbon Campaign, MenEngage Alliance, Y-Peer Network and others have addressed concerns through individual and joint efforts. SAATHI's project of engaging football players to raise awareness on VAWG, with the logo, "Our Goal: STOP Violence against Women" is exemplary in South Asia and beyond. See Box 2.6 for details on another nationwide powerful movement led by NAWHRD in 2008.

In addition to women's organisations, networks, and youth movements, the media-related NGOs also have contributed significantly to the anti-VAWG struggle. Media NGOs such as the Digital Broadcast Initiative

and Equal Access regularly report incidences and responses related to VAWG. Furthermore, the formation of Radio Listener Clubs in rural Nepal has been effective in raising awareness.

Print, visual, and social media have proved to be transformative tools in the current context, yet still need to show more sensitivity towards the victims.

2.6 STRUCTURAL CAUSES AND RISKS: REMOVING BARRIERS AND IMPROVING ACCESS

Despite legal progress and increased cooperation between civil society and the government, patriarchal and feudal mindsets continue to be embedded in Nepali society and politics. Consequently, VAWG is not recognized as a pressing issue. This hampers efforts to bring about effective changes in the private and public spheres, including family, workplace, and state structures. Both the advent of democracy in Nepal, and international conferences on women, have provided a learning and advocacy platform to broaden national actors' vision for the advancement and empowerment of women. But mindsets and masculinity-based norms are only changing slowly, creating challenging situations for women throughout their lives, and therefore must be addressed with a life-cycle approach.

The life-cycle approach lends perspective to VAWG risks confronting women at different stages. The earliest a girl can experience VAWG is being killed as a fetus, which would be as a consequence of sex selective abortion due to son preference. During infancy, girls become vulnerable in many ways due to malnutrition, the care of other siblings, and increasing risks of rape, incest and cultural violence. Discrimination

against girls during school-going age keeps them from educational opportunities. Even for those enrolled in school, infrastructural barriers such as lack of female toilets in the school further inhibit girls from attending school, particularly during menstruation. Other cultural practices such as *Chhaupadi* and child marriage lead to high drop-out rates at higher levels of schooling. On top of that, adolescence and adulthood are rife with different forms of VAWG – rape, domestic violence, marital rape, sexual harassment, and exploitation in the formal and informal sectors across the urban-rural divide. Often, not having access to alternative income-earning opportunities draw women to extreme measures as economic pressure piles up as increased poverty and unemployment, and many fall victim to trafficking rings in the search for a quick income. Even the elderly are not spared. Women face neglect, lack of proper nutrition, verbal abuse, and accusations of witchcraft well into old age.

With inadequate overall access to human rights and control of resources, combined with harmful practices and inhibiting mindsets within society, women and girls have to struggle throughout their entire lives with very little support in practice.

2.6.1 Inadequate enforcement of existing VAWG laws, policies and programmes

VAWG survivors are unable to access state services and mechanisms due to corruption, inadequate capacity of service providers and their inappropriate demeanor in dealing with VAWG victims. Support mechanisms fail VAWG survivors for a number of reasons as outlined in the following sections.

Efforts to address VAWG face repeated setbacks due to an ineffective bureaucratic culture with lengthy and cumbersome procedures once cases are filed, and a limited likelihood of compensation being granted to victims. The inability of security agencies to enforce laws goes hand in hand with the unwillingness of the police to register First Information Report (FIRs), and victims changing statements and withdrawing cases due to family, community and political pressure. While entrenched patriarchal mindsets remain the major challenge to addressing VAWG, a lack of support from authorities in providing information to people at risk, political interference leading to impunity, leakages in the response system possibly due to corruption, and inadequate knowledge about the existing laws and regulations are also significant barriers.²³

The low quality and capacity of service providers both in the government and NGO sectors, often known for inappropriate behavior towards victims, further impact on effective service delivery. The mistrust that service seekers have of service providers is compounded by the political protection of perpetrators. Despite policy and programmatic initiatives, the interventions of the government of Nepal are yet to become results-oriented. Often,

government agencies will not take ownership of laws and policies due to the exclusion of stakeholders during the formulation stage and due to the lack of transparency around allocated budget and its utilization for relevant stakeholders. Such a lack of accountability reinforces the weak implementation of existing laws and policies (See Box 2.7). Additionally, district-based NGOs working on VAWG possess little knowledge of existing infrastructure and facilities in their own district.

To mask these structural weaknesses, and absolve government and NGO actors of individual/institutional accountability, there is a trend of blaming women for their ignorance of constitutional and legal rights. In a hierarchical society like the one in Nepal, this aggravates the situation for women from low castes and marginalized groups as they often have less access to information, awareness raising programmes and lack sufficient social support. A study conducted by the OPMCM found that 60 percent of Nepali women are ignorant of laws addressing gender-based violence.²⁴ In reality, in a country governed for centuries by patriarchal mindsets, with discriminatory norms and laws, knowing their rights alone will not empower women to seek redress. If we are to effectively tackle VAWG, a more conducive environment is required. In fact, there is evidence to indicate perpetrators regularly receive political patronage. Perpetrators associated with political parties are protected from punishment, and consequently the victim is denied justice. Often, perpetrators roam freely while victims are in hiding due to threats. Additionally, driven by the stigma associated with being a victim of GBV or due to external pressures such as political interference,²⁵ there is a widespread practice of “compromise”, whereby cases are settled outside the formal judicial system.

BOX 2.7

Glaring gap in accountability

The murder by a high ranking police officer of his wife on 12 January 2012, has been included here for the following reasons. Firstly, it defies the assumptions that have been projected in almost all of the reports so far that only illiterate, poor, rural, and women from certain ethnic groups face domestic violence or VAWG. Secondly it indicated a big gap in accountability. Gita Dhakal, the victim was knowledgeable about existing provisions and services and sought help from all sectors but received little support? Thirdly, the case raises questions about the capacity of those in positions of authority and service to bring the powerful to justice.

Though the government took stringent measures to imprison the officer and finally expelled him from his position in 2014, the question that remains is, 'could she have been saved?' This again brings forth the issue of the capacity of service providers and the mindset of people in responding to the need of the potential victim. While counseling the victim, was she made aware about the safety measures she needed to take? Was there pressure because of the husband's position? These are structural barriers that prevent women from accessing justice and safety of person.

Furthermore, the impact on the children has not been considered in this case.

Source: Rajan Baral, Kantipur.

2.6.2 Political environment and VAWG

A primary barrier to creating an enabling environment effectively tackling VAWG is the existing culture of political patronage and protection being extended to perpetrators. The National Plan of Action for the 'Year of Gender Based Violence, 2010' stated, "...complaints of violence against women and girls are generally not registered by the concerned agencies. In case they do get registered, effective action is not taken against the perpetrators due to various reasons including political protection..."²⁶ and in the same year, the Prime Minister called on all political party leaders to take VAWG, as a cross-party priority.

To challenge such barriers, stringent accountability-based sensitization packages must be developed and enforced. Such packages targeting parties and parliamentarians must enhance the understanding of the responsibility that lies

within political leaders to protect their people and avoid further harmful macro- and micro-economic consequences, as well as the social costs of violence.

The biggest step forward in this regard is the effective formulation and implementation of the "anti-VAW code of conduct" mentioned in the NAP. The Code must be applied to all leaders and members of political parties. The Government of Nepal, and the representatives of various political parties have pledged to work towards elimination of all forms of VAWG (See page 60).

2.6.3 Inadequate human and financial resources

A major concern in the fight against VAWG is whether Nepal has invested adequate financial and human resources into bringing about the changes it has committed to nationally and internationally. For example, the MoWCSW's

budget was only 0.25 percent of the total budget in FY 2012/2013. Similarly, the number of staff, including in the ministry and department and district offices, was only 1,040. Women constitute only 10 percent of the total Civil Service staff, with concentration at the lower levels. For example, as of January 12, 2015, of joint secretaries and secretaries, only 4 percent were women. Overall at the officer level, their presence was 8 percent. In the Health Services though, women had a larger presence comprising nearly 22 percent of the officers. But they were also concentrated more at the lower levels. Among the judges only 3 percent were women.²⁷ Moreover, the MoWCSW staff does not have adequate links with other women-focused institutions working on VAWG such as the NWC, NHRC, and OPMCM. Such limitations prevent consolidated efforts and overlook potential complementary VAWG interventions.

An assessment of OCMCs by MoHP in 2013²⁸ indicates that the OCMC management is neither uniform nor adequate across the districts. The quality and quantity of physical facilities provided for OCMCs varied significantly, often depending on the Medical Superintendents' and Finance Officers' personal understanding and commitment. Similarly, the report found no uniformity in the deployment of human resources and the capacity building of stakeholders. The OCMC is made dysfunctional by severe inadequacies in horizontal coordination and collaboration at both the central and district levels. This gap prevents the provision of fully integrated services which include medical, security, legal, shelter, and skills training for survivors. Insufficient budgetary allocations, late release of the budget, non-accessibility of allocated funds for OCMC staff and survivors, and generally inadequate support and supervision

of OCMC from hospital management, affects OCMC's administrative capacity further.

Most stakeholders, including NGOs working on VAWG in the districts, remain unaware of the OCMCs' existence. Lack of coordination among various agencies (OPMCM, MoHP, WCSC, DWD/MoWCSW) both at the center and district levels is another gap singled out by the report.

From the victims' perspectives, there is some evidence to indicate that building their capacity and economic independence can become empowering (See Box 2.5). But there is only limited data on the impact of such programs run by either government or NGOs. Commonly, only short-term skills training and limited (or no) seed funding is provided to establish an enterprise. Consequently, absence of quality skills, lack of funds to initiate enterprises, and inadequate knowledge of the market results in the skills remaining unutilized, or limited to household use (e.g. sewing/cutting, pickle making, and other gendered skills).

External development partners and UN agencies are also working within limited areas and with their own mandate irrespective of the need of the country and community. There is little coordination and collaboration between these stakeholders. In short, commitments and investments do not go hand in hand.

2.6.4 Absence of efficiency and consistency in monitoring and evaluation of VAWG policies and programs

The Millennium Development Goals (MDGs), especially the increased life expectancy of women, reduced infant and maternal mortality rates, and increasing girls' enrolment suggest there has been progress in Nepal. Yet, there is neither adequate data nor

systematic data management to track VAWG, especially the social and economic costs women and girls face at the personal, family and national levels.

Challenges of data collection

A 2014 report²⁹ of the World Bank's South Asia Development Forum based on the Demographic Health Survey (DHS) data, ranks Nepal fourth among 15 countries with the highest global prevalence of physical intimate partner violence.³⁰ The NDHS provides the only existing comprehensive source on house-hold level data obtained on the national level. On the contrary, the results from various sources differ significantly and thereby present difficulties in comparing data sets. For example, the GECU data in 2013 is comparatively lower than those reported by civil society organizations (See Table 2.4, Annex 2).³¹

The most notable sources of data on VAWG are sporadic research undertaken by various NGOs as well as the government agencies. For example, the NDHS included a chapter on domestic violence and collected relevant data for the 2011 report. The report states, "The prevalence of a women's lifetime experience of physical and/or sexual spousal violence as 28 percent among currently married women; of them 14 percent experienced physical violence; five percent experienced sexual violence; and nine percent experienced both forms of violence."³²

Additional challenges arise due to inconsistent data reporting by service providers. Moreover, there is a dearth of reporting on specific kinds of VAWG such as custodial and other state perpetuated violence, violence within educational institutions, as well as abuse and exploitation of single, elderly, marginalized, and disabled women, among

others. In short, there has been no nationwide research to understand the different forms of VAWG based on topography, caste/ethnicity, or other factors. Larger economic, social, and psychological costs to Nepali women, their families, and the nation as a whole also remain uninvestigated.

The multi-ethnic and caste ridden structure of Nepali society demonstrates that there is an urgent need to research the different forms of violence faced by minority groups. Enough work has not been done – either in terms of research or interventions – to address vulnerabilities at the intersection of gender and other identities, whether class, caste or ethnicity. As a result, the poorest of the poor such as Dalits, Chepangs, Rautes, and Badis continue to face severe discrimination. While there is some circumstantial evidence that affirmative policies and programming have had a positive impact on judicial proceedings, the impact of these provisions on the lives of survivors has not been measured at this point in time.

The lack of adequate research and a poor data management system have emerged as critical factors preventing donors, the government, and the NGOs alike from comprehending the gravity and impact of VAWG on the overall development sector. Furthermore, this is also a gap in guiding the revision of laws and policies, in ensuring their implementation and in raising public awareness.

Challenges in data management by institutions

Once data is collected, consistent intra- and inter-institutional data management is key to avoid gaps in analysis and detect trends in VAWG.

Information on VAWG cases can be obtained from OPMCM, NHRC, NWC,

the police and NGOs. However, there is inadequate coordination among service providers for systematically and routinely maintaining consolidated data to highlight qualitative and quantitative information on VAWG at the national level. The risk of data duplication is high.

The District Coordination Committees (DCCs) and Case Management Committees (CMCs) have not yet been activated for monitoring and supervision.

Lack of transparency and publication of data

In the interest of the GoN to prove the impact of its interventions, it should provide assessment results, however Nepal does not have a publicly accessible and functional data depository and information management system which poses another great challenge to conceptualizing effective mechanisms to assess VAWG and protect women's basic human rights.

As legally recognized entities, NGOs are required to report their work and progress to the Social Welfare Council but without the information being collated and disseminated by the Council, initiatives undertaken by NGOs for addressing VAWG are not brought into the government's mainstreaming process. This is a missed opportunity for the government to create a concrete database at the national level to increase its own accountability through more transparency.

In conclusion, Nepal has failed to provide structural accountability. This can be attributed to the biases and ineffectiveness of service providers, society, victims' families, and of course the relevant institutional mechanisms. Though notable programmes and plans exist, inadequate coordination between government interventions and non-government programmes prevent

complementary activities and consolidation. These conditions are aggravated by the ever-changing social development pace, the breakdown of traditional values and the slowness in new human-rights based value systems emerging. Relevant institutions are unable to keep pace with strategies to address emerging trends and potential risks.

Accountability, in terms of program impact and effective budgetary use, is completely absent. This is true for most GoN and NGO programs implemented at the national and community levels. In Nepal there is an urgent need to ensure that appropriate and quality programs are being implemented, and that they are impacting and supporting the intended stakeholders. Ongoing monitoring and evaluation systems at the national, district and community levels are required to ensure implementers are accountable to the general public and survivors.

2.6.5 Nexus of migration (internal and external) and trafficking

The ten-year armed conflict and the unstable post-conflict political situation have resulted in a dearth of economic opportunities forcing many Nepalese – among them women – to migrate. While many migrated from rural Nepal to towns and cities internally, others migrated externally. Every day, around 1,500 Nepalese, most of them male, migrate to foreign destinations through Tribhuvan International Airport. But many women go via India and other informal channels, which is not captured in statistical reporting.

According to the FY 2008/09 Report of the Office of the Special Rapporteur for Nepal, of the 217,000 migrants who went in that year, nearly 21 percent traveled individually and through informal channels. By gender, 64 percent of female workers went individually

while this figure was just 19 percent for male workers. By migrating individually or through informal channels, women are more susceptible to being trafficked or exploited.³³ According to a service provider at a SAATHI shelter, they have seen women returning home penniless, abused and exploited. Additionally, 2014 data from Paurakhi, an NGO working with migrant returnee women, shows that of the 307 women who reported to them in the year 2014, 30 percent had faced some problems (See Table 2.4, Annex 2). Of them, 17 percent (50 people) returned penniless, 6 percent psychologically impaired and 4 percent physically impaired. Furthermore, one returnee was pregnant while another had been raped. No official data on migrant returnees is kept.

While migration (internal as well as external) might be helping women break social norms and provide a new channel of economic empowerment, daily reporting of the number of women who return abused and sexually exploited shows a high risk in such migration. Victimized returning women migrants face the stigma of 'having been there and done it' and of being of loose character due to society's victim-blaming attitude.

Women going through irregular/illegal channels are mostly from marginalized and disadvantaged communities like the Dalits, Janajatis and indigenous groups, and the economically disadvantaged. Lack of employment opportunities, education and skills, domestic violence, and the lower cost of travel through India are some of the factors that contribute to women using irregular or illegal migration channels. This is compounded by the centralized structure of migration-related institutions, the government's discriminatory policy that women must be 30 years old to go abroad for employment

purposes, lengthy legal processes and the lack of information on risks.

During several FDGs, NGOs reported that besides the risk of trafficking, the social cost of male migration at home is also high. Many women face sexual violence, reproductive rights violations, character assassination, and discrimination in the absence of male members of the family. By relying mostly on migrant income as a remedy to all its economic ills, Nepal may have to face a grave social crisis in the future. The long-term social costs of increasing migration by youth and women, leading to fragmented communities and an increased number of victims of VAWG, should be a grave concern for the Nepalese Government.

2.6.6 Internal trafficking, commercial sex work and the entertainment sector

While the trafficking of women outside Nepal's borders has drawn much attention in the past decades, internal trafficking for the entertainment and sex industries is an equally pressing concern. A *Terres des hommes* 2010 report³⁴ states that the, "...entertainment and sex industries in Nepal [are] rapidly becoming a complex and organized field of commerce with a large infrastructure of cabin restaurants, dance bars and massage parlors."

According to the report there were 11,000 to 13,000 young women and girls working in the entertainment sector in Kathmandu alone, with the majority being under 25 years of age and one-third being under 18 years old. "The girls earn about 100 dollars per month as salaries in the entertainment joints with the owners skimming off the bulk of the profits."³⁵ To further compound matters, Nepal currently has no law on commercial sex work, and the women are often booked for disturbing the peace under the 'Some Public (Offences

and Penalties) Act 2027 BS (1970),’ while clients go free. The number of sex and entertainment infrastructure is reportedly booming on a monthly basis, but there is no national data on internal trafficking, the entertainment sector and sex industry, and the sexual and gender based exploitation of girls and women.

2.6.7 Natural disasters

Natural disasters present another big hazard for women. Firstly, as women are the ones who mostly remain at home in disaster prone rural areas, they become the first victims of such disasters. Secondly, they are burdened with the responsibility of taking care of the family, the sick, the senior citizens, children, and those affected physically by the disaster, as well as managing the family economy single-handedly. Finally, as the economic impact of these hazards is realized, women become easy prey for traffickers. The impact of such disasters on pre-existing poverty makes it even harder for poor families to survive and it promotes negative coping strategies, thereby increasing the risk of sexual and gender-based violence, human trafficking, child labour, and early marriage for girls and boys.

During the 2015 earthquakes, for example, 498,852 houses were damaged with about 26 percent of the damaged houses being female-headed, 41 percent belonging to Dalits and indigenous communities, and 23 percent belonging to

senior citizens.³⁶ The agricultural sector was completely devastated in the affected districts. The women, who engaged in alternative income-generating activities from their homes, also lost their enterprises. Women, who were already strained by their workload due to male migration and a lack of control over the land they managed, had to face new challenges. They alone had to take care of the affected family members, and support the children, old and sick, as well as to rebuild their houses with whatever meager resources they could access. The situation was exacerbated for the most marginalized groups, such as Dalits, ethnic minorities and people living in remote geographical regions who were already deprived of access to social services under normal circumstances. Competition for resources further increased discrimination against women, the elderly, people living with disabilities (PLWDs), Dalits and indigenous communities.

In this scenario, in addition to the current social security programmes, further cash transfers will be essential for vulnerable single women/widows, marginalized ethnic minorities, and children from households that have suffered catastrophic economic losses. The government of Nepal alone will not be able to cushion all the affected families, which will drive them deeper into poverty and make them more vulnerable to violence. The efforts to protect women and children from increased violence now, more than ever, have to focus on prevention and social protection for the ones at risk and the victims.

2.7 SUMMARY AND RECOMMENDATIONS

Violence against girls and women is one of the most important factors hindering women from realizing their rights in all other spheres of life in Nepal as elsewhere. The Government of Nepal, the women's civil society organisations and gender advocates have taken important initiatives to fight this scourge against women and girls. A legal framework has been established to protect victims of violence and prosecute perpetrators (See Chart 2.2). The Government also has established a network of institutions to prevent the crime and to rehabilitate the victims, as has been discussed in the foregoing sections. The Judiciary is playing a progressive role in bringing the culprits to justice. NGOs supported by various UN agencies, especially UNW, have brought the issue to the forefront of public discussions. But much remains to be done.

The single biggest difficulty in reducing VAWG across all sectors is to overcome the mindset and social norms which make it a legitimate way of controlling women. It is imperative to address intergenerational stereotypical norms as part of the underlying causes, to impose stricter penalties on GBV cases, encourage reporting by the victims and their relatives and follow up to see the case to the end. There should be more efforts by the police to apprehend the culprits.

Experiences and examples discussed in formal and informal settings by social activists indicate that as women progress towards empowerment and emancipation, the slow-changing mindset of society becomes a threat to the women's movement. In the post-1990 democracy in Nepal, women are becoming a transformative force seeking to claim their

rights. This may, however, be leading to more conflicts at home and in public. The current reality is that despite notable progress made over the past two decades, significant challenges to eliminating VAWG still persist. Listed below are some recommendations that will help in combating VAWG more effectively, and ensuring that the basic human rights of women and girls are respected.

On the global platform, setting a transformative stand-alone goal with country specific recommendations and indicators on achieving gender equality, women's rights and women's empowerment, is a priority by integrating VAWG in all BPfA sectors and the post-2015 "Sustainable Development Goals (SDGs)". Nepal's action plans on eliminating domestic violence as well as the one on trafficking have adopted a multi-sectoral approach. VAWG must be integrally streamlined within each BPfA concern and the forthcoming SDGs. Endeavors to address economic issues for sustainable development and peace will remain inadequate without ensuring that women's vulnerability to VAWG and conflict-related sexual violence is addressed. Women cannot contribute productively when they are physically and psychologically hampered through acts of violence.

- **A Multi-sectoral and coordinated approach for awareness and intervention on VAWG**

The public and the private sectors along with institutions working in health, education, media, art and culture must be engaged to

raise awareness on VAWG and discriminatory policies that need to be removed and replaced by long-term measures that transform social norms and gender stereotypes. They must be incentivized to design comprehensive and specific interventions with gender-sensitive methodologies to better target marginalized and vulnerable groups as part of their social responsibility. For example, research is needed at the intersection between issues resulting in VAWG, such as HIV/AIDS, domestic violence and post-conflict situations. Subsequently, these issues must be addressed through a multi-sectoral strategy with mechanisms that only become holistic with National Consultations aiming to establish referral services, reparation programmes and institutional reforms to eliminate harmful practices and fully realize Human Rights.

Comprehensive, coordinated, interdisciplinary, accessible and sustained multi-sectoral educational, health and social services are essential to provide justice to the affected people. Failure to respond to immediate needs, due to delays in bureaucratic processes, must be addressed as problems that only intensify with delays. This requires competent temporary justice measures for victims and survivors to assure timely paralegal support. Some examples of delays include laws which take decades to enact, delayed justice due to lengthy court procedures, and the ineffectiveness of closed court hearings or fast-track justice systems.

Moreover, it is important to mainstream recommendations made by NGOs into government policies. At the macro level, coordination between government ministries and institutions engaged in preventing and addressing VAWG can overcome many current gaps evident in data, as well as in the complementary interventions and

consolidation of results. Impacts of such coordination will filter to the meso and micro levels to generate greater support and justice for victims. For example, the responsibilities and scope of work of MoWCSW, NWC and OPMCM, needs to be revisited and defined minimizing the scope of duplication. In particular the coordination role of the MoWCSW needs to be strengthened in combination with adequate strategies for implementation to provide better linkages to district level authorities. Therefore current budgeting needs to be revised and increased accordingly. At district and national levels, especially at district level, the existence of two committees, one on trafficking, the District Committee for Controlling Human Trafficking and the other on VAW, the District Resource Group, put undue burden on district authorities. Laws could be revised to merge them into one committee.

- **Increase the capacity of service providers at all levels**

It is imperative that existing and forthcoming public institutions are run by skilled and committed staff accountable to the people. Training, therefore, should be a priority area to ensure that staff respond to VAWG incidences according to internationally recognized standards. In fact, there is a need to consistently build the capacity of a range of actors from health professionals to the judiciary and from teachers to policy makers in this area. Comprehensive engagement in capacity development is crucial in a situation where lack of capacity and lack of resources are the two major impediments often noted in effective implementation of programs and in the disbursement of efficient justice.

The capacity development training should

CHART 2.2

A legal framework for prosecution of VAWG cases established

- a) Domestic Violence (Offence and Punishment) Act 2009:
- Allows victim to register case in one of the multiple points --police, VDC/DDCs, NWC, and courts;
 - Time for registration is up to 90 days from the incident;
 - Courts may impose penalties from NRS 3000 to NRS 25,000 with imprisonment up to six months or both; and
 - Persons holding socially responsible positions liable to additional 10 percent of the stipulated punishments.
- b) Trafficking in Persons and Transportation (Control) Act 2007:
- Confidentiality of the petitioner ensured encouraging victim/witness protection;
 - GoN responsible for rescue; rehabilitation and reintegration of those trafficked beyond Nepal;
 - Stringent punishment to perpetrator and compensation provision to victims/survivors;
 - Harsher punishment for trafficking children; and
 - Child victims to receive 50% or more compensation as stated by the court from the fine paid by the perpetrator.

But the burden of proof is on the accused

- c) The *Muluki Ain* (Country Code) 1963 and its amendment on Rape Cases
- Defines rape as having sexual intercourse with an unmarried girl, a widow or someone's wife under sixteen years of age with or without her consent and with one above sixteen years of age without her consent by using force, threat or inappropriate influence;
 - Punishments prescribed - from six to ten years for raping a girl below fourteen years of age;
 - Punishment three to five years if the woman is fourteen or above;
 - Attempt to rape is punishable by half of what is prescribed for the actual crime; and
 - In 2006, the Supreme Court declared 'marital rape' punishable by law, but with much lower rates of punishment.
- d) Sexual harassment (elimination) at workplace Act, 2014
- Has broad definition of harassment including touching, looking with bad intentions;
 - Cases have to be reported to the management within a week;
 - Management is responsible for first action within 90 days;
 - If management does not act to address the case in time, the victim may appeal to CDO; and
 - Punishment may go up to three months in prison or Rs 25,000 fine or both.

But the Act does not address harassment in the informal sector, the main arena of workplace violence

include information on basic human rights and protection, introduction to the root causes and contributing factors of VAWG, data on the physical and psycho-social consequences of VAWG, and knowledge on appropriate responses to survivors of VAWG. Across the board, there is a need to facilitate the

application of existing policies and procedures for handling VAWG cases. Such training is especially needed during conflicts and in post-conflict situations. Additional training elements should be added according to specific target groups. For instance, some areas to be included in the training of health

professionals are medical examinations and treatment as per standardized rape protocols; capacity to recognize and address signs of VAWG; appropriate examination and documentation of each incident of sexual violence; skills to provide appropriate medical treatment for physical wounds, sexually transmitted infections (STIs), HIV, emergency contraception; and appropriate referral services. The most important aspects that need to be underlined in such training is the need for delivery of services with the awareness of the health and emotional needs of survivors of sexual violence and ensuring respect, physical safety, confidentiality, and the rights of the survivors.

- **Adopt measures to prevent violence against women, protect the rights of the victims through legal redress and provide for rehabilitation of the affected persons.**

Prevention and rehabilitation: The government of Nepal should focus on reducing potential risks induced by the disproportionate impact of poverty on women and by natural disasters, through appropriate budgeting focusing on women's rights. Both, economic empowerment and an enabling and supportive environment are vital to rehabilitate the survivors fully. Life skills as well as financial skills trainings will empower women to manage their livelihoods in an effective manner, giving them options to leave abusive relationships and vulnerable situations. Various government and civil society plans (mentioned above) highlight the importance of easily approachable micro-credit channels to ensure sustainable economic opportunities for women. Gainful employment opportunities, skills, and information about the same will prevent women from enduring violence

not only in hindsight of a disaster but also rehabilitate them should they decide to walk out of abusive situations.

Strengthen victim and witness protection mechanisms to increase reporting and bring perpetrators to courts of justice:

Gender sensitive infrastructure and a fast track justice system with mechanisms for transitional justice and a commission for truth, reconciliation and disappearances, must be created and used regularly to deal with sensitive issues on VAWG also accounting for Conflict-Related Sexual Violence (CRSV). Training must be provided on existing legal provisions and on victim-centered approaches. Law enforcers need to be able to encourage zero-tolerance to violence to achieve better reporting on cases of VAWG and women's human rights violations. To end violence, incidences must be investigated with the aim to end impunity where perpetrators need to be prosecuted and punished. Only by doing their due diligence, the government and its implementing bodies, can aim for the full recovery and reintegration of survivors. As mentioned above, the provision of continuous hearings has been effective in expediting justice in cases of domestic violence and rape. The elimination of domestic violence requires the adoption, strengthening and effective implementation of legislation that prescribes punitive measures and establishes legal measures.

Increase shelter homes for initial transfer of victims for protection and security:

Once identified, victims of violence, trafficking/ potential trafficking need to be transferred to a 'safe home' for security and to deal with trauma. The 'safe home' must follow standard operating procedures and maintain minimum human rights standards to provide medical and psychosocial support, food, shelter,

clothing and health needs, as well as referrals to legal counselling and services. More shelters equipped with skilled staff are recommended to cope with the scale of the problem and increasing reporting. Information about the shelter homes as temporary homes for cases of need should be diffused more widely to enable women to fight abusive relationships with more confidence.

Survivors requiring long-term care and support, however, should be transferred to a second stage home. There is a need to upgrade the status of shelters to second stage homes, which are envisioned as a working women/girls' hostel where women who have faced different forms of abuse can reside in anonymity. In these homes, the women can free themselves from being stigmatized due to their association with organizations working on specific issues such as trafficking or the entertainment sector. The second stage home takes an empowerment approach and provides opportunities for women to participate in trainings, employment, legal and psychosocial counselling, and prepares them to be rehabilitated into the community and society.

While providing shelters, clear distinction between victims of violence and the destitute is essential. Presently, rather than adopting an empowerment approach to rehabilitation, shelters tend to take a welfare approach which results in difficulties in the social rehabilitation of survivors into the community.

- **Ensure adequate resources for the concerned agencies**

Across agencies and districts, resources required to enable institutions – such as WCOs in the district, women and children service cells in police offices, OCMCs, Rehabilitation

Centers and Service Centers –to play their respective roles effectively are huge but allocations are grossly inadequate. On the one hand, the government of Nepal needs to increase allocations of financial resources to the local, regional and national institutions. The government also needs to further encourage use of international laws and guidelines as sources relevant for streamlined implementation. Sufficient staff needs to be deployed to better utilize the existing infrastructure and aim for an improved realization of civil, social, political, economic and cultural rights of women and girls.

The access to justice with appropriate civil remedies and redress, access and control over resources and the right to development can be realized when the implementation of accelerated and effective laws are built into comprehensive measures that criminalize VAWG.

- **Support establishment of community level women's group networks for prevention and protection**

Local level networks should be formed and existing ones strengthened to provide platforms so that communities and women can negotiate services for survivors or protest and prevent incidents of VAWG and widespread gender discrimination. Such networks and women should be provided with capacity development opportunities and empowered to address VAWG more effectively and respond better to issues of citizenship collectively, prevent the upsurge of social exclusion and fight other barriers to the enjoyment of their human rights. In this regard, special attention should be paid to addressing the post-conflict situation with an improved response. The 10

year-old armed conflict in Nepal has led to increased disparities among various castes and ethnicities and exacerbated location-based discrimination faced by women from excluded groups such as Dalits, Janajatis, Muslims, Madhesis, single women, women with disabilities and others. Often victims from such communities are forced into reconciliation, despite the reluctance of the victims and their families to accept it. Such forced mediation or reconciliation should be prohibited.

- **Design interventions that focus on under-researched forms of violence among certain target groups**

Research needs to be strengthened with improved coordination and consistent collection of data by all duty bearers. With an ever changing society, research needs to combine preventive measures and interventions together with emerging trends of VAWG, which have indicated a rise in incidences of violence related to the following areas:

- Natural disaster/calamity related VAWG
- Conflict-related VAWG
- Internal and external migration, and inter-linkages with organized crime
- Exploitation in the entertainment sector
- Suicide/attempted suicide
- Burn victimization
- Custodial violence
- Honor killings
- Violence within educational institutions
- Abuse and exploitation of adolescent girls on the street,
- Abuse and exploitation of single, elderly, marginalized, women with disability, and women living with HIV/AIDS.
- Cyber stalking, and social media

Unless research-based and targeted interventions are designed upfront, these forms of violence will increase. Delays in responding to emerging issues will change the dynamics of the problem making interventions ineffective. It is recommended that government and NGOs collaboratively undertake research to overcome data gaps and promote nationally owned evidence.

- **Risk reduction and addressing stigma by tapping into community opportunities**

Educating the community and tapping into existing opportunities within communities is of the utmost importance to address issues of stigma, specifically for trafficking returnees and rape victims. Strategies must ensure programs do not adversely impact those for whom initiatives are undertaken. Addressing negative mindsets with integrated mechanisms to prevent and investigate such forms of violence can fully erase gender-related killings of women and girls.

- **Engage men and boys**

Some successful examples of engaging men and boys as advocates to eliminate all forms of VAWG include: Men's Action to Stop Violence against Women (MASVAW), the White Ribbon Campaign, engaging athletes and sports people as advocates against VAWG by SAATHI in Nepal, and the "We Can" campaign in South Asia. These movements involved men and boys from diverse groups such as friends, peers, fellow students, teachers, duty bearers, and other human rights advocates besides the family members. Men and boys must be educated to take responsibility for their behavior as they create strategic allies that promote gender equality and counteract

attitudes and behavior that build the root causes for VAWG. Efforts, however, need to be initiated at an early learning stage from elementary school as a subject of human rights.

- **Programs for perpetrators**

In dealing with perpetrators, it is important to understand that violence is learned behavior and the victims of today become the perpetrators of tomorrow. Therefore, in addition to punishment, perpetrators must also be made to engage in programs intended to change behaviors and psychosocial processes. Such initiatives are seen to be effective in domestic violence cases. Awareness and education programs should be designed with the objective of preventing potential perpetrators and changing mindsets for preventing VAWG.

- **Establishment of a strong monitoring framework relevant for public accountability of policies and programs**

The government, NGOs, and relevant stakeholders must collaboratively design and develop a monitoring framework to ensure accountability by and to the people, and to enable women and NGOs to hold public authorities accountable. They must also ensure strong systematic coordination of all stakeholders that are carrying out their responsibilities consistently. Such a framework must collect data, analyse and disseminate results and identify disaggregated data

with appropriate indicators to be measured to ensure a regularly updated database. Women's collective voices and actions are key to making such accountability work. It is strongly recommended that action-research, with a specific focus on the BPfA concerns and SDG 2013 goals are immediately undertaken. The initiative will ensure the status of women vis-à-vis development initiatives is closely addressed.

- **Media mobilization**

Use all types of media for campaigns to promote the rights of women and to maintain equality. Social media such as Facebook and Twitter are effective tools to reach out to the younger generations and to reach larger numbers of people. Thus far, government efforts at using media for social change, particularly for combating VAWG and bringing about gender equality, have been minimal (See Chapter 4).

To date the efforts to end VAWG in Nepal have not been sufficient and require changes to better connect the national level efforts with local level problems and needs. Women and girls, as well as men and boys, should play a vital role in the prevention of VAWG, and in achieving a life free of violence and an equal realization of Human Rights. Not only do women need comprehensive laws and policies as the overarching mechanism for access to justice, they also require duty bearers to understand their responsibility as care takers to end impunity for perpetrators and allow victims a dignified life with social protection.



3

CAPABILITIES AND RESOURCES

The nature of the Nepalese economy has changed significantly over the last 20-25 years. Overall, the importance of agriculture as both a source of income and employment has declined. Meanwhile, the importance of services and migration has increased enormously. Most importantly, the role of subsistence production and thus the role of the household economy has declined substantially as contributors to household income, and hence GDP. In 1996, farm income accounted for 61 percent of household income, non-farm income accounted for 22 percent and other income including remittances accounted for 16 percent of household income. By 2011, farm income contributed only 28 percent to the household income while non-farm income and other income contributed 37 percent and 35 percent respectively. Remittance was a major source of other income, accounting for 17 percent of it.¹

Nationally, the sectorial composition of the GDP has changed substantially. While agriculture accounted for 40 percent of GDP in 1995, its contribution had dropped to 35 percent by 2013.² Today, services account for nearly 50 percent of the GDP. Yet, agriculture remains the primary employment sector, providing work to 55 percent of economically active men and 77 percent of economically active women. At the same time, employment in manufacturing has been lagging behind despite substantial increases in employment rates in the non-agricultural sector, particularly the services sector. This means that women are either working in increasing numbers in service jobs or falling back into agricultural work. The visible decline in the share of women working as craft workers, plant/machine operators or as assemblers also suggests their shift to services and agriculture;

both are mainly informal sectors with precarious and vulnerable jobs.

The general shift away from agriculture is driven in part by remarkable increases in literacy and education levels. For instance, Nepal's human development index (HDI) improved from 0.343 in 1995 to 0.540 in 2014.³ The scope of employment activities that women and men can engage in are also expanding. However, this prosperity has not been shared equally among all social groups. Women, especially poor women, do not have equal access to the market. They enter the market with decisive disadvantages because of their low asset base, lack of skills, limited education, limited market information and household responsibilities. At the same time, women face outright discrimination and are constrained by social norms.

In 2014, the United Nation's World Survey⁴ on the theme, "gender equality and sustainable development," concluded that government interventions are critical to ensure an equal playing field for women entering the market. The Survey further states that for women to achieve substantive equality in everyday life, reforms are required on three levels – constitutional and legal rights; policies, instructions and guidelines to translate the legal mandates into practice; and attitudinal changes that result in behavioral change. In the context of Nepal, women can take advantage of the new opportunities created by expanding markets and the international opening of the economy only with effective governmental action. As a first step, the government of Nepal must guarantee fundamental legal and constitutional equality in economic rights. Secondly, the government must ensure that those de jure rights are translated into de facto rights in the market place. To that end, policies, plans and programmes must be put in place to

enhance the capacity of those sections of the population, including women, deterred from participating in economic life by structural factors. A third task for the government is to ensure that economic policies do not reinforce and generate newer forms of inequalities. Along these lines, government must put in place a strong regulatory and incentive system to ensure that the private sector acts for the social good. The government of Nepal has been engaged in implementing reforms in all three areas.

Nepal has implemented a series of legal reforms to ensure gender equality and combat violence against women. The Nepalese government also implemented a series of policies such as gender and social inclusion (GESI) and gender responsive budgeting (GRB). Additionally, the government has made a large scale investment to increase health and education outreach to ensure that women, girls and other marginalized groups have access to these services. And they have implemented special tax rebates and credit programmes to ensure women have better access to the market. As a result, Nepal's HDI has increased from 0.343 to 0.540 and the gender development index (GDI) has almost trebled from 0.310 to 0.912 between 1995 and 2014.⁵ Along the same lines, female/male earned income ratio in terms of Purchasing Power Parity dollar (PPP) has jumped from a third to 0.727 in that same period. The percentage of households where women own land and houses has also increased to 20 percent and 11 percent respectively between 2001 and 2011. Women's access to and command over economic resources, plays a critical role in their access to education and health, and provides the foundation for empowerment and equality in other fields.

Despite the above notable positive changes in the legal framework, policies and outcomes in terms of HDI and GDI, many entrenched problems remain. To begin with, the gender inequality index remains at 0.479.⁶ As elsewhere in South Asia, women workers are still more concentrated than men in subsistence agriculture, as well as within the informal sub-sector in the non-agricultural sector. Women are also more concentrated in the lower rungs of formal industrial and business establishments than men. An entrenched traditional value system, patriarchal social norms and stereotyping continue to hinder women's progress spanning the social, political and economic fields. These norms and practices legitimize discrimination and violence against women and girls in the household, community and the market. They lead to restrictions on women's mobility, idealize early marriage practices, and place the entire responsibility for household and care work on women. The still significant lag in educational attainments, though decreasing, presents women with formidable barriers to career development whether in the professional fields or as own-account entrepreneurs. Finally, unequal inheritance practices, although constitutionally illegal since 2007, further restrict women's access to economic resources for personal development and gainful employment. Most importantly, the gains women have made are not equitably distributed across all social groups, regions and areas of Nepal.

This chapter reviews changes in three key areas over the last 20 years. These areas include the constitutional and legal rights women have gained; the socio-political environment that has ushered in a new, more broad-based and equitable approach to development; and the initiatives that the

government of Nepal has taken to promote gender equality and women's empowerment in the education, health and economic fields.

The chapter ends with an analysis of current challenges and upcoming risks, and concludes with recommendations.

3.1 CONSTITUTIONAL AND LEGAL RIGHTS: CREATING FOUNDATIONS FOR GENDER EQUALITY AND WOMEN'S EMPOWERMENT

A country's first step towards enabling all citizens to claim their rights is legal or formal equality. As a signatory of CEDAW, Nepal is committed to eliminating all forms of discrimination from its legal system. Nepal has taken important steps in this direction. The Interim Constitution of Nepal 2007 and the current Constitution of Nepal 2015 guarantee its citizens all fundamental rights per the United Nations Charter of Civil Rights. It includes freedom, "to engage in any occupation or be engaged in employment, industry and trade," provided such activity does not impinge on the sovereignty of the country or cause disturbance to social harmony.⁷ They further guarantee rights to acquire, earn and dispose of property. The Constitutions also provide specific rights for women as discussed in Chapter 1, including daughters' rights to ancestral property⁸ on par with sons' rights. This is a crucial gain for women in Nepal as exclusion from ancestral property is one of the main sources of economic inequality; it leads to disadvantages in education, health, employment options, career development and political participation. The directive principles of the Interim Constitution made it the specific duty of the state to promote women's

access to education, health and employment opportunities. The 2015 Constitution establishes their right to special treatment in access to such opportunities.⁹

Article 17(2) of the Interim Constitution established education as a fundamental right of citizens, providing for primary education in the mother tongue and free education up to secondary school for girls. Similarly, the Constitution also established all citizens' right to free basic health services and reproductive health to women.¹⁰ This included specific provisions guaranteeing freedom from violence and access to reproductive health. Even before the Interim Constitution went into effect, Nepal's health policies, strategies and programmes were guided by the Alma Ata Declaration – which adopted the motto, "Health for all by 2000" – and the declarations of the International Conference on Population and Development (1994), which emphasized a life cycle approach to women's health and reproductive rights.¹¹ In the economic arena, gender discrimination in wages and social protection is specifically prohibited.¹²

Despite the existence of these legal guarantees for fundamental equality, as yet, no laws or regulations have been

passed to implement a daughter's right to ancestral property. Overall, no accessible mechanisms have been instituted to enforce the constitutional provisions. The continuing discrimination of women by the legal system

itself was discussed in Chapter 1. This state of affairs has grave ramifications, with women unable to adequately access state supplied services, gain employment in the market and even open bank accounts (See Section 3.3).

3.2 DEVELOPMENT POLICIES

Legal or formal equality is the first step towards enabling all citizens to claim their rights, but it is not adequate to ensure substantive equality. Due to many structural problems and historical practices, many citizens, especially women, are not able to realize those rights in everyday life. States are responsible for creating an environment where formal legal equality can be converted into substantive equality. Articles 1, 2, 3 and 4 of CEDAW require states to eliminate discrimination of both effect and purpose; states are required to initiate measures to achieve a standard of both de jure and de facto equality. As a signatory of CEDAW and its Protocol, and by its own vision of creating a gender-just and equitable society, Nepal is committed to the principle of substantive equality for all its citizens in all spheres of life. The government of Nepal has initiated important policy and programmatic steps to fulfill its commitments.

Nepal's economic policies have always been guided by internationally dominant economic theories and policies which are also reflected in its approaches to women.¹³ Dominant perspectives on women's development have evolved from the complete invisibility of women as economic actors, to the post-Mexico women in development (WID) and

woman and development (WAD) paradigms to the post-Beijing Conference focus on gender mainstreaming. The keywords and values today regarding women's development are gender-justice, equality and women's empowerment.

A mix of both shifts in international paradigms and strong public pressure to reduce social and gender inequalities, especially after the Jana Andolan II of 2006, has changed the mission and goals of development in Nepal. Nepal is now politically committed to building a, "Prosperous, Modern and Just Nepal,"¹⁴ as well as to ensuring justice and equality to all, including women. This change, which started in the early 2000s, was driven by a number of factors. First, the state faced mounting pressure from the Maoist armed insurgency, which began in 1996. Second, there was clear evidence of increasing inequality in the country. Third, internationally the dominant economic philosophy called for more equitable development. Consequently, the government undertook a number of initiatives in the 10th Plan/Poverty Reduction Strategy Paper (2002-2007) to increase women, Dalits and other marginalized groups' access to education and health services, credit, appropriate technology and necessary training. The State adopted gender and

inclusion as cross-cutting strategies along with governance.

These rumblings, however, resulted in substantive change only after the signing of the Comprehensive Peace Accord between the then-government and the CPN (Maoist) after Jana Andolan II. Consequently, the Three Year Interim Plan (2007-2010) (TYIP) took a rights-based approach¹⁵ to development and envisaged fundamental changes in development priorities to ensure equality and poverty reduction, addressing both structural and power relations. The shift in emphasis was strategic. It had evolved from a growth first and equality afterwards attitude, to a rights-based approach that focused on the elimination of structural inequities to ensure inclusive growth. The 2007 TYIP focused on the poor, women, Dalits, Adivasi/Janajatis and other disadvantaged groups. Overall, subsequent plans have more or less followed this approach.

The focus internationally also shifted by the mid-2000s, particularly after the global economic crisis of 2008. Nepal's development partners – many OECD countries, UNDP and the World Bank – guided by their own development aid experience worldwide, had also come to recognize that despite the rise in the economic strength of a few southern countries, many continued to lag behind. It was evident that inequality between and within countries was rising and creating

multiple points of conflict. The world was held back from economic recovery due to these emerging fault lines.¹⁶ Consequently, the centrality of inequality reduction in development policies was recognized as crucial for tangible progress in poverty reduction and overcoming the crisis in international market demand. In short, inequality reduction was recognized as central for the sustainability of market-based development and world peace.

Taking all these factors into consideration, the 2007 TYIP and subsequent development plans were developed in consultation and collaboration between the government of Nepal and development partners, and the commitments of all stakeholders were contained within them.¹⁷ Currently, the country/strategy papers of Nepal's development partners contain continued emphasis on broad-based inclusive growth, reducing as well as coping with environmental hazards, assistance in completing the peace process and good governance. The earlier strategic focus on gender equality and poverty reduction has been maintained. Gender equality, social inclusion and human rights for equity and equality remain a central theme in the current UNDAF (2012-2017). Among the larger development partners, the ADB, the World Bank, the European Union and USAID have signed aid agreements which cover the period beyond 2015, with continuing emphasis on education, health and gender equality.

3.3 REORIENTATION OF DEVELOPMENT PROGRAMMES

Government of Nepal adopted several strategies to reorient development programmes to make them more equitable, including in the distribution of gains from public investment and foreign assistance. In other words, these strategies aim to ensure the public administration's accountability to women and historically disadvantaged and socially discriminated populations. Major strategies include:

- Gender and social inclusion policy (GESI).
- Gender-responsive budgeting (GRB).
- Specific concessions and rebates to women in fees, charges and taxes.
- Creating and strengthening a network of institutions to make senior management responsible for gender mainstreaming and inclusion in sector ministries (See Chapter 4).
- Large-scale investment for strengthening the capacity of women, the poor and other disadvantaged and socially discriminated groups to address demand-side constraints.
- Expanding economic opportunities for women and the poor through multiple channels of credit and support services – microfinance institutions, cooperatives and the creation of specifically targeted lending funds.
- Targeted programmes including social security for specific social groups such as the Badi,¹⁸ Dalits, marginalized Adivasis/Janajatis, people with disabilities and widows.
- Providing a relatively open space

for INGOs/NGOs to participate in development activities, voice their concerns (See Chapter 4) and hold the concerned authorities accountable.

3.3.1 Gender and social inclusion policy

Initially developed as part of the Local Governance and Community Development Program (LGCDP) with assistance from 15 development partners, the GESI approach has been adopted for all local development and major sector programmes. GESI approach implementation begins with systematically identifying barriers that women and other social groups may face in taking advantage of a given policy or programme. Once the problems have been identified, GESI incorporates mechanisms to help the disadvantaged groups overcome the barriers – including a monitoring and evaluation (M&E) system that provides disaggregated data for tracking both gender and inclusion outcomes.¹⁹ All development plans since the 2007 TYIP have adopted this approach in planning, programming, and monitoring and evaluation. Detailed, sector-wise guidelines have been developed for agriculture, forestry, irrigation, rural infrastructure, education, health, and water supply and sanitation. Development partners are involved on a large scale in all of these sectors.

Several acts and regulations have been reformulated and amended with the GESI approach in mind. From an economic viewpoint, important changes have been made in industrial and labour policies, technical training and migration policies to make

them gender responsive, as well as inclusive. The 2007 TYIP specifically aimed to create employment opportunities for women, Dalits, Adivasis/Janajatis, people with disabilities and other disadvantaged groups. It set quantitative targets for skills training for these groups, as well as provisions to ensure a gender-friendly, equitable and safe work place. Similarly, migrant worker policies were also put in place. The first ever Labour and Employment Policy, enacted in 2005, incorporates the principle of right to work as required by the Interim Constitution. It aims to ensure equal access to employment for women, Dalits, Adivasis/Janajatis, Madhesis, Muslims and persons with disabilities. Specific programmes and interventions included eliminating gender, ethnic and other forms of discrimination when entering the workplace as well as in career development. There is also a focus on affirmative action in hiring/training policies for women and excluded groups, to ensure gender and diversity-friendly workplaces, and stringent legal provisions as well as enforcement to combat sexual harassment in the workplace.

The Labour Act, 2014, was introduced in Parliament to amend and unify labour-related laws as per the GESI policy. The Act includes several new worker benefits such as a provident fund, sick and annual leave, mourning leave, festival pay equal to one month's basic remuneration, and life and medical insurance benefits. The Act also entitles temporary and casual workers to some benefits from the day of employment. The Act prohibits employers from discriminating against a worker on the basis of religion, race, sex, ethnicity, origin, language or ideology. Equal wage for equal value of work is also specified.

Most importantly for women, the Act

provides for maternity leave of up to 60 days with full pay and an additional one month on doctors' advice. The Act also provides for infant care leave for the father if the mother dies within sixty days of the birth of the infant. For female workers required to travel before sunrise and after sunset, the Act calls for a transportation provision. Sexual abuse by anybody, employer or worker, is made punishable under law. These provisions are in addition to existing workplace regulations which require female toilets and day-care centers. A new provision has been added to regulate working conditions for domestic workers, including leave and remuneration. The Act also requires the inclusion of four women representatives in the (to be established) Central Labour Advisory Council of 14 members, two among the seven employer representatives and two among the seven worker representatives. The Central Labour Advisory Council will advise the government on labour-related issues.

Similarly, the Foreign Employment Act, 2007 has a major focus on facilitating equal opportunity for all in foreign employment. It specifically calls for protecting the rights of women and ensuring the representation of women on the management boards. Although women constitute only 6 percent²⁰ of current migrants working abroad, their proportion is increasing and they face multiple risks (See Chapter 2). The National Safe Migration Strategic Action Plan is in the process of approval. This Plan seeks to strengthen the gender and inclusion responsiveness of the institutions involved in handling migration – including Nepal's foreign embassies and consulates. The strengthening strategies include training, reinforcement of human and financial resources, signing labour agreements with destination countries, and orientation and

training of the aspirants as per the demand in the foreign market.²¹

3.3.2 Gender responsive budgeting

Nepal began GRB exercises in the 2007/2008 fiscal year²² with the assistance of UN Women. This was preceded by a series of gender budget audits (GBA) of several sectors.²³ GRB is the most important instrument adopted in Nepal to ensure that adequate resources are allocated to fulfill national and international commitments to gender equality and women’s empowerment. Because it involves annual assessment and accountability to Parliament, GRB is also expected to monitor spending as well as the progress of gender equality and empowerment programmes. All development ministries and departments are required to present their budget demands in the GRB classification. This process is overseen by a Gender Responsive Budget Committee (GRBC) led by the joint secretary who heads the Budget Division in the Ministry of Finance.

GRB guidelines require sector demands to be accompanied by their evaluation as per the GRB criteria and detailed indicators. Each proposed programme has to be scored in accordance with five criteria and indicators, which vary by ministry. Indicative indicators have been developed in detail for peace and reconstruction, agriculture, livestock, forestry,

physical infrastructure, industry, education, health and local development. Unified guidelines for other sectors are yet to be developed. The GRB guidelines and indicators take into account women’s participation in the formulation and implementation of programmes, provisions for capacity building, share in benefits and overall impact on reducing women’s workload.²⁴ Each criteria is allocated certain marks, which together total 100. Programmes scoring 50 points or more are classified as “directly gender responsive,” those scoring 20 to 50 points “indirectly responsive” and those scoring less than 20 points as “neutral”. The GRB approach attempts to make development programmes more responsive to women as well as to Dalits, Janajatis/Adivasis, Madhesis, Muslims and other disadvantaged groups.

Overall, the government of Nepal’s budget allocations to directly and indirectly gender responsive programmes has been increasing slowly, as noted in Table 3.1, since GRB was introduced.²⁵

The application of GESI and GRB policies to sector programmes is expected to increase women’s access to sector resources. Yet, even the chapter on gender in the development plans only lays down objectives, strategies, policies and programmes with no planning for resources. Nepal’s development plans show intended allocations by sectors, and not by objectives; currently, it is not possible to say precisely how much money has been spent on reducing gender inequality in each sector or in total. GRB categories only show how much money has been allocated taking into account gender concerns. As to the resources from the development partners, most flow through the government within the framework of the development plans and are sector focused as well.²⁶ Policy-makers say²⁷ that, “The Medium

TABLE 3.1
Gender Responsiveness of Overall Budgetary Allocations of Overall Budgetary Allocations

GRB classification	2008/09	2010/11	2012/13	2014/15
Directly responsive	13.9	17.9	21.7	21.9
Indirectly responsive	35.4	36.3	44.1	45.0
Neutral	50.6	45.7	34.4	33.0
Total*	100.0	100.0	100.0	100.0

*Totals may not tally due to rounding.

Source: Government of Nepal, budget speeches for respective years.

Term Expenditure Framework for beyond 2015," which is under construction, will be redesigned to show expenditure by objectives of the SDGs.

Local development policies: Local-level development policies are considered extremely important for institutionalizing democracy. These policies place special emphasis on gender and inclusion as cross-cutting issues. The Ministry of Federal Affairs and Local Development (MoFALD), which oversees the implementation of these policies and channels funds to DDCs and VDCs, receives about 10-12 percent of the total budgetary resources. About 25 percent of a ministry's budget is transferred as grants to DDCs and VDCs depending on the programme.²⁸ All allocations under these grants are required to accord priority to women and other disadvantaged social groups; involve them in programming and participatory monitoring; allocate 10 percent of the central grants to address women's specific needs and priorities; and allocate an additional 10 percent for children and 15 percent for Dalits, Janajatis/Adivasis and other disadvantaged sections of the population.

A recent nation-wide evaluation of GESI application in local development²⁹ notes that budget allocations did not quite follow the rules (See Chapter 4 for more details on participation). Often the percent allocated to women's programmes was less than the statutory requirement of 10 percent. The primary reason cited is the slow process of funds transmission to the DDCs and VDCs that make proper programme implementation difficult. Other reports³⁰ have indicated additional factors to explain the lack of compliance in GESI implementation generally. First, there are a multiplicity of instructions and guidelines. Second, the complicated language

of the written rules and their limited availability at the local level hampers compliance. Third, the misuse of funds by the local political party leaders, who in reality control the distribution of resources, is reported regularly in evaluations.

Specific concessions and rebates to women in fees, charges and taxes: In recent years, the government has provided for a number of concessions and rebates to women. Key among these is the revision of land and house transfer regulations to grant rebates on registration fees (30 percent in rural areas and 25 percent in urban areas) to women. Similar rates apply if the property is bought jointly, in the names of both husband and wife. The transfer of land and house between husband and wife commands only a 100 rupee registration fee, as opposed to 7 percent of the land and house value on regular transactions. In addition, women also get a 10 percent rebate on income tax.

Large scale investment in the capacity-building of women and other socially disadvantaged groups: In many other countries the impact of structural adjustment programmes included curtailment of social spending. This was not the case in Nepal, where government investment in education and health has increased steadily in current prices. It has, however, fluctuated as a proportion of GDP, indicating an uneven trend in real terms. The diversion of resources to maintain internal security, bulk spending on physical infrastructure and varied fund flow from development partners have made an impact on this trend (See Table 3.1, Annex 3).

In the 2014/15 fiscal year, the government allocated about 14 percent of its total budget to education and only five percent to the health sector. With gender equality and inclusion as the major cross-cutting strategy,

TABLE 3.2

Table 3.2 Share of MDGs in health budget allocation, 2006/07-2010/11

Fiscal Year\MDGs	MDG 4	MDG 5	MDG 6
2006/07	14.6	6.2	10.5
2007/08	12.8	9.2	8.2
2008/09	16.7	11.0	6.6
2009/10	10.7	12.3	7.3
2010/11	10.1	11.7	7.3

Source: Tewari et al, 2012; Budget Analysis, 2011/12; MOHP/NHSSP, 2012; cited in Shrestha, 2012, p 7-8.

and the focus on human development during the Tenth Plan/PRSP period, gender mainstreaming efforts in all programmes and plans were strengthened. The gender responsiveness of the education and health budgets has been increasing since 2007/2008 (See Table 3.2, Annex 3). In the current fiscal year, 65 percent of the education budget and 53 percent of the health budget are classified as directly gender responsive. The rest of

the allocations in these sectors are indirectly gender responsive, meaning that expenditure items within this group score between 20-50 points in the GRB scoring system.

Over the years, about one third of the health budget has been allocated to help attain the MDGs in the sector. In recent years, there has been a shift of budget allocation towards maternal mortality reduction, which falls under MDG 5. The table 3.2 highlights the budget share for MDG 4 (reduce child mortality), MDG 5 (improve maternal health) and MDG 6 (combat HIV/AIDS, Malaria and TB).

Despite large investments in expanding basic education and health facilities, inequality in outcomes for women and girls as well as the marginalized castes/ethnicities, especially Dalits, Muslim and Madhesi women had emerged as a major issue by the early 2000s (See Section 3.5 below). Until then, government investment was more focused on increasing outreach

BOX 3.1

Specific measures in the School Sector Reform Program II currently under implementation to address gender and inclusion issues

- Free and compulsory basic education.
- Girl child friendly school environment (construction of female toilets, hiring female teachers).
- Multilingual school education.
- Minimum enabling conditions for quality education.
- Specific support to marginalized and HIV/AIDS affected children.
- Provision of large-scale scholarships for girls and children from marginalized ethnic communities and areas.
- Affirmative action in recruitment to ensure appointment of women teachers and those from disadvantaged communities.
- Effective community management of schools.
- Provision of early childhood education in schools.
- Informal education.

Source: MoE, 2009 SSRP (2009 -2015).

by strengthening the supply side. Since then, the focus of government policies has shifted to addressing the demand side constraints of women, girls and specific marginalized

communities such as Dalits, and improving the quality of services. Boxes 3.1 and 3.2 feature the specific policies adopted in the two areas.

BOX 3.2

The Aama (mother) programme provides incentives to women, service providers and the health facilities

The incentives are as follows:

- A cash payment to cover the transport costs incurred for a facility-based delivery was introduced in 2005. The payments amount to NRs 1,500 (US\$ 19) in the mountains, NRs 1,000 (US\$ 13) in the hills and NRs 500 (US\$ 7) in the Tarai.
- Cash payments to health facilities for the provision of free obstetric care was introduced in 2009. For a normal delivery, small health facilities (fewer than 25 beds) receive NRs 1,000 (US\$ 13) and larger facilities (more than 25 beds) receive NRs 1,500 (US\$ 19). For complicated deliveries, health facilities receive NRs 3,000 (US\$ 38) and for Caesarean deliveries NRs 7,000 (US\$ 88).
- Grassroots health workers receive NRs 100 (US\$ 1.2) for every home birth they assist in.
- As per a policy introduced in 2009, NRs 400 (US\$ 4.5) is provided to women on completion of four ante natal care (ANC) visits in the fourth, sixth, eighth and ninth months of pregnancy.

Other programmes to address poverty and exclusion include:

- Addressing GBV in GESI policy and provision for the establishment of hospital-based One-Stop Crisis Management Centers (OCMCs) (See Chapter 2 for details).
- Free services and medicine for basic health and some common diseases.
- Free hospital services for older people.
- Cash grants up to a ceiling for those suffering serious diseases such as cancer, cardiovascular illnesses and kidney failure.

Source: Khanal, 2012.

3.4 INVESTMENT POLICIES AND THE PRIVATE SECTOR

3.4.1 Government policies

The Nepalese economy is primarily driven by the private sector. The government's priority since the beginning of planned economic development in the mid-1950s has been to encourage private investment for growth. Despite the emphasis on building a gender-just and equitable society in post-2006 development plans, the private sector is still seen as the main engine of growth. With the implementation of structural adjustment programmes in 1992, whereby even social and physical infrastructure such as health, education and transportation were opened to private and foreign direct investment (FDI), such policies have been strengthened. Currently, efforts have been intensified to facilitate FDI, although the overall emphasis on equitable development and broad-based growth remains.

The government is using two strategies to try and attain the twin objectives of accelerated growth and equitable distribution. Firstly, the government is inserting social and environmental conditions in investment promotion policies. Secondly, it is strengthening the tripartite mechanisms (government, investors and trade unions) for labour dispute resolution while allowing hiring and firing freedoms by the investors. The focus is on reducing government intervention in the private sector, reforming labour laws, and making property rights and FDI more secure.

Markets and the private sector-led development are not inherently responsive to gender equality or inclusion. Markets structurally respond only to profits and

demand backed by resources; women's limited access to income, assets and skills makes them unattractive to service providers. Though in Nepal no comprehensive studies are available on the impact of structural adjustment policies, overall studies such as Acharya, et al (2003), indicate that women lost jobs in the food processing, carpet and textile industries. Internationally, structural adjustment policies with an exclusive emphasis on promoting private investment have been found to adversely impact the competitive positions of women in all four roles: labour, entrepreneur, homemaker and consumer.³¹ Social inclusion, including that of women, will not be possible unless specific safeguards are also integrated in the reform initiatives. While the government has taken note of this limitation in formulating some policies, other policies although aware of the need for social inclusion, fail to mention gender concerns specifically.

The Industrial Policy, 2010 is an example of a policy which takes social inclusion, and specifically gender-based inclusion, into account. The policy requires the following:

- Mandatory representation of women, Janajatis/Adivasis, Madhesis and other marginalized populations in all industrial and commercial policy-making bodies, including the Central Industrial Promotion Board.
- Simplification of procedures for group loans to women entrepreneurs from the banks and cooperatives.
- Priority to women entrepreneurs in granting venture capital as well as

allocation of space inside the industrial estate and the government sales depots.

- Rebates of 35 percent and 20 percent on fees for registration of industry and trademark respectively.
- Establishment of a separate women's entrepreneurship development fund and special export loans.

In addition to these direct measures, the Policy also makes it mandatory to include women entrepreneurs in seminars, educational trips, trade fairs and technology-related trainings organized by government agencies. A separate programme for the development of women's entrepreneurship, with a separate unit in the Ministry of Industry to manage it, is also mentioned in the Policy. Similarly, the Policy also says that a workplace guideline will be prepared and implemented to protect the rights of women workers and women customers from violence in the workplace. Further, the Policy states that gender analysis, audit and assessment of all plans and programmes will be undertaken along with the implementation of GRB. An act to control VAW in the workplace has already been passed.

Two boards, one for larger industries and one for cottage and small industries, are proposed. In the 25-member Industrial Promotion Board, women's representation is ensured by requiring one woman each among the four government-nominated experts and three members to be nominated by the trade unions. In the 16-member Micro, Cottage and Small Industry Promotion Board, two women entrepreneurs engaged in cottage and small industries are to be nominated by the government. Yet, the MoWCSW is not represented in either of the Boards.

However, other current policies, particularly the draft Foreign Investment Policy (FIP), 2014

does not seem to acknowledge the need to pay attention to social and gender concerns. Priority areas for foreign investment include hydropower (generation and transmission), transport, infrastructure, agro and herbs processing industries, tourism, minerals and manufacturing industries. All of these sectors are important for employment generation and may be assumed to benefit women equally. Although no figure on product wise engagement of women entrepreneurs or their total number are available, partial studies³² do show that the agro and herb processing industries, and tourism currently involve small women entrepreneurs on a substantial scale. How large scale FDI in such industries is expected to impact women, how their rights over knowledge of traditional local medicines will be protected and how they will be integrated into the value chain is not clear. The FIP has not paid attention to these issues. The FIP also specifies that foreign investors are encouraged to invest in developing SEZs and EPZs, all areas where strikes, lockouts and blockades will be banned. Other countries' experiences with EPZs and SEZs have shown that these forms of industrial locations, though they do employ women, impact them adversely in the long run. Much as these issues need attention, the 17-member Foreign Investment Promotion Council has only one woman, a nominated expert. The MoWCSW does not feature either as a member or among the ministries which may be invited to the meetings.

At the same time, although the FIP does not spell it out, the newer hydropower project agreements, for example Arun III Power Development Agreement,³³ do contain social clauses specifying requirements for share distribution to the locals, environmental protection and community development in the

area impacted, and adequate compensation for land and property. Another positive example is the current practice of share distribution to the locals near hydropower projects by individual and not by households. This can include women, and may be expected to strengthen the asset positions of women. Because the shares have to be bought, the Act allows credit to be obtained from the banks by pledging the shares. No other assets are required for loans.

As positive as these clauses are, accountability gaps are still visible. For example, women are not specified in any of the clauses. Instead, they imagine a gender neutral community which encompasses everyone. In practice, when not specified, women are often ignored in benefit sharing plans. The community development programmes should clearly demonstrate special attention to women. For example, the programmes should include measures to combat VAWG, technical training for girls, strategies to promote women entrepreneurs and guidelines to ensure women's participation in trainings.

The private sector³⁴

A number of federations and associations such as The Federation of Nepalese Chambers of Commerce and Industry (FNCCI), Nepal Chamber of Commerce (NCC), The Confederation of Nepalese Industries (CNI) and others (See below) have been formed by private business establishments to facilitate cooperation and coordinate advocacy on issues that interest them. In addition, there is a collaborative public-private entity, the Nepal Business Forum (NBF). Established in 2010, the NBF is Nepal's first national platform for public-private dialogue on issues around the prevailing investment climate. The Forum is chaired by the ruling prime minister and its members include several ministries and

federations of the private sector, organized to promote the interests of the relevant stakeholders.

Currently, almost all of the federations have some women on their boards/councils. They also have special committees/groups to promote women entrepreneurs as well as safeguard their interests and special programmes to promote them (See Table 3.3). Women entrepreneurs have also formed their own associations and federated into a national apex body, the Federation of Women Entrepreneurs Association of Nepal (FWEAN).

The following section briefly summarizes the objectives and gender inclusion situation of the NBF and in each of the existing federations.

The *Nepal Business Forum's* (NBF) objective is to accelerate and facilitate the investment reform process by providing the government and the private sector with a structured, transparent and results-oriented mechanism through which they can voice concerns, seek solutions and drive progress. Chaired by the prime minister, the NBF high-level committee has 75 members including senior government policymakers as well as representatives from the private sector, civil society, economists, academicians and development partners.

The NBF has provisions for nine working groups, one of which is the Women Entrepreneurship Development Group. Each working group is led by co-chairs from both the public and private sectors. The public sector co-chair is often the secretary of the relevant ministry while the private sector co-chair is the president of the relevant umbrella private sector organization/association. In the case of the women's group, the representative is the FWEAN president. As per the NBF provisions, there is no requirement to have women representatives in other working groups, which relate to business environment,

TABLE 3.3
Women members in the executive boards/committees in private sector federations

Organization	Number of members		
	Total	Women	% Women
NBF	75	Not fixed	
FNCCI	78	4	5
CNI	7	0	0
NCC	41	1	2
FNCSI	57	9	16
FHAN	23	3	13

Source: Websites of the respective institutions as listed in the reference, emails and interviews.

labour relations and industrial security, financing and insurance, export promotion and trade, and tourism.

The *Federation of Nepalese Chambers of Commerce and Industry* (FNCCI) is an umbrella organization established in 1965 with the aim of promoting business and industry while protecting the rights and interests of business and industrial communities.³⁵ One of its current goals is to create awareness and support for business and industry on issues affecting business such as quality, social responsibility, corporate governance, HIV/AIDS, child labour and the environment. FNCCI has been playing a key role in promoting business and industry in the country by providing inter alia, information, advisory, consultative, promotional and representative services to businesses and government. It also organizes trainings, workshops and seminars on a regular basis. The FNCCI is represented in almost all national councils, boards, committees and policy advisory bodies concerned with business and industry. Currently, it has a 78-member executive committee, most of whom are elected and with a few ex-officio members. Of the 78 members, four are women.

The FNCCI Statute includes a clause calling for women’s representation at all decision-making levels. The Statute also requires the federation to form a Women’s Entrepreneur Development Committee. The Committee officials and members are nominated by the president of FNCCI on the advice of its executive board. The FNCCI General Assembly has also passed a clause making it mandatory to include at least one woman entrepreneur in the executive bodies of all member associations. The FNCCI itself has a specific policy to promote women’s entrepreneurship and has a Women’s Committee and a Women’s Section in its Secretariat.

To date, the Central Women’s Committee has organized Women’s Committees in 43 districts. It has also lobbied with the government for a separate policy for the development and promotion of women entrepreneurs, promoted women entrepreneurs in local raw material-based manufacturing, as well as advised and provided information on available services, rebates and other business related matters to women.

The *Confederation of Nepalese Industries* (CNI) and the Kathmandu-based *Nepal Chamber of Commerce* (NCC) are two more large institutions working in the private sector. CNI has five women on its council of 33 members, but no women on its nine-member board. NCC has one woman on its 41-member board. Both CNI and NCC have a committee/group to work on the promotion and development of its women members. The committee/group formulates policies and plans of action for the development of women’s entrepreneurship and recommends them to their respective executives.

The *Federation of Nepal Cottage and Small Industries* (FNCSI) has an executive committee

of 27 elected members and 14 ex-officio and nominated members. The secretary of the Central Women Entrepreneurs' Committee is an ex-officio member of the executive and also the management committee. A special election takes place for the members of the Central Women Entrepreneurs' Committee and its officials. Women's Committees are organized in each district and large cities. The Committee is responsible for making policies and plans for promoting and helping in the growth of women's enterprises. They pursue this goal through workshops, trainings, exhibitions and other activities as required. They also make recommendations to the Federation's executive committee.

The *Federation of Handicraft Association of Nepal (FHAN)* is a very important institution for women handicraft producers. In a recent exhibition of women's handicrafts, they sold goods worth NRs 500,000. Despite its commercial success, FHAN is just in the process of forming a women's committee and policies on women entrepreneurs. The FHAN board of 23 members includes three women while its nine-member secretariat has five women.

From the above overview, it is evident that most federations have clauses requiring them to include women at decision-making levels. None of the federations, however, have any requirement for the gender

BOX 3.3

Statement of the CEOs of the four NRNA member business houses who signed the United Nation's Global Compact with the UN Women Nepal Office on 08 March 2015

As the CEO of MIT Group, Mr. Ghale pledged "to employ more women in my upcoming company and to provide them with equal opportunities so that they can best use their significant knowledge, skills and remittances to support their families and communities. I will support and join hands with UN Women to motivate other private sector actors through sustained dialogue."

Mr. Shisheer Bhatta, CEO of TBi Group Nepal, stated: "I am committed to increase women's participation by 30 percent from the current 20 percent by the end of 2016. Women already represent 50 percent of my staff in about 100 restaurants in Japan, and I will gradually explore possibilities to train and promote them for higher positions. I will also allocate a page for women's economic empowerment in my newspaper Karobar."

Ms. Manisha Shrestha Dangol, CEO of London Fashion House, pledged that by the end of 2016 her company will ensure that at least 50 percent of women will be involved in tailoring and embroidery work that is usually done by men.

Mr. Anil Karna, CEO of Best Remit, pledged that by the end of 2015 women would represent 50 percent of staff from the current 38 percent at the company. He promised that his company will introduce zero tolerance of sexual harassment, and adopt a sexual harassment policy. He also added: "Our company will award Nrs.100, 000 to journalists each year for covering issues on how remittances are best used in productive businesses that contributes to improved livelihood."

Source: <http://asiapacific.unwomen.org/en/news-and-events/stories/2015/03/equality-means-business>.

responsiveness of its member business establishments; no information is available on how gender and inclusion are treated in their member establishments. Further, how these establishments are fulfilling their social responsibilities is equally unclear, although a few have opened hospitals, contributed to schools and scholarships, and built temples. From daily reporting in newspapers, it is also clear that only a few individual establishments have institutionalized social responsibility in terms of fair business behavior, fair

trade, quality of products, and safety of the environment and consumers.

Individual private sector institutions are also implementing their own initiatives to empower women and ensure their economic rights. A landmark example is the agreement signed by four members of the Non Resident Nepali Association (NRNA) with UN Women, Nepal Office, on the occasion of the 105th International Women's Day, 8 March 2015, to uphold the United Nation's Global Compact³⁶ on women's empowerment principles³⁷ (See Box 3.3 for their pledges).

3.5 STRUCTURAL UNDERLYING CAUSES AND RISK FACTORS THAT IMPEDE WOMEN

In the preceding sections, there has been some discussion on the reality that structural factors such as entrenched social norms, stereotyping and relatively weaker asset, income and educational positions hamper women's competitive strength in the market in all three capacities: as employers/entrepreneurs, as wage/salary workers, and as consumers. This section discusses these issues in greater detail.

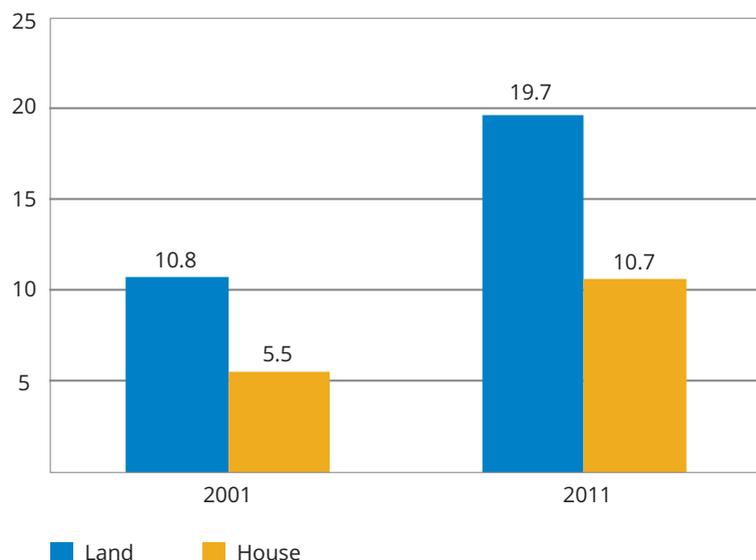
3.5.1 Barriers to women accessing resources

Women in Nepal, as women in other countries of South Asia,³⁸ have much lower access to land and property than men. Despite the fact that the Interim Constitution provides for equal inheritance rights of daughters, regulations, procedural guidelines and an easy complaint mechanism are yet to be developed. Consequently, the proportion

of households in which women owned land was only about 20 percent in 2011,³⁹ which is an increase from 10.8 percent in 2001. This contrasts sharply with the fact that 77 percent of the total number of households had agricultural land.⁴⁰ Similarly, the average size of women-owned land was 0.06 hectares, a miniscule amount compared to the 0.38 hectares owned by average households.⁴¹ The percent of households with women who owned a house increased from 5.5 percent to 10.7 percent between 2001 and 2011.⁴² This, again, is a minuscule figure when 85 percent of all households were reported to be living in their own houses.

When looking at the above numbers, it is important to keep in mind the issue of de facto ownership. The land or house being in a woman's name does give her some formal leverage in household decisions on property

CHART 3.1
Households with women's ownership of land and house



Source: Census, 2011.

matters. However, the social acceptance of women's subordinate position in these matters, her lower educational levels and exposure to the outside world, and the social legitimacy of VAW mean that women have little real power to use this leverage.

3.5.2 Inadequate access to credit and support services

The government has established several funds, as mentioned earlier, for targeted lending. Women can and do borrow from these funds and benefit from them as reflected in the statistics below.

- Micro-finance institutions play the largest role in targeted lending. They lend primarily to women's groups. By May 2013, there were 35 micro-finance institutions registered with Nepal Rastra Bank serving in all 75 districts of Nepal.⁴³ By the above reporting date, they had a

total group membership of 1.5 million out of which 1 million had taken credit. The total disbursement was NRs. 181 billion. There are many more formal and informal groups implementing savings and credit programmes, which are run by NGOs. Such micro-credit institutions have been acclaimed nationally and internationally not only for increased household income but equally for the social and political empowerment of women,⁴⁴ leading to deeper social transformation. But these programmes have also been unable to reach the very poor, a group in which women predominate.⁴⁵ In Nepal, no data is available to show this in terms of income poverty, but other indicators such as girls' and women's relatively lower access to education and health services in the poor households do indicate that in situations of resource scarcity, women are the ones who suffer most.⁴⁶

- By mid-July 2014, a total of 31,179 primary cooperative societies were registered with the Department of Cooperatives with 4.6 million members, of which 46 percent were women. The boards of all cooperatives had 33 percent female membership. There were 3,656 women-only cooperatives. The credit cooperatives among them had mobilized NRs 158 billion in savings and disbursed NRs. 133.8 billion as loans.⁴⁷ The government is providing up to 50 percent in grants to purchase machinery and sheds for small and medium agri-businesses initiated by the women-only cooperatives. These have enabled poor women to start small businesses. One such example is presented in Case 3.1.
- As of mid-July 2014, 25,139 community organizations (COs) (with 30 to 35

CASE 3.1

Micro-credit institutions and cooperatives help women to overcome poverty

Annapurna Post, 14 November 2014

Ms. Poonam and Bishal became acquainted with each other when they were working in a meat factory in New Delhi, India. Poonam had been living in India for 18 years, since her father started working for the Indian Army. Her outlook and fashion looked like an Indian. Bishal had migrated to India to work. He was from the Myagdi district of Nepal. As they met regularly in the workplace, they became closer to each other. Their acquaintance gradually turned into a love affair. Eventually, they got married and decided to come and live in Myagdi-Dagnam VDC of Nepal. When they arrived in Myagdi, Nepal, to their dismay, they could not find suitable jobs. Without an income, life was difficult. As they had not asked permission from their families to get married, their families did not support them. Poonam gave birth to two daughters. This made their lives even more difficult and made them desperate to find suitable employment opportunities to meet the household expenses.

Poonam then thought of selling Chatpate (a hot, sour and salty crunchy snack) in the village. Although it was a new venture in the hill village, they decided to try it. Her total investment came to around NRs. 18,000 and she had only NRs. 12,000. She took a NRs. 6,000 loan from the local Dhaulagari Women Development Multipurpose Cooperative Society and started the business. Initially everybody was curious and a bit skeptical in the village. Nevertheless, she continued to sell her Chatpate. Some people even laughed at her, but she did not mind.

These days she can be found on the grounds of Janata Secondary School from 12 until 2 pm selling Chapate to the students. Then she visits Danda Gaun and Jethi Gaun till the evening. She returns to her home in the evening with a bag full of money. She happily says, "the bag is empty when I go out in the morning and becomes full when I return home in the evening." Now her household expenses are met by the proceeds of the sales. She has also enrolled her two daughters in first and second grades in primary school and she has already paid back the loan. She has additionally saved ten thousand rupees. These days she is known as "Chatpate didi" in the village schools. She tells the visitors, "Generally my daily sale is about NRs 1500 out of which I earn NRs 500 and in the Mela (village fair), I could sell up to NRs 3000 Chatpate, which gives me an average income of NRs 15,000 per month." Three months back, Bishal had gone back to India to work. The transport expenses for Bishal's travel were also met from her income. She says, "As my husband is also earning these days, it is now easier to take care of our parents."

households per CO) were registered in the Poverty Alleviation Fund programme; 60 percent of the members were women, Dalits, Janajatis and Muslims.⁴⁸ As part of this programme, every CO must have at least 50 percent of its members be women, and women must be represented in key positions on the executive board. As of the above date, women constituted 64 percent of the key position holders on the executive boards of the COs.

Enterprise development and other trainings are also provided to the COs, especially directed at women members. By mid-July 2014, the PAF had disbursed a total of NRs 10 billion as loans to COs for income generation sub-projects since its establishment in 2004. The disbursement for the year 2013/14 was NRs 715 million.⁴⁹

- By 30 November 2014, 22,043 youths had borrowed from the Youth and Small

Entrepreneurs Self-employment Fund through its two funding channels, the cooperatives and the banks. Of the total number of borrowers, 43 percent were women. The Fund provides loans of up to NRs. 200,000 to youths between 18-50 years while groups can borrow up to NRs 50 lakhs. Loans accessed from this Fund may be for commercial farming and agro-based industries. There are, however, no specific provisions targeted at women. The loans are provided at 12 percent interest, 60 percent of which is reimbursed when the loan is paid back. The Fund also pays the insurance premium of the borrowers.⁵⁰

- Another source of micro-credit for women is the Women Development Program⁵¹ (WDP) in all 75 districts. By mid-July 2014, 150,842 groups of women with a total membership of nearly 892,474 individuals were associated with this programme.⁵² Of which 16 percent were Dalits, nearly 34 percent Janajati and 51 percent were constituted by other cast groups. A total of 1,636 women's cooperatives had been registered with the Department of Cooperatives with the support of WDOs. An additional 157 women's cooperatives were undertaking the registration process. The program had mobilized NRs. 2.6 billion in savings and disbursed NRs. 2.5 billion as loans. Initially funded by UNICEF as part of the Production Credit for Rural Women (PCRW) project, and later on by other donors, the programme has been entirely funded from the government budget since 2010,⁵³ with some occasional minor assistance from development partners for specific components at the local level.

Women have definitely benefitted as illustrated by cases 3.1 and 3.2 from these credit programs. Nonetheless, women still have problems accessing credit. An imperfect estimate in 2007⁵⁴ showed that women accounted for less than two percent of the total outstanding credit of the formal banking and credit institutions in mid-July 2005. There is no regularly compiled information as to how much of the financial sector credit is going to women in total so as to evaluate the changes since 2005. There are institutional duplications and adding up all institutional credit is not a perfect indicator of women's share in total credit either.

Surveys, individual women entrepreneurs and FWEAN representatives do indicate that women still have problems accessing adequate credit and other support services for successful entrepreneurship. Generally, doing business in Nepal is considered difficult; Nepal ranks only 108th on the World Bank's Doing Business Index.⁵⁵ As this ranking demonstrates, running a business is difficult for everyone in Nepal. But women face additional barriers based solely on their gender. For example, in two⁵⁶ surveys of women entrepreneurs – one of vegetable farmers and the other of small manufacturers – the respondents said that they face problems in accessing capital/ credit, marketing, technology and information (See Box 3.3). Even established women's enterprises face difficulties (See Box 3.4).

3.5.3 Social and institutional barriers

Despite different standards across Nepal's various communities in what constitutes acceptable behaviour for women, women's mobility is generally limited across the board. Among a large section of Nepali women, particularly in the majority Hindu and Muslim communities, *purdah* is idealized, although

BOX 3.4

Constraints faced by rural women micro-entrepreneurs

1. The major constraint women entrepreneurs faced was the double burden of managing the enterprise and looking after the household. Because of the heavy burden of household chores, they could not travel far to the bigger market centres to procure raw materials/inputs or to sell their products. They depended heavily on the local intermediaries to procure inputs or to sell their products. As such, they had to pay higher prices on low quality inputs that were available locally and also to sell their products at lower prices in the local market.
2. Women entrepreneurs in the villages lacked confidence to travel to the bigger market centres as they were not familiar with the businessmen and the market structure.
3. Women entrepreneurs lacked knowledge of modern technology. This resulted in their products being of low quality and their prices non-competitive. In the case of agricultural products, especially vegetable farming (which is one of the major enterprises taken up by rural women in Nepal), they had to depend on the guesses of the agro-vets, as they themselves and the agro-vets lacked proper information and knowledge on disease management.
4. Due to their household responsibilities, they could not devote adequate time to grading products and quality control, which led to lower returns.
5. As agricultural inputs are subsidized in India, Nepal's agricultural products – especially vegetables – cannot compete with Indian vegetables in the free market. Moreover, the Indian traders buy their products right at the gate of the wholesaler with embedded credit facilities. In contrast, in Nepal, the wholesalers or the collectors had to visit the villages to collect the vegetables and pay immediately in cash. The women entrepreneurs could not sell their products on credit since they had little capital base, which rendered their products less competitive in the market.
6. Women entrepreneurs generally had little bargaining power due to lack of storage facilities for their perishable products in the production centres and the market centres.
7. Women faced infrastructure deficiency, such as female toilets, in the rural markets.
9. The problem of untouchability closed opportunities for Dalit women and men to be engaged in tea shops, vending cooked food, and even milk production, which are low capital and high-return enterprises.
10. Women were disadvantaged due to lack of institutional support in providing information on market supply and demand.

not practiced to the same degree in all areas. The limiting of mobility and contact with the outside world impairs women's self confidence in business deals and puts them at risk of being exploited by intermediaries. Even women with established enterprises have to hire men to run their errands and make deals, which involve additional costs. Women's mobility is curtailed further by violence, which is pervasive in private and public life (See Chapter 2). Most

of all, women are side-lined due to the fact that society does not recognize their economic roles. Even when they contribute as much as men do to the household income, women are not seen as the main bread earners for the family. This societal bias impacts women's chances of being hired for a good job, increases the chances of being the first to be fired in times of crisis and leads to infrastructure deficiency such as lack of toilets.

BOX 3.5

Constraints faced by small and medium enterprises run by women

In an interview conducted on 03 December 2014, Ms. Rita Bhandari, the president of FWEAN, highlighted the following points:

- The government has no specific vision or policy for the development of small and medium enterprises.
- Women entrepreneurs need more fixed and working capital, marketing, production and finance knowledge, and managerial skills. Finance is available to micro-level entrepreneurs but is difficult to access for small and medium women entrepreneurs. As women generally do not have collateral for loans, the scope for expansion is limited. Soft loans and subsidies in packaging are required.
- Due to the entrenched patriarchy, bureaucrats show poor attitudes and are unhelpful in dealing with women entrepreneurs.
- Although government has recently started to involve FWEAN at different levels of policy formulation, their representatives are still bypassed in many decisions. Women entrepreneurs do not get an opportunity to participate in international trade fairs.

Institutional barriers and lax accountability in implementation: In Nepal, as across the world, states have tried to soften the impact of free market policies through a regulatory framework. But even the existing laws are not implemented honestly and regulations may also contradict the law. A glaring example of such a contradiction was the Home Ministry's internal circular, which required a married woman to demonstrate her husband's citizenship even if she wanted to obtain citizenship on the basis of her father's citizenship.⁵⁷ Only recently has the Home Ministry withdrawn this requirement. With daughters now entitled to inheritance rights in the natal home, the birth family is often reluctant to help daughters acquire citizenship papers prior to marriage. This negatively impacts on women's opportunities for doing business and getting a job as citizenship is required for all formal transactions such as the sale or purchase of assets, getting passports,

accessing bank credit, getting into educational institutions and accessing scholarships, receiving social security benefits and of course, voting. Additionally, as evident from daily newspapers and various studies, regulations are not enforced honestly, and leakages in government safety-net programmes are enormous.

Education and health services have similar severe accountability problems in delivery at the grassroots level. Many rural health posts suffer from lack of facilities for providing emergency maternity delivery services. Whatever resources are available are also not managed properly. Meanwhile, community schools are unable to compete with private schools in providing quality education despite more resources allocated per student and facilities. Party politics has severely impaired schools' abilities to function properly as teachers are recruited on the basis of party allegiance rather than teaching quality. The

MoWCSW, the district WCOs and the GESI units all complain about the lack of knowledgeable human and financial resources for effective implementation of their responsibilities (See Chapter 4). On the other hand, the government's ability to raise internal resources is limited, due to both a small tax base and its inability to enforce its own laws and regulations effectively.

Implementation of both GRB and GESI policies is not uniform across sectors, and monitoring is very poor. For example, only budget allocations are published by GRB categories. One of the most important outcomes expected from GRB was annual monitoring and reporting on progress of gender equality and empowerment programmes to the Parliament and the public.⁵⁸ This was a key goal, as one of the major deficiencies in gender mainstreaming efforts in Nepal has been the lack of monitoring mechanisms and regular monitoring.⁵⁹ But, to date, there has been no progress on this front. While there are an adequate number of women in the Parliament currently, their understanding of GESI and GRB is limited.

Management of the targeted credit funds also suffer from severe regulatory inadequacies. For example, the cooperatives system has an old regulatory framework, inadequate resources and lacks capacity to do effective monitoring, and suffers from significant political party pressure. Severe mismanagement of PAF funds is clear from the recent corruption charges filed against 14 staff members, including the executive director.⁶⁰ In another recent report,⁶¹ local CO leaders from nine hill districts in the far west stated that credit has not been as effective in reducing poverty as it could be. Currently, the default rate is very high and the turnover low.

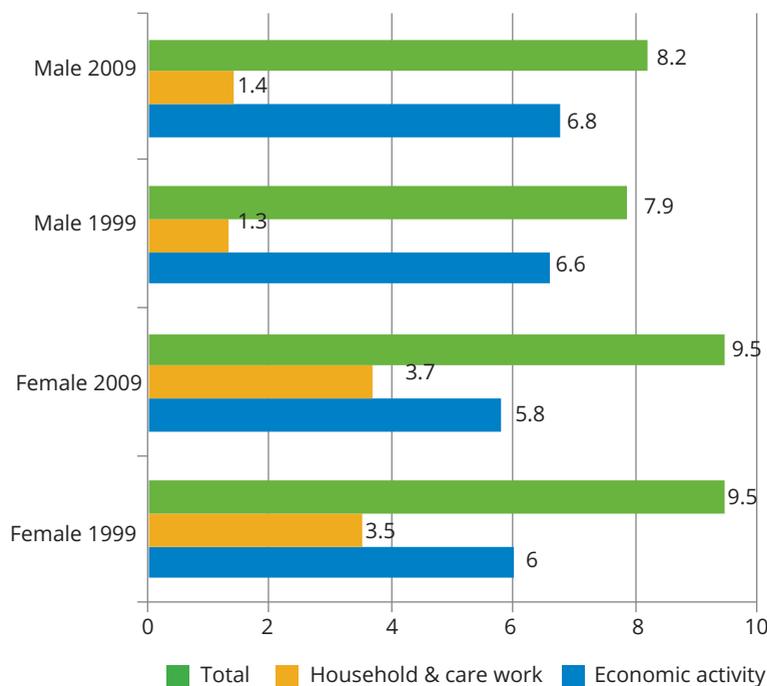
Almost 90 percent of the first borrowers had not paid back the loans in some areas. The programme managers claim that monitoring from the social mobilizers, the VDCs and the DDCs is not adequate. The problem often has its roots in the design of such programmes, which are impractical due to political pressure. For example the definition of youth is 15-50 years of age in the Youth and Small Entrepreneur Self-employment Fund while the pensionable age for government employees is 58 years.

3.5.4 Exclusive responsibility for household and care work and its invisibility in economic statistics

An important continuing issue is that of women's workload and household responsibilities. Repeatedly, women cite their household responsibilities as a major barrier to participation in local and national affairs, getting better regular jobs, improving skills and professional development, and even accessing health services. Children from poorer households are hindered from education because they have to do housework in addition to economic work. In the Nepal Census 2011, 43 percent of economically inactive women cited household chores as the cause of their inactivity, while only less than 5 percent of men gave the same reason for their inactivity. For 80 percent of inactive males, the cause of inactivity was study compared to only 36 percent for women.

A comparison of the time-use data from the Nepal Labour Force Surveys of 1999 and 2008 does not show much change in adult women's total daily work hours or distribution between economic⁶² and household and care work (See Chart 3.2). Another series⁶³ shows that between 1995 and 2010 women's daily work hours have been reduced by 1.4 hours

CHART 3.2
Daily work hours of +15 population by type of activity



Source: Table 3.3, Annex3.

on account of reduction in both economic and household and care work, but more from the reduction in economic work hours. This could be attributable to the reduction of the role of agriculture in the national and the household economy and demise of the village/household crafts.

No significant change is seen from either of the surveys in male-female sharing of household work. With large-scale male migration, there is a clear risk of women's work burden increasing. Women's double work burden is a recognized fact the world over. But in South Asia and in Nepal, early marriage, pressure for early motherhood, lower health status, breaking extended family structures, unavailability of child care services and low access to cleaner technologies for cooking put more stress on women's time.

Current economic theory structurally ignores the role of household level care work in human wellbeing. Moreover, even theoretically recognized economic work may not be reflected in the regular national statistics, which lays down the foundation for macro-economic and sectorial policies. Such policies often increase women's poverty as well as work load, impair women's capacity to work and reduce the capacity of the household to take proper care of the elderly and children. The end result is reduced well-being of the household members.⁶⁴ It is a major challenge to convince policy makers to recognize that allowing women to realize their productive capacities is crucial for exploitation of the full potential of the economy.

3.5.5 Caste and ethnicity divide

A major structural hurdle to ensuring that policies and programmes benefit the poorest women is caste- and ethnicity-based divisions. Discrimination on the basis of caste/ethnicity persists despite policy instructions and detailed guidelines on GESI and GRB. Nepal's caste system restricts social contact among various groups, particularly discriminating against Dalits. Alongside, there has been historical discrimination against ethnic communities and the Madhesi people of the Tarai plains. Consequently, there are notable caste and ethnic differences in access to resources such as education, health facilities and political power. Gender discrimination cuts across all other divisions. A poor, rural Dalit woman faces multiple inequalities because of poverty, her caste, her area of residence and her gender⁶⁵ (Case 3.2 illustrates this well). Reaching poor Dalits and historically marginalized ethnicities has been very difficult programmatically.⁶⁶

CASE 3.2

Gita Mizar, a Dalit woman, could not sell milk from her cow shed – How NGOs can help

Manish Duwadi, *Kathmandu Post*, November 18, 2014

Gita Mizar from Ward no 1 - Dhading Gajuri,

Gita borrowed NRs 25000 from a CBO (Ujjayalo) formed by an NGO - Focus Nepal, supported by PAF. She bought a cow with the loan with the hope that she would be able to meet part of her household expenses and children's school fees from the sale of the milk. To her dismay, nobody in the market purchased milk from her, because of her caste. She couldn't even pay the interest of the loan nor could she meet household expenses or pay for the children's education. She tried to sell the milk to a local cooperative at Gajuri bazaar but the manager refused to buy milk from her with the statement that, "I am sorry, if I buy milk from your cow my other customers will not buy anything from my cooperative shop.

Gita returned back disappointed. Gita says, "we being Dalit the local people and the dairy owner did not purchase the milk." Gita devised a plan and asked her neighbour and friend, Ms. Januka Bhandari, to milk her cow and carry the milk to the dairy cooperative. Januka agreed to keep the cow in her cowshed, milk it and carry the milk to the bazar. Gita was paying NRs 400 a month to Januka for her service.

Gita has one son and one daughter. Her husband has been working in Malaysia for the last 2 years. She has to feed and educate her children from her own income until her husband returns. Ms. Januka Bhandari was supportive to Gita's situation and said that, "In case Gita could not manage to feed the cow she herself fed it and regularly milked it." Gita was selling three liters of milk in the morning and two liters in the evening through Januka's support.

Dalit leader Mr. Shyam Bisunkhe – a local school teacher, says that our society discourages and humiliates Dalit women like Gita who are enterprising. Seeing her condition other Dalit women and youth in the village hesitated to start an enterprise on their own. Although the government has declared untouchability a crime, people still practice untouchability against the Dalits in Nepal. But the situation is slowly changing.

Gita Mizar started to sell milk in the local market

Annapurna Post, November 25, 2014

Gita Mizar has started to sell the milk from her cowshed with help from local human rights activists. The rights activist says, "when we heard about the case of Gita Mizar, we were surprised and vexed as human rights activists. Then we called a meeting of the local chilling center, social workers, villagers and the police and set an atmosphere for Gita to sell her dairy products to the chilling center without problems for either of them. Gita has tied her cow in her own cow shed."

3.5.6 Internationally dominant economic philosophy, foreign aid and FDI dependency

External fund flows are guided by the dominant economic philosophy of the time and countries which are excessively dependent on them have limited policy options in

development programmes. Nearly 16 percent of Nepal's total budget,⁶⁷ accounting for much larger proportions of spending in the education, health, economic, and social service sectors, is funded by development partners. Often the government of Nepal has limited capacity to choose programmes on

the basis of local needs and demands due to excessive dependency on external resources for development. For example, one of the components of the structural adjustment policies and conditionality for aid in the health and education sectors in the early 1990s, was opening the sectors to private investors and the introduction and increase of minimum fees in government facilities. The sectors were opened to the private sector without proper planning or a strong regulatory framework. This has resulted in the current disarray in education and increase in inequality of access to both services. Although we do not have studies to prove how many girls from lower middle class households had to leave their education unfinished, it is a common economic law that price increases do curtail demand. Another example is from the health sector. Family planning was the first programme to receive external funding despite the urgent need for maternal and child health. This shifted with changing international priorities. Even until recently, much emphasis was placed on combating HIV/AIDs, but millions of women with uterine prolapses received little attention until Nepal's Supreme Court declared prolapses as a human rights issue in 2008. Nepal's development plans have always prioritized poverty reduction. But the country had few resources to invest directly for the poor until the international economic philosophy recognized the importance of direct spending on reducing inequality in access to services and resources also as a means of poverty reduction.

Changes in the global market are also a risk. While the financial crisis of 2008/2009 did not have a direct impact on employment in Nepal, it did impact Nepali labour employed in the Arab countries, Korea and Malaysia. The growth rate of remittances declined

as a consequence of the global economic downturn.⁶⁸ Another consequence of the international crisis was a rise in food prices. In Nepal, between 2005/06 and 2012/13, the food and beverage price index more than doubled with an average annual inflation rate of 19 percent.⁶⁹ One cause was the rise of food prices in the international market. Another cause of the food crisis and price rise in Nepal has been the diversion of land to higher cash crops, which are exportable and consumed by higher income groups. More disastrous for Nepal is the impact of the global over-exploitation of environmental resources.⁷⁰ Nepal is experiencing rapid weather changes, increased rates of flooding and landslides, and unseasonable dry spells. All these factors combined have led to regular food crises in many areas. Physical and social infrastructure such as hydropower stations, roads, schools, hospitals, private homes and tourism are impacted adversely. The government of Nepal has limited capacity to cope with these changes. Since women, the elderly and children spend the most time at home, they are disproportionately impacted by these disasters. An example of this disproportionate impact of natural calamities on women is the recent earthquake of 25 April 2015, and the subsequent continuing aftershocks; of the dead, 55 percent were women and girls.⁷¹

Despite the emphasis on ensuring equal access and opportunities to all, larger macro-economic and sectorial policies are still directed primarily at improving the investment climate to promote private and foreign investment in the country. The fiscal and banking sectors, as well as the privatization of government assets, are yet to be considered through inclusion and gender lenses. Most importantly, the government has not made

links between the macro- and meso-economic levels in development planning. Looking comprehensively at private sector promotion policies as well as initiatives for ensuring people's livelihood, food security, gender equality, equitable income distribution and sustainable development, are critical for changing the development paradigm and transforming everyday gender relations.⁷²

Against the backdrop of the numerous institutional gaps, the pending federalization of the country and the current preoccupation with the post-earthquake reconstruction and rehabilitation of the affected population, there is a significant risk of policies and programmes losing their strength during implementation as well as over time. Such set-backs have been a regular phenomenon in the past.

3.6 OVERCOMING THE BARRIERS

3.6.1 Non-government organizations

The government of Nepal has been supportive of the role of NGOs in development activities. Since the Ninth Development Plan, 1992-1997, the government has designated NGOs as partners in development, especially for community mobilization. The number of civil society organizations affiliated with the Social Welfare Council (SWC), the apex body to which all NGOs are required to seek affiliation after registering at the CDO office, has grown enormously. There has been a similar rise in the number of women's programmes registered with the SWC (See Chapter 4).

Women's NGOs that were established in the 1970s and 1980s were largely led by middle-class women and they were mainly involved in implementing traditional skills training on a small scale. Eventually in the 1990s, they focused on micro-credit programmes for women. These groups were oblivious to the power relations which kept women and marginalized groups in perpetual bondage to cultural norms and poverty. The micro-credit activities of the women's NGOs expanded rapidly during the 1990s, but were limited by

their small capital base. They focused primarily on household-level activities for women, such as livestock, kitchen gardening and sometimes vending. Their economic contributions have not been evaluated so far. Only one of these micro-credit organizations has grown into a bank, while most male-established and managed micro-credit institutions have grown into banks along the lines of the Grameen Bank of Bangladesh.

Beginning in the 2000s, women's NGOs started to play larger roles in bringing about social change. In this effort, which has included research, lobbying and lawsuits, the NGOs have worked jointly with women's organizations allied with the political parties, researchers and gender advocates. These coalitions played crucial roles in bringing the issues of women's limited rights to land and property, daughter's unequal rights to parental inheritance and the low representation of women in the state structure at all levels to the forefront. Such advocacy has undoubtedly pressured the government to change the economic laws and initiate various programmes for women's economic empowerment.

In addition to the policy changes reviewed above, another tangible outcome of NGO advocacy was the increased gender responsiveness of regular statistical reporting. The Central Bureau of Statistics (CBS) started collecting and publishing data on women's land and house ownership starting from 2001, through its Housing and Population Census. Further, revision of the Census methodology by CBS has broadened the definition of economic activities to include, for example, the collection of fuel, running small roadside eateries, producing goods for later use in the household and introduced a new category of extended economic activities in the Census results encompassing them.

3.6.2 Women's enterprises and their associations/federations

A large number of women entrepreneurs have started their own businesses over the last 20 years. But it has been difficult to break the glass ceiling. All women entrepreneurs, no matter the size of their enterprise, face multiple barriers in running their businesses as discussed above. To overcome such problems, women entrepreneurs have been forming their own associations and federations and producer groups to manage their business (See Case 3.3 for examples of three such enterprises). Their apex national-level body is the Federation of Women Entrepreneurs Association of Nepal (FWEAN).

FWEAN was established in 2003 as a non-profit organization to cater to the needs of women entrepreneurs. Its core objectives are advocacy and lobbying for women's economic empowerment, creation and promotion of entrepreneurship in rural and urban areas, promotion and empowerment of its member through various programmes and the establishment of WEAN Chapters in

74 districts. Based in Kathmandu, FWEAN is a focal point for interaction not only with the government, but also the various national and international women's organizations.

FWEAN is affiliated to the FNCCI and represented on its executive board. It also is a member of the SAARC Chamber of Commerce and Industry (SCCI). In fact, the president of FWEAN is an executive member of the SCCI, NBF, the National Business Initiative (NBI), the Asia Women's Entrepreneurship Symposium (SAWES) and the Nepal Chamber of Commerce (NCC). FWEAN is also represented on the Board of Trade under the Ministry of Commerce and Supplies. In the NBF's Women Entrepreneurship Development Group, the FWEAN president is the committee co-chair along with the secretary of MoWCSW. The FWEAN president is also included in the women's committees of other federations such as FNCCI, FNCSI, FHAN and NBI.

Among its different activities in recent years, FWEAN has been heavily involved in advocacy for the benefit of its members, and holds national consultation workshops every year to identify issues related to woman's economic empowerment. To date, the visible achievements of advocacy have been as follows:

- Establishment of Women Entrepreneurship Development Fund by the government.
- Assistance to SABAH in establishing the SAARC Woman's Craft Village.
- Advocacy to ensure the provision of collateral-free loans of up to NRs. 500,000 for women from commercial banks at a low interest rate.
- Creation and promotion of entrepreneurship in rural and urban areas.

CASE 3.3

Women joining hands together for economic empowerment

Meera Bhattarai, Executive Director, Association of Craft Producers (ACP).

“We do not expect much support from the government. We achieved this much by helping each other, not because the government helped. We could not get loans even from the bank to build our factory and office building even after years of thriving business. Instead we got a 50 percent down payment facility from a generous individual and we bought this space and building,” said Bhattarai, the Executive Director of the Association of Craft Producers (ACP), a non-profit-making organization registered in 1984 by women craft producers to help each other. Presently, there are 1000 home-based producers and 60 factory workers (Bhattarai prefers to call them producers) who are members of the Association. These producers, 90 percent of whom are women, are from 15 districts across Nepal. Bhattarai herself is a city dweller who grew up in the middle of the capital city, Kathmandu. As she completed her education, she wanted to be independent and help herself and other women to run commercially viable businesses. She was aware of the situation of women in and around the Kathmandu valley, and she thought that if she opened a venture to market the products made by villagers utilizing their traditional skills, she could earn some income for her organization. Alongside, she could increase the household income of the villagers. Starting with simple products, the Association has moved far ahead in the value chain. In the 2013/14 fiscal year, its turnover was NRs 110 million. According to Bhattarai, 50 percent of the income goes to the producers directly. (Interviewed on 03 February 2015)

Shristi Joshi-Malla, President and Rabi Shrestha, Executive Director, SABAH

Started in 2009 with inspiration from SEWA-India, SABAH collects products from its members and producers which it then markets nationally and regionally. SABAH’s main products are handicrafts and knit wear though it has recently begun selling food items produced by home-based workers. Initially supported by the SAARC Development Fund, SABAH has been self-sustaining since 2015. SABAH has 447 producer members and a larger number of associate members who do not produce anything currently but benefit from its awareness raising programmes. Members are mostly from the villages surrounding Kathmandu and Patan. Through marketing support provided by SABAH, the home-based women workers earn around NRs 5,000 to 10,000 monthly, an amount which supplements their household income. In the 2013/14 fiscal year, SABAH’s annual turnover was NRs 24 million. According to the SABAH Executive Director, Mr. Shrestha, 60 percent of the income goes directly to producers, with member income having grown 34 percent in the five years that SABAH has been supporting them. (Interviewed on 02 February 2015)

Rita Bhandari, Chairperson, MAHI

MAHI, meaning where heaven meets earth, is a small association of enterprising women joining hands to market indigenous food products and paper crafts. As with the above two organizations, MAHI also exports its products regionally and globally. MAHI producers are from remote districts such as Jumla, Humla and Jajarkot as well as from around the Kathmandu Valley. Registered as a private limited company, all MAHI shareholders are women from well-off families. It is noteworthy that MAHI is catering to the marketing needs of the women in remote districts. According to Chairperson Rita Bhandari, everyone is satisfied with the production and marketing arrangement since it benefits all the parties involved (Interviewed on 06 February 2015).

3.6.3 Women entering traditionally male domains

Many women are venturing into new domains traditionally dominated by men such as tempo and bus driving (See Case 3.4), mountaineering, and running lodges, hotels and trekking agencies. Meanwhile, other women are making

their presence felt by making a difference in traditionally sanctioned female professions such as teaching (See Case 3.5). On the basis of such experiences, recruitment of female teachers has been adopted as one of the most effective policy interventions for increasing girls' enrolment in schools.

CASE 3.4

A Woman Tempo Driver: Breaking the Barrier

Dil Kumari Pradhan is a single woman. Her two sons are presently enrolled in master degree programmes. She is a Class 7 dropout. It was Pradhan, Makhmali Gurung and eight other women who initially took the bold step of driving a three wheeler (TW), a vehicle used for public transport, in the Kathmandu Valley. These women were the first group of such drivers trained by an NGO with support from DANIDA. According to Pradhan, she had wanted to drive a TW after seeing two women driving them in the streets of Kathmandu. Therefore, when she saw an advertisement in *Kantipur*, a Nepali language daily, for a 35-day training for tempo drivers, she applied. There were a total of 45 women trainees, most from poor households without land or other sources of income. The majority of trainees had migrated to Kathmandu from the hills in the hope of getting a decent job. Kathmandu offered them only one option for employment – wage labour with no fixed income stream. Even after the training, only 10 of the trainees were able to get a driving license.

Until then, it had been taboo in Kathmandu to have a woman drive a tempo; a few such women drivers were, however, already visible in the streets. Pradhan recalls, "Initially, it was very difficult for us to get the three wheelers to drive. We were able to rent a three wheeler only when our union friends offered to stay as guarantor." After getting the vehicles, Pradhan and Gurung started to drive them. "Our family and relatives resisted this move and it was a bit of a surprise to Kathmandu also," said Pradhan adding that, "the older men and women of Kathmandu sneered at us. But gradually, people started to accept us as drivers." According to the President of the Nepal Democratic Transport Workers' Association, Mr. Nabaraj Ghimire, there are currently about 600 women TW drivers in the Valley. These women earn about NRs. 8,000 to NRs. 11,000 per month, depending on the number of passengers they carry. Some of the women have graduated to four wheelers, seven are driving cars and jeeps in I/NGOs, five are driving micro buses (public transport) and three are in government service. Dil Kumari has recently started to drive a private car.

According to Mr. Nabaraj the majority (45 percent) of women drivers are single women (married but divorced or widowed) and about 20 percent are unmarried. The major hazards in this job are dust and smoke pollution, prolapse (because of bumpy road conditions with no proper shock absorbent device in the vehicle, there is a risk of uterine prolapses) and gender-based violence. In a few instances, some male passengers have verbally abused the drivers by using improper words. Mr. Ghimire proudly said that there has been only one serious accident since 1999 in which a woman tempo driver was involved. The government has not passed any law or policies regarding women public vehicle drivers. Pradhan is happy with her career as a driver. Smiling, she says, "Yes, although it was difficult initially, we have broken the social barrier," and adds, "with the earned money we can sustain our lives and the lives of our children."

02 and 04 November 2014.

3.7 EVIDENCE BASE: UNEQUAL DISTRIBUTION OF RESOURCES AND OPPORTUNITIES

The government of Nepal's current policy is to promote rapid growth through free market policies and to ensure that poorer sections of the population – men and women – benefit from such growth by large scale investment in creating enabling conditions. In addition, the focus of government programmes has shifted to addressing the demand-side resource constraints for women, girls and historically marginalized groups/areas, rather than just the expansion of physical facilities. Similarly, micro-credit, in some cases with support services, has been adopted as the main vehicle for enhancing the economic capability of women to compete in the market place and enjoy their economic rights. Overall, much

progress has been achieved in improving educational access and basic maternal health status, but inequalities persist as evidenced in the following discussion.

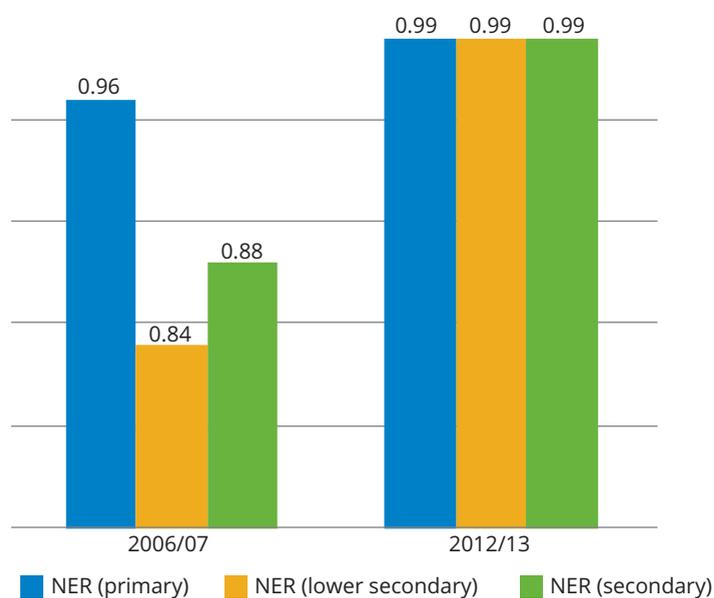
3.7.1 Ensuring basic education for all

According to Department of Education (DoE) sources, the net enrolment at the primary level had reached 95 percent and the gender parity index (GPI) in net enrolments up to Class 8 (lower secondary) had reached 0.99 in 2012/13. This data suggests that Nepal has already achieved the MDG goal of universal primary education. Yet, other sources report much lower net enrolment rates. For example, the Nepal Living Standard Survey (NLSS) of 2010/11 reported only 67.2 percent net attendance rates for boys and 70.2 percent for girls at the primary level.⁷³

The female literacy rate (6+ years) has increased from only 25 percent in 1991 to 57 percent in 2011 while youth literacy (15-24 years) has increased to 88.6 percent. However, while the gender gap in the 10-14 age group has declined, it persists in higher age groups.⁷⁴ The female/male ratio of literacy still remains at 0.76 for the 6+ group. Although the MDG target of eliminating gender disparity in school enrolment by 2015 seems achievable, reducing inequality at all levels of education by no later than 2015 is far from achievable.

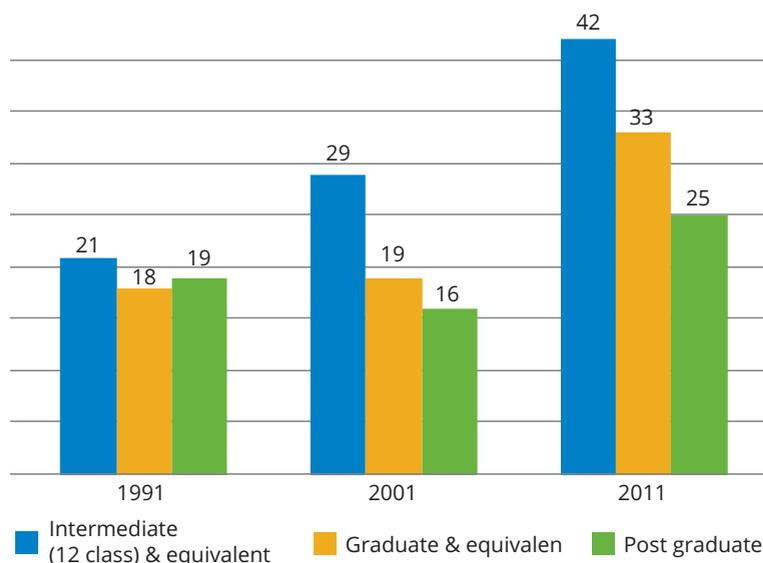
Enrolment of girls in higher education is also increasing but the male/female gap continues. At the Bachelor's level, women constitute 44.2 percent of the total student population, and that proportion drops drastically to just 11.4 percent at the PhD level.⁷⁵ Consequently, the

CHART 3.3
Gender parity index



Source: DoE 2012.

CHART 3.4
Percent women among graduates by level of education
1991-2011



Source: Table 3.4, Annex 3.

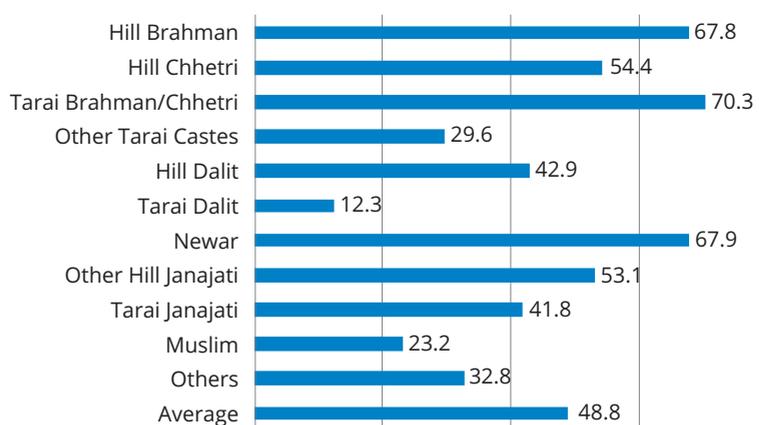
were women, among graduates 33 percent, and among post graduates only 25 percent were women (See Chart 3.4). Additionally, girls/women seem to be attracted more to the health, education, humanities and business/administration branches of education (See Table 3.5, Annex 3).

Moreover, inequality in access to education persists. Though school attendance rates are related positively with income levels, even children from the highest quintile households did seem not to be attending school. According to net attendance figures, more than one third of primary school children from the bottom consumption quintile were not going to school in the survey year (NLSS, 2010/11). The attendance rate for boys was 65 percent and for girls 66 percent. About 24 percent of boys and 23 percent of girls from the top quintile were also not attending primary school. Enrolments and attendance rates decrease progressively at higher levels of schooling.⁷⁶ A matter for investigation is the fact that from primary to higher secondary, slightly more girls are attending school than boys. This could be the impact of various incentives given to girls only.

All educational attainment figures vary systematically across ecological and development regions and social groups. Women trail behind men in all social groups and regions, on all indicators. But gaps among different groups of men and women are also large (Charts 3.5a and 3.5b).

For example, Dalit women, women from the Tarai generally (except for Brahman/Chhetris), and Muslim women particularly, are left far behind the national average on almost all indicators. In 2011, nearly 70 percent of the Tarai Brahman/Chhetris and 68 percent of the hill Brahman and Newar women were literate, while only 12 percent of the Tarai Dalit women

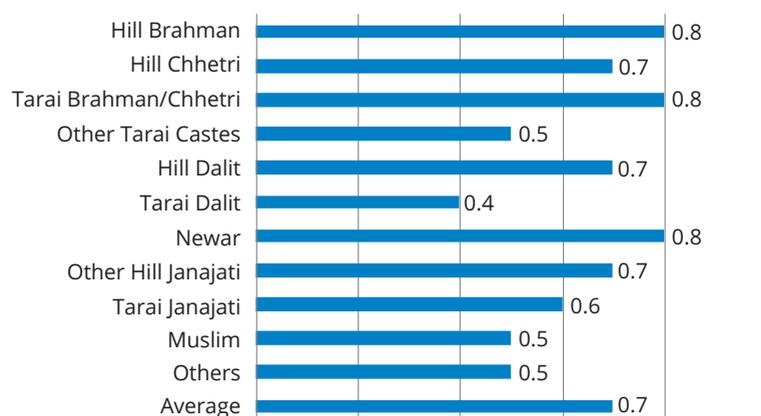
CHART 3.5a
Adult (15+) female literacy (2011)



Source: Gurung and Tamang 2014.

female/male educational attainment ratios declined as educational level rose; for example among the Class 12 graduates 42 percent

CHART 3.5b
Adult (15+) female/male literacy ratio (2011)



Source: Gurung and Tamang 2014.

were literate. This was the case even though schools are more accessible in the Tarai region.

3.7.2 Women's health

As a consequence of large investments that broke down barriers preventing women from accessing basic health services, women's maternal and child health has improved significantly. Between 1996 and 2013, MMR

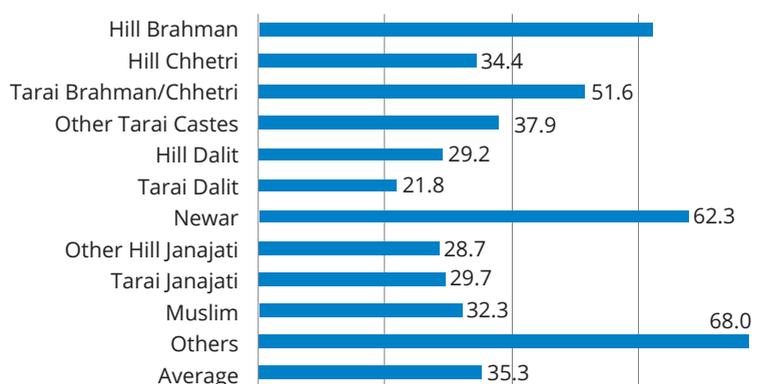
has declined from 539 to 170 and women's life expectancy increased from 55.5 to 70 years, surpassing male life expectancy by three years. Similarly, the percentage of contraceptive users has increased from 29 to 45 percent and TFR declined from 4.6 to 2.6 (See Table 3.6, Annex 3). Nepal is very much on track to meet MDGs for reducing child mortality and improving maternal health.

Nonetheless, women, especially Dalits and Muslims, reported facing multiple barriers accessing health care services from the household and community, as well as the health establishments. As per an analysis⁷⁷ of NDHS 2011 information, on average 72 percent of women said that they faced some problems accessing services, with higher proportions facing problems in the Tarai despite a better spatial distribution of such facilities. Problems cited included getting permission in the house, getting money, distance and lack of will to go alone.

On the supply side, inadequate supply of medicines, poor physical condition of facilities at the health centers, absence of trained staff, and the delay in delivery of grants to women and medical staff reduce the efficiency of the system. All these problems indicate a sizeable accountability gap. Another gap is that other aspects of women's health, besides maternal and child health, has received minimal attention.

As a consequence, the gap in access for various social groups to quality health services is not being bridged fast enough, an example of which can be seen in the figures on medically-assisted child delivery featured in Chart 3.6. The data shows that both hill and plains Brahmins and Newars have the best access. Dalits, especially Tarai Dalits are at the bottom of the list. Geographically, rural areas generally, but especially the remote mid-

CHART 3.6
Percent last child delivery in health facility by ethnicity and caste



Source: Gurung and Tamang 2014.

western and far-western regions, trail behind in access to services. At the same time, caste/ethnicity variations within regions were also large. Hill Janajatis, excluding Newars, appear to have near average access. This, however, hides large in-group gaps as the Janajati/Adivasi category includes many different peoples.⁷⁸ Similar patterns exist for other indicators of health facilities' use such as reach of iron tablets and Tetanus Toxoid.⁷⁹

3.7.3 Women and the economy

As mentioned in the introduction, the nature of the Nepalese economy has changed significantly in the last 25-30 years. The biggest trend has been the role of agriculture and the household economy declining rapidly, as contributors to national and household incomes, while the contribution of services increased steadily. Naturally, the process of change has encompassed the labour market, with different impacts on women and men.

This process of change in production and employment patterns started during the 1960s with the construction of modern roads, airports, communication networks, schools, health facilities and the opening of the economy to the wider national and international market. This process was greatly accelerated during the 1990s with the implementation of a neo-classical package of economic policies. These policies, however, had arrived in Nepal during their second phase,⁸⁰ when there was revived legitimacy for government investment in education, health and rural infrastructure. Consequently, government expenditure on these services increased rather than decreased. The primary impact of these policies was on the pattern of employment. On the positive side, the policies opened newer channels of employment and income for those with some assets as well as

the necessary education and skills to cope with competition in the market. On the other hand, they had a devastating impact on the service castes – carpenters, weavers, metal workers, potters and tailors – who could not survive in competition with cheap factory-made goods, both imported and domestic. They could not compete with the literate, skilled and semi-skilled labour migrants from India who flooded the non-agricultural labour market.⁸¹ The Nepali labourers had three options: go to India or the Arab countries for non-skilled work; get recruited by the CPN (Maoist) insurgent army; join the Nepali Army and/or Police, who paid a regular if minimum salary. Women had less choice in these fields although for some of them a new avenue of employment as combatants in the Maoist Army or soldiers in the Nepal Army was also opened.

This situation started to ease somewhat with the increased flow of development aid in building social and rural infrastructure in the government sector, with a focus on increasing literacy and expanding the health facilities as well as the micro-credit network. The opening up of education, health, agro-input supply, transportation and communication to private sector investments led to improvements in both employment and income generation. Educated youth, both men and women, found new avenues of employment in these sectors. Similarly, larger sections of male youth started to explore employment opportunities beyond Nepal or India. In the period from 1991 to 2011, the role of services as a source of employment, increased from 7 percent to 17 percent for women, and from about 20 percent to 29 percent for men (See Chart 3.7).

The main sector of employment for both men and women remains, of course, agriculture. Despite significant declines in

CASE 3.5

Teachers can make a difference

Shree Basuki Devi Primary School, Humthang VDC, Sindhupalchok, Established: 1997

ref: web: www.youtube.com/watch?v=oTbx9wX6Dtc and telephone interview with Mr. Indra Shrestha, the chairperson of the School Management Committee (SMC).

Deuty Thapa joined Shree Basuki Devi Primary School as principal in 2007. At first, the parents and SMC members did not trust her commitment to teach as she was young and unmarried. They hired her on the condition that if she could not bring changes to the school in three months, she would be fired. Thapa took this challenge and accepted the position at Devi Primary School. There were no extracurricular materials and the schools books were the only educational materials available in the school. Only a few children attended the school, and even they did not attend regularly. Most of the school children were from the Thami ethnic group, a socio-economically disadvantaged community. The well-off families in the village sent their children to private schools.

As the days turned into months, Thapa started to bring gradual changes to the school. She approached the parents asking them to support the school in improving infrastructure, furniture and extracurricular activities. She was able to convince the parents that, with their support, she could provide quality education to their children on par with the private schools. She oriented the community about the importance of educational materials, classrooms arrangements and other extracurricular activities. She learned about the government's priority enabling condition and national children friendly framework in primary education, which required implementing the programmes she was already implementing in school, and she became more confident about her approach and efforts.

Thapa remained the principal of the school for seven years. Both the enrolment and achievement of the students improved remarkably during her tenure. Recently, she married a police officer whose duty station is in another district. After marriage, she had a difficult choice, either to accompany her husband to his duty station or remain in Humthang VDC as the principal. She was forced to resign from the school due to social and family pressure. The School Management Committee then appointed a male teacher of the same school as principal. Two fresh female teachers have also joined the school and they are keen to carry on Thapa's work.

Today, the number of students in the school totals 45, which is 100 percent enrolment of the service area. Children are very keen to come to school and attendance is more than 98 percent. Those parents who had enrolled their children in private schools are now eager to send their children to Shree Basuki Devi Primary School because of its quality of education and its efforts for overall personality development of the children. According to Shrestha, the transfer rate from this school to lower secondary is at 100 percent and the performance of these children in higher grades is much better than those from other schools. The majority of students from this school secure first and second divisions marks in the lower secondary level examinations.

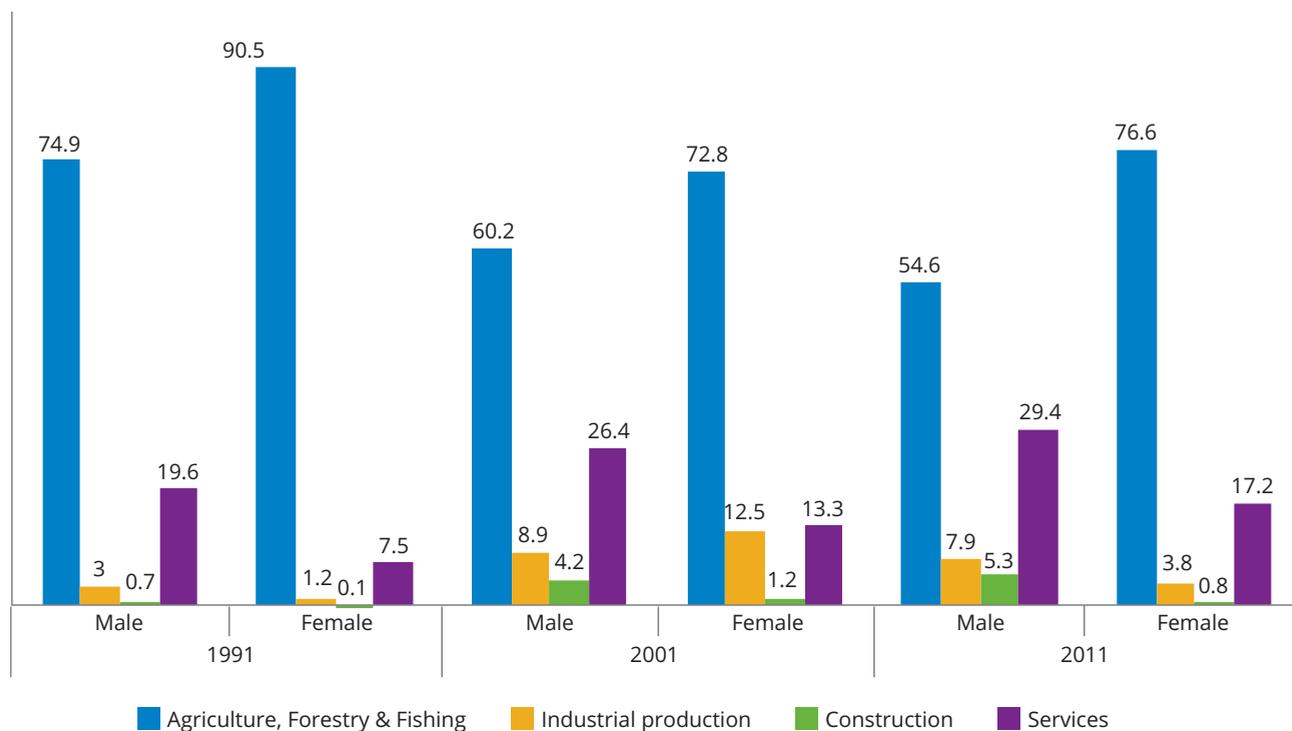
Date of interview, 04 November 2014.

agriculture's contribution to GDP, it still accounts for 55 percent of economically active men and 77 percent of economically active women. The majority work on their own farms.⁸² In the non-agricultural sector, the

services sub-sector is the largest employer. Within the sub-sector, community, social and personal services now employ 14 percent of men and 10 percent of women who are economically active. This is the largest share in

CHART 3.7

Distribution of economically active population by industry (1991-2011)



Source: Population census of respective years.

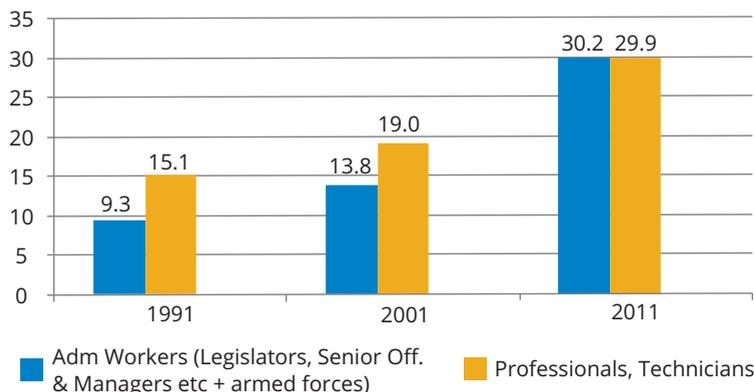
non-agricultural sector employment for both men and women (See Table 3.7, Annex 3).

Occupationally, the share of services in male employment has, however, remained constant since 1991. Within the community and personal services, education, health, social work and private households occupy prominent positions in women's employment. The share of employment in private households has more than doubled for men but increased fourfold for women. Domestic services do generate employment and income generating opportunities for illiterate or near illiterate and unskilled women, and should not always be viewed negatively. But such employment includes a high risk of violence and has remained outside the regulatory

framework. The sectors that provide the third largest share in non-agricultural employment generation are trade, accommodation and food services. The contribution of other sectors to women's employment is below 1 percent.

A key trend in Nepal today is that agriculture is becoming feminized. About 51 percent of the male and 74 percent of the female labour force considered agriculture their main occupation in 2011. Women's concentration in agricultural occupations has increased (See Table 3.8, Annex 3) since 2001, probably because many carpet and garment industries have closed and males have migrated for work on a large scale.⁸³ As a result, women's share of jobs among agricultural workers has increased from 45 percent in 1991 to

CHART 3.8
Female proportion in the labor force by occupation
(1991-2011)



Source: Table 3.8, Annex 3.

52 percent currently. This indicates a trend towards the feminization of agriculture, which is comparatively a low return employment sector.

As per the agricultural census in 2001/02 and 2010/11,⁸⁴ the proportion of women among permanent farm workers has increased from 22 percent to 28 percent in this period. Women constituted 19 percent of primary farmers in 2010/11 compared to only 8 percent 10 years ago. The annual number of female working days on the farms constituted 57 percent of the total person-days spent on farm work by the temporary workers and 60 percent of labour exchange work (*arma-parma*). But the farms with women as the primary farmer had only 0.44 ha of land on average while those with men as primary farmers had 0.71 ha. The average size of the farms had declined from 2001/2 for both types of farms (from 0.81 ha for male-headed and 0.53 ha for female-headed). As evidenced by these figures, the decline was much sharper for farms with women as the main farmers (17 percent) than for those with men as the main farmers (12 percent). The ratio of female-male average

farm size had declined to 0.62 in 2010/11 from 0.65 in 2001/02.

On the positive side, women workers now constitute 22 percent of non-agricultural sector workers compared to about 9 percent in 1991. The proportion of woman in professional and technical occupations has also increased significantly in the last three decades. Women have gone from comprising 9.3 percent of the workforce in 1991 to 30 percent in 2011 as administrators, legislators, senior officers and managers. Among professionals and technicians, women currently make up 30 percent compared to 15 percent in 1991 (Chart 3.8). These figures, however, need further disaggregated data by occupation to analyze real positions within each of the groups, which are not available currently. Women have also ventured into new sub-sectors such as the army and professions such as tempo driving in urban areas. Specific government policies have encouraged women in these sectors, but their proportion in the overall sub-sector of employment is still miniscule.

On the negative side, women's employment share has declined in the crafts and related fields as well as in factory work such as operating plants and machines. This is likely an impact of the decline in carpet and garment exports (See Table 3.8, Annex 3). It also indicates inadequate training opportunities for women to keep up with changing market situations

Moreover, the overall improvement in women's access to diverse employment has not been shared equally by all social groups. For example, Dalit women particularly of the Tarai, and Muslim women had near zero representation among the combined group of professionals, technicians and associates in 2001.⁸⁵ In 2011, the pattern continues with the highest proportion of economically active Tarai Brahman/Chhetri women (22 percent),

Newars (11 percent) and hill Brahmins (9 percent) being employed as professionals and technicians. In contrast, only 1 percent of the economically active Muslim women and less than 1 percent of Tarai Dalit women were in similar professions. Notably, while the Tarai groups generally had better access to non-agricultural employment, larger proportions of Tarai women, Muslims included, worked as unskilled labour compared to hill women (See Table 3.9, Annex 3).

3.7.4 Quality of work

As in other parts of South Asia, visible unemployment rates in Nepal are low at 3.5 percent for men and 1.5 percent for women. Rates are lower in rural areas. But most of this employment is in self-owned, small-scale agriculture and as unpaid family workers in the non-agricultural informal sector. While many are underemployed, child labour and poor women being overworked due to household care work are also prevalent features of the Nepalese labour market. According to an ILO report,⁸⁶ Nepal's current labour market is characterized by, "the proliferation of informal sector employment, underemployment and precarious employment, the persistence of child labour, and working poverty."

The 2008 Labour Force Survey⁸⁷ showed that of the workers employed in the non-agricultural sector, nearly 70 percent of male (25 percent of overall male workers) and 78 percent of female workers (12 percent of overall female workers) were in the informal sector. While the composition of non-agricultural female workers has changed slightly in favour of the formal sector, a reverse trend is visible in the case of male workers. Compared to 22 percent in 1991, nearly 25 percent of the non-agricultural male workers were engaged in the informal sector in 2008, indicating an increased informalization of non-agricultural sector work for men. This trend could be due to large-scale migration of working age males for overseas employment, which leaves behind younger and older men who tend to be more active in the informal sector. The pervasiveness of informal work in both the public and private sectors is a matter of concern. Informal work is generally low return, outside labour regulations, and has no fixed tenure, job security or benefits.

In this scenario, the government of Nepal is putting a great deal of emphasis on self-employment. But starting a new business is not easy in Nepal. Women maintain some flexibility by engaging in self-run, non-agricultural work, to continue with the seasonal agricultural work and also complete household care work. Yet women face many difficulties running their enterprises, are subject to exploitation by middle men and have little scope to grow (See Box 3 and Box 4 above).

3.7.5 Wages and income

Wages and income need to be discussed to gain the full picture of the labour market. Wages and profits form the basic components of earned income. As is true the world

TABLE 3.4
Percentage distribution of male/female workforce by kind of work

Activities	1999		2008	
	Male	Female	Male	Female
Agricultural workers	67.1	85.2	62.1	84.3
Non-agricultural sector workers	32.9	14.8	37.9	15.7
Non-agricultural informal sector	(22.2)	(12.8)	(24.9)	(12.2)
Non-agricultural formal sector	(10.7)	(2.0)	(12.9)	(3.5)
All employed persons	100.0	100.0	100.0	100.0

Source: CBS, 1999 NLFS (Tables 11.1 and 11.2); NLS, 2008 (Tables 12.1 and 12.2).

TABLE 3.5
Selected indicators of nominal wages and income, 1996-2011

	(wages in NRs.)			
Details	1996	2004	2011	1996-2011% increase
Agriculture				
Male	44	85	201	357
Female	35	65	147	320
Non-agriculture				
Male	76	137	286	276
Female	57	101	189	231
Consumer price index	57.3	88.6	152.7	166
Average earned income in the PPP\$s*				
Male	861	1776	2554	197
Female	309**	891	1857	501

Source: NLSS 1996, Table 4.5; NLSS 2003/04, Table 13.5; NLSS 2010/11, Table 13.5; Nepal Rastra Bank, 2014. Quarterly Economic Bulletin, 2014, Table 60.

*PPP\$s are accounting units developed by the World Bank for measuring the real purchasing power of the dollar across countries.

** Calculated from per capita PPP\$ income and female share shown in HDR, 1995.

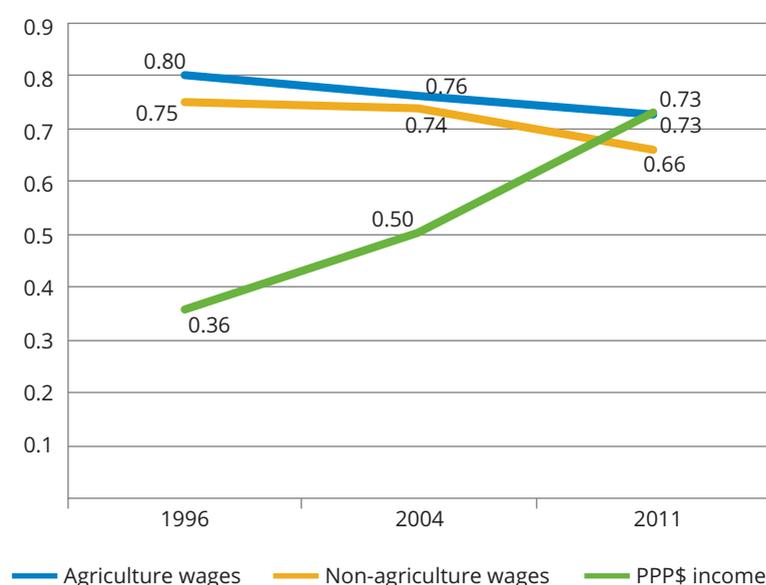
over, women are paid lower wages than men for similar work (See Table 3.5).⁸⁸ As entrepreneurs, they face multiple social and economic constraints to participating in the market, again leading to lower returns.

In Nepal, on the whole, wage rates have increased in real terms – rises in nominal rates are higher than the rises in the consumer price index – between 1996 and 2010/11 for both men and women. In both the agricultural and non-agricultural sectors, wages have increased by higher percentages for men than for women. It must also be noted that wages have increased more rapidly in the agricultural sector for both men and women. The rise was higher between 2004 and 2011 than in the earlier period from 1996 to 2004 (See Table 3.5).

As depicted in Chart 3.9, the ratio of female/male wages in both the agricultural and non-agricultural sectors are declining, indicating an increase in inequality between men and women in the labour market. The decline of this ratio in agriculture could be explained by the feminization of agriculture. The decline in the non-agricultural sector needs further study.

On the other hand, per capita earned income of women in PPP\$s has increased

CHART 3.9
Female/male income and wage ratios over 1996-2011



significantly as a proportion of male income. Taken together with the declining ratio of female/male wages, the increasing ratio of female/male income is seemingly contradictory. However, it could be explained by the fact that more women are coming into the wage labour market at the lower end, leading to an increase in the number of women in the labour force alongside a fall in the average wages of women. A second factor indicated by this statistic is increasing differentiation in the female labour market for various groups of women. With increased education, women working in salaried jobs have improved their income status vis-a-vis men. But those women working as wage labourers are seeing their opportunities eroding.

3.7.6 Women and poverty

Access to equal economic resources and opportunities is a basic component of women's human, social and political rights and the reduction of women's poverty was one of the major goals set by the BPfA. Nepal has been successful in reducing income poverty significantly over the last 20 years; the percent of households below the income poverty level has declined from 42 percent in 1996 to 25 percent in 2010/11.⁸⁹ Urban poverty levels are much lower than rural poverty; only 15.5 percent of urban households are below the poverty level, while 27 percent of rural households are poor. Households in remote areas are more likely to be poor. Slightly more than 42 percent of households are poor in the mountain areas compared to 24 percent in the hills and 23 percent in the Tarai. Similarly, proportionately more Dalit and marginalized Adivasi/Janajati households are likely to be poor than households of Brahmins and Newars. For example, in 2011 only 10 percent

of the hill Brahman and Newar households were reported poor as against nearly 44 percent of the hill Dalit households. But, a lack of gender disaggregated information on incomes, hunger and comparative nutrition levels, and other dimensions of poverty, such as overall health status, make it difficult to analyze women's poverty quantitatively.

Nonetheless, persistent gender gaps in access to and control over the state, family and market resources continues, making it more difficult for women to escape poverty. Only 20 percent of households reported any land under women's ownership. Only 11 percent of households had women as home owners. Discriminatory customary laws and practices still restrict women's access to inheritance, land, property and credit, even though Nepal has made constitutional provisions for equal inheritance rights for women. Lack of effective and approachable mechanisms to enforce the laws, resistance from the family, and social norms and customary practices make it almost impossible for women to claim their rights.

Women are concentrated in agriculture, which has been comparatively a low return sector. They are less likely to have a regular, paid job in the formal sector. Women's lower educational qualifications and skill levels combined with the burdens of household care work keeps them concentrated in the lower segment of the non-agricultural labour market. Additionally, they are paid lower wages than men, and female/male wage ratios are declining. There is, therefore, adequate evidence to conclude that women are more likely to be concentrated in poor households than men.

The need to combine all incomes to escape poverty also makes women financially dependent on their partners and other family

members. This dependency increases their vulnerability to poverty in cases of household dissolution, reduces their voice and bargaining power within the household, and makes it difficult, if not impossible, to leave abusive relationships. Poverty can also increase women's and girls' exposure to violence through trafficking and exploitative forms of work (See Chapter 2).

3.7.7 Social security

Social security provisions are important for both providing temporary relief to formal sector workers in vulnerable occupations as well as ensuring old age security and access to basic services for those who are outside the formal sector. In Nepal, as reflected in the Labour Bill discussed above, formal sector workers enjoy many facilities, including those meeting women's specific needs. The trade

union movement, where women have had an effective presence since its start (See Chapter 4), is strong. Meanwhile, initiatives on other social security measures have been haphazard, and driven by political and/or special interests. Existing social security facilities include monthly cash grants of NRs. 500 to all citizens of 70+ years as well as special allowances for widows, Dalits and marginalized Janajatis such as the Raute (See Table 3.10, Annex 3).⁹⁰ Additionally, a Social Security Fund has been created from the contributions of employers, regular income earners and the government. But it remains unutilized. The government has introduced a bill in Parliament to establish a new Social Security Fund which will take over management of all the existing social security initiatives and systematize them, along with introducing new initiatives.

3.8 INVESTMENTS GOING FORWARD: TRANSFORMING THE STRUCTURAL CONSTRAINTS

As has been demonstrated in this chapter, Nepal has made commitments to gender equality through its Constitutions, its development plans and as a signatory to international instruments of gender equality such as CEDAW and BPfA. All of these commitments create strong pressure on the government of Nepal to work for the economic empowerment of Nepal's women. Nepal has formulated and implemented a series of policies and programmes to strengthen women's economic capabilities and increase access to resources and the

market. At the same time, pressure on multilateral development partners from their funders and on bilateral partners by their own people has also facilitated resource flow for gender equality and empowerment. Nepal has jointly initiated and implemented many strategies, policies and programmes to make development programmes more responsive to gender and to ensure substantive equality to women. These initiatives provide legitimacy to women-centered, and human rights NGOs and their networks, to claim their rights. And it is at the intersection of all of these forces that the

work takes place in Nepal to claim equitable access to state resources/services and hold the state accountable to ensure gender equality and women's empowerment.

Nonetheless, women continue to face multiple structural economic, social and institutional barriers to fully enjoying their formal rights as well as benefitting equally with men from the services and opportunities offered by the state and the market, as discussed in detail in the preceding analysis. A fundamental change in attitudes and a systemic set of actions are needed to counter the apparent obstacles and to transform the scope of economic opportunities for women and ensure their economic rights.

Transforming the macro-economic policy-making and the development planning process

a) The macro-economic policies in Nepal, which thus far have accorded priority to the pursuit of economic growth and inflation control despite the 2007 TYIP's declared goal of building an "Equitable and Just Society", must be redesigned to create an environment to achieve gender equality and inclusion. The taxation, fiscal and monetary policies must ensure that they do not impact adversely on employment and economic opportunities for women and other marginalized social groups, with a specific focus on the poorest within the group. The policies should also mobilize adequate resources to achieve inclusive growth. Similarly, monetary policy should expand its narrow target of inflation control and one-dimensional average growth to include inclusive and gender responsive growth. All macro-economic and, indeed, all economic sectorial policies should be linked to employment policies to

ensure employment generation for women as well as men.

- b) The development planning process must encompass and integrate social goals in a more holistic manner. Although social goals are accorded top priority in the mission and vision of the development plans, and various strategies are adopted to fulfill social targets such as education, and maternal and child health, the government of Nepal is yet to make links between the macro- and meso-economic levels. Nepal must look comprehensively and establish links between private sector promotion policies and initiatives for ensuring people's livelihoods, food security, gender equality, equitable income distribution and sustainable development. To reduce poverty and promote sustainable development, social security must be integrated into the development planning process.
- c) To ensure women's equality in economic opportunities and development outcomes, it is critical that women's contributions to the national wellbeing and sustainable development through their household and care work be measured, recognized and integrated into the development planning process in a systematic manner. Only then, can women attain full recognition in society as economic contributors and claim their rights to social security. Secondly, the issue of sustainable development is not only that of the physical environment but is closely related to human security (personal security, food security and adequate care in childhood and old age), in which women play the decisive role. There is a close link between sustainable human development,

poverty reduction and women's care work. This fact is not acknowledged in the macro-economic policies as yet, and macro-economic and meso-level policies often ignore their negative impact on women's burden of household care, indirectly impacting human development.

- d) Currently, the whole emphasis is on bringing women out to work in the market or for the market. But this may impact adversely on the time and attention women can devote to child and elderly care. This can put an additional burden on the state as well as on women. The poor are poor not only in economic resources but also in time. This is clearly illustrated by the fact that many poor households have to retain children at home from school for care work and farm work. Girls, and especially Dalit children, have greater absenteeism in schools which is linked to their work load at home.
- e) The focus on gender equality and inclusion as cross-cutting issues in all development programmes must continue. As inequality among women is also emerging as a major trend, specific attention should be given to the inclusion of women from marginalized social groups as well. GESI guidelines on monitoring should be followed in the overall, sectorial and project levels on a more systematic basis. The information obtained should be analyzed periodically, studied, and continuously fed back into the system. GRB should be applied more systematically in financing and budgeting.
- f) Appropriate GESI policies should also be developed and implemented in the private

sector in consultation with the business community, trade unions, civil society organizations and gender advocates, in a systematic manner. Additionally, there should be better implementation of current industrial provisions and employment policies. Currently, most of the federations and associations of business houses are taking initiatives on their own to include some women on their executive boards and implement small programmes to promote women entrepreneurs. But these steps are far from adequate. More systematic efforts on a larger scale are needed.

Transforming the market

Transforming the market to include women firstly will involve making sure that macro-economic, fiscal and sectorial policies are directed to socially inclusive and gender equitable growth; and secondly ensuring that women benefit equally from private sector investment and growth. The first point was discussed above. The following section discusses a few measures which could make markets friendlier to women.

- a) Since the private sector is accountable only to the market, governments have specific responsibilities to implement market interventions which provide incentives to the private sector to be more employment-oriented and responsive to gender, environmental and inclusion issues. On this front, it is necessary to put a regulatory system in place, one which prohibits gender discrimination in employment, wage rates and working conditions, and ensures violence-free workplaces. Secondly, and perhaps more importantly, those regulations must be enforced strictly

with the allocation of adequate resources and collaboration with the trade unions. In Nepal, government must be credited for putting the regulatory system in place, but gaps in implementation are glaring. These must be remedied.

- b) All investment reform policies directed to promote the private sector should be assessed through the lenses of gender and inclusion, ensuring they do not harm women's enterprises, but rather promote their interests. It must be appreciated that government has started the process of integrating gender dimensions into the investment climate reform policies. The industrial policy does have a section to promote women's enterprises, and has accorded priority to local raw materials and human resource-based industries. But FDI policy lacks gender equality and social inclusion perspectives and has no concern for labour standards built into it. Specific safeguards must be built into FDI, EPZ and SEZ policies to ensure that they do not harm women's interests and provide an equal playing field for women entrepreneurs and workers. Even though Nepal must compete with other countries for FDI, which limits Nepal's choice in this respect, the government can negotiate individually with the investors to ensure maximum flexibility in such matters.
- c) The government needs to develop and implement a separate policy to promote women entrepreneurs differentiated by size and owner characteristics, during the course of investment climate reform. Women's enterprises are of different sizes and shapes; they range from tiny establishments of illiterate or near illiterate

owners to those of the newly educated entrants venturing into business by choice, from small remittance receiver female-headed households to women from business houses setting up their own enterprises or managing large family enterprises. Specific flexible packages are required to address the needs of each of these different business types.

- d) On the whole, the investment climate reform policies must both create more, and better, employment conditions for women as well as promote women's enterprises. To attain these twin objectives, the following steps are recommended:
- Improving the work environment: To improve the market environment for women workers, it is crucial to regulate home-based work (for the market); ensure implementation of the law on equal wages; put in place policies to promote women in managerial and decision-making positions; require business establishments to comply with ILO work standards; and upgrade the current universal social security system to reduce the vulnerability of workers to market hazards.
 - Redesigning and expanding training for women: Skills training should be provided as per the demand of, and in collaboration with, business establishments and industries. Improvements in the quality of jobs for women in the informal sector and at the lower end of the labour market require investment in two areas. Firstly, greater attention must be paid to the quality and outreach of schools, with a focus on remote areas and vulnerable communities. Secondly, new kinds of

technical skills training, designed to cater to the demand in the market rather than on stereotyped perceptions, are required. The latter must proceed in parallel with the expansion of scholarships for women in higher education. All of the government's current training programmes must be redesigned to train women for more marketable skills, and new technical jobs. Training packages should avoid introducing new types of stereotyped job categories such as "sales girls". The title of the training introduces a new stereotype into the labour market, although men also train for these jobs and are employed as sales men. The training institutions should also have special packages of training for illiterate or near illiterate women, as the minimum educational requirements for institutional training already excludes the labour class, especially women from marginalized communities.⁹¹

- Promoting women's enterprises: Establishment and growth of women's enterprises of various sizes and forms in all sectors, particularly in agriculture, should be facilitated by improving rural infrastructure and connectivity, promoting cooperative marketing, improving diffusion of market information, introducing new technology, and upgrading women's skills. Entrepreneurs in non-agricultural sectors need better access to larger capital, credit, new technology and training in their use. Further, government should ensure women's equal access to the transfer of state resources such as land, forest and shares in public-private partnership infrastructure projects, especially for marginalized communities. Nepal must

also establish an insurance system to reduce the vulnerability of women's enterprises in the market.

Investing in women's capacity building

The government must increase investment in formal education for women as well as capacity building in upholding human rights. From a gender perspective, Nepal needs to find additional resources to invest in the following:

- Improving the quality of investment in education and health services and reducing inequality of access. The government schools in remote areas and those serving the marginalized communities should be strengthened with a better supply of necessary teaching materials and books, improving the skills of the teachers, and removing party politics from schools.
- Creating better opportunities for higher education for women generally, and those from Dalit and marginalized communities especially, by expanding the scope of scholarships for higher and technical education.
- Promoting technological innovation and diffusion to improve productivity and increase the income of women's enterprises.
- Upgrading the technical skills of women at the lower end of the labour market to improve the quality of jobs for them and avoid job segregation as discussed above.
- Increasing the supply of equipment and trained human resources in government health institutions in rural remote areas and district hospitals; and large scale training and deployment of technical human resources from marginalized

communities to reduce their low access to quality health services.

- Expanding the coverage of health services at the local level to include treatment for violence, referral services, primary counseling, and treatment for prolapses and other common diseases. At the same time, there is also a need for expanding and improving the services of OCMCs.

Capacity building of thr rights holder

- It is necessary to invest in the capacity building of rights holders to empower them to demand and realize their rights. Various groups of women in decision-making positions – in community organizations, local governance institutions, political parties and NGOs – also need capacity building training to intervene effectively in decision-making and to hold authorities accountable to women.

Reducing women’s burden of house and care work

Proper management of women’s care work will release a notable productive potential, proper deployment of which can propel the economy further while also reducing the drudgery of housework for women.⁹² Along with the integration of women’s household and care work into macro-economic development planning, it is also critical to adopt other measures to reduce their workload and ensure equal opportunities in the market. The following steps are recommended:

- a) Attention should be paid to social services and technology. Expansion of subsidized child-care facilities (to be funded by the factory, government and users), introduction of new technology for

household work, easy supply of cooking gas and adequate water supply, will greatly reduce the stress and work of urban family members. In the rural areas, community-managed old age houses and child care centers, the development and introduction of new technology for housework as well as for labour-intensive agricultural operations (such as seed selection, cleaning, and winnowing the harvest), and encouragement for marketing cooperatives for farm products, will help to reduce women’s work load and release their energy for more productive work.

- b) A policy of encouraging men to share housework should also be initiated. All school books, education and health information, and communications material should encourage men to share household work.

Strengthening the accountability framework and putting a robust gender-responsive monetary system in place.

- a) Regulatory failure was pointed out as a major hurdle in the delivery of quality services to the poor generally, and poor women particularly. Strengthening enforcement of laws, regulations and guidelines must be a priority area. To start with, the provision of gender equality in wages for similar work should be implemented strictly, at least in government funded projects such as roads and infrastructure development. Effort must also be put into minimizing political interventions in the management of education, health and credit policies as well as in ensuring adequate infrastructure and trained human resources for service delivery.

b) Gender advocates have noted repeatedly that there is a lack of monitoring of gender mainstreaming policies such as GESI application and GRB results. The NPC and the MOF need to integrate gender and inclusion into the regular reporting process and make new annual allocations based on the past year's GESI and GRB performances. Each ministry should be required to report separately on progress on GESI policy implementation and actual expenditure as per the GRB categories and strategy. Currently, GESI is supposed to apply to most sectorial programmes and local development, but disaggregated GESI information is reported regularly only for the school sub-sector within education. Cross classification of gender and caste/ethnicity disaggregated data is difficult to access. GRB classifications of actual expenditure also are not available. The sectorial monitoring system is primarily based on physical targets, noting results such as miles of roads built and volume of crops harvested. They should also report regularly on employment and income generated, assets created and assets transferred, poverty reduced, all disaggregated by gender and social groups.

Data and research requirements

Gender-responsive information and research form a foundation for effective monitoring and ensuring accountability to women. Nepal has already integrated a gender perspective into its population and housing censuses since 2001; it provides gender disaggregated information on all individual-level indicators reported including on demography, education and labour market participation. NLSS does provide some gender disaggregated information but does not cross

classify income and wage information by sex and caste/ethnicity or poverty groups. Data gaps are severe in some other fields as well, such as work patterns, time use and women's poverty. The following steps are recommended to fill those data gaps:

- a) A process should be started to generate regular time-use information, most preferably in the government sector (for example CBS), so that real work hours and not only the market work hours can be integrated into the planning process. Only then will integration of care work into the development planning models be possible. This information is required for constructing the United Nation's new Multiple Poverty Index (MPI) as well as ensuring women's economic rights as per the CEDAW covenants.
- b) More information on women's poverty, position of female-headed households without migrant incomes, and comparative land and property ownership by gender are needed. Currently, land and house ownership data cited for women is faulty as it does not show the actual percentage of women who own such resources. It only shows households where women legally own some property. Moreover, no data is available on individual ownership for men either. In extended families, often, younger men also have no property in their names. Further, the role of land as a productive asset is declining, and land ownership alone cannot measure an individual's overall economic capability.
- c) The deteriorating female/male wage ratio and increasing female/male income calls for immediate research and concerted

action to improve the situation at the lower end of the labour market.

- d) All surveys and censuses such as the National Living Standard, agricultural and manufacturing surveys, and poverty analysis should be redesigned to respond to gender and inclusion responsive analysis. They must cover adequate samples for disaggregated analysis of poverty by gender and social groups.

- e) Overall wealth and professional status must be studied in more detail to have proper data to measure women's economic status.

- f) Census information on occupational classification, which currently is available only in one digit, must be reported at least in two digits to enable a more detailed analysis of women's employment patterns.



4

VOICE, AGENCY AND LEADERSHIP

Nepal, has been a signatory to CEDAW since 1979, to BPfA since 1995 and to various other United Nations Security Council resolutions, and is committed to ensuring women's and girl's rights to participation, voice and agency in decision-making processes at all levels. The right to representation and voice is an integral part of the democratic freedoms of an individual and of groups. Realizing and ensuring these rights include gaining formal equality in the constitution and legal framework, influencing public policies and spending patterns to ensure adequate provisions for services, as well as for economic and social security, and to guarantee women's physical integrity and reproductive rights. Moreover, as recognized in the Resolution adopted by the General Assembly on 19 December 2011, the active participation of women on equal terms with men at all levels of decision-making is essential to achieving equality, sustainable development, peace and democracy.¹

Four conditions must be present for women to have voice, leadership and effective participation. First, women must have political representation in adequate numbers. Second, women must have adequate capability; enhancing capacities is essential to enable women to discharge the given roles and responsibilities effectively such that the representation is meaningful, and not merely tokenism.² Third, women must have adequate resources. Finally, there must be social acceptance of women's changing roles. Over and above these four criteria, women need to be assured that they can advance without fear of violence, character assassination and violation of their human rights due to their changing roles.

In Nepal, women's struggle for representation and voice in national

political institutions has an almost 70-year-old history. Since the mid-1950s, women in Nepal have been struggling to increase their representation in the legislative and executive wings of state. These movements resulted in minimal gains until 2006. Women's mass participation in the 1990 democratic movement, as well as their demands for representation and voice in writing the constitution forced political leaders to include a woman in the Constitution Drafting Committee of 1990. Yet, women could secure only a 5 percent reservation of candidate slots in the election to the House of Representatives (Lower House) and a 5 percent seat reservation in the Upper House, constituted on the basis of indirect elections. Women struggled for increased representation and voice throughout the 1990s and they participated in mass in the Jana Andolan II of 2006 with their own agenda for change. Two other strong forces also advocated for women. Firstly was the CPN (Maoists), who prioritized gender equality, along with other demands, during their ten-year armed struggle for more equitable and representative state structures and put the gender issue on political agenda for change. Secondly the United Nations and development partners put intensifying pressure on Nepal for a more equitable distribution of development resources. Together, these factors have resulted in increased efforts by the state to promote women's participation and voice in decision-making positions within government and quasi-government institutions.³

Since 2006, Nepal has moved ahead in strengthening women's voice, agency and leadership in state structures and in governance processes through affirmative action (See Box 4.1). As a consequence, women's presence in the Constituent Assembly/Parliament, in executive positions

within the political parties, in the cabinet and among the political appointees to various public positions including ambassadors, has increased (See section 4.5 below). Women's representation is being promoted in the civil service, security services, and in the planning and monitoring of local development programmes through reservations and affirmative action.

Currently, the government of Nepal has adopted a three-pronged policy approach to ensure the voice and inclusion of the interests of women and other social groups in managing

the affairs of the state. First, the state has adopted the principles of inclusion and proportional representation. Second, gender mainstreaming in policies and programmes as well as gender responsive budgeting has become an accepted practice. Third, public institutions are willing to partner with non-government organizations to push for gender equality. This chapter reviews some of these policies and their implementation, discusses barriers that impede women from effective participation and makes recommendations for moving forward.

4.1 LEGAL AND POLICY FRAMEWORKS: STRENGTHENING WOMEN'S AGENCY, VOICE AND PARTICIPATION

Despite Nepal's commitments under CEDAW, the BPfA and MDGs to gender equality and the empowerment of women, the process of change was slow throughout the 1990s. As early as 1990, Nepal had endorsed the UN Economic and Social Resolution to increase the proportion of women in leadership to 30 percent. The larger aim was to achieve equal representation between women and men by the year 2000. Furthermore, the BPfA established a norm of at least 33 percent representation of women at decision-making levels in 1995. However, little effort was made to translate the commitments into action in a substantial way. The only exception to this rule was the Local Self Governance Act, 1999 (See Box 4.1).

The movement for gender equality

gained momentum only after 2006. The first session of the Interim Parliament revived after Jana Andolan II, passed a resolution unanimously in May 2006 pledging the end of all discriminatory laws and 33 percent representation of women in all state structures. Subsequently, 56 discriminatory provisions in various laws and policies were amended. In November 2006, although women were excluded from the peace negotiations at the top, the Comprehensive Peace Accord signed between the then-government and the CPN (Maoist) included among its goals protection of the rights of women and children, as well as ensuring justice for and women's participation in the peace-building process.

The Interim Constitution of Nepal, 2007 and now the 2015 Constitution of Nepal,

BOX 4.1

Milestones in promoting women's representation

- Establishment of state mechanisms to oversee women's issues. Ministry of Women, Children and Social Welfare in 1995; National Women's Commission in 2002; Women and Children Service Directorate in 1996.
- Local Self-Governance Act, 1999 sought to ensure women's representation in local governance bodies by reserving 20 percent of seats at the Ward* level, and at least one woman in VDC, Municipality and DDC executive bodies.
- A Resolution passed in the first session of the Interim Parliament in 2006 pledging 33 percent representation of women in all state structures.
- Amendment of The Nepal Civil Service Act 1993 in 2007 to promote gender and social inclusion.
- Reservation of 20 percent of seats for women in the Nepal Army in 2011, Nepal Police and Armed Police Force in 2007.
- The CPA signed between the government and the CPN (Maoist) in 2006 called for an inclusive, democratic and progressive restructuring of the state to address the issues related to women, Dalits, Janajatis, Madheshis and the marginalized communities by ending discrimination based on class, caste, language, gender, culture, religion and region.
- The CPA has mandatory provisions to include women and other disadvantaged groups in the Peace Committees at the local levels.
- The Interim Constitution and the current 2015 Constitution have provisions supporting gender equality and social inclusion. There are separate provisions for women's fundamental rights, which call for inclusion of Dalits, Janajatis, Madhesi and other marginalised groups as well.
- Mainstreaming of GESI policy by the government, donor agencies and development organizations as a tool to be applied in all sectors for programming, budgeting, monitoring and reporting of development programmes.
- Adoption of GRB to ensure adequate allocation of resources for gender equality and women's empowerment occurred in the 2007/2008 fiscal year.
- The Code of Journalistic Ethics implemented by the Nepal Press Council has helped reduce the negative portrayal of women in the media.

* Administratively, for local governance, Nepal is divided into 75 districts, more than 39,000 Village Development Committees (VDCs), and a number of municipalities. Each of the VDCs/Municipalities is subdivided into Wards. The district executive is called the District Development Committee (DDC), while the Village Development Committee executive is known by the same name, VDC.

promote the values of multi-party democratic government, the rule of law, an independent judiciary, press freedom and protection of human rights. Together, these provisions ensure the fundamental rights of citizens to voice their concerns and participate in the governance process. Both the constitutions

also reflect the aspirations of the historically discriminated and marginalized social groups such as women, Adivasi/Janajatis, Dalits, Madhesis, Muslims and other disadvantaged groups. They require the governance process to be inclusive and gender responsive. Additionally, for the first time, the Interim

Constitution had a separate provision (Article 20) ensuring women's fundamental rights.⁴

These Constitutions also recognize the need for affirmative action to advance women and social groups excluded from the social and governance structures. Article 21 of the Interim constitution talked about the rights of all social groups, including women, to be proportionately represented in state structures.⁵ Particularly, it required political parties to nominate at least 33 percent women candidates in the elections to the Constituent Assembly/Parliament. This was, however, not equal to reserving 33 percent of the seats in the CA/Parliament. A mixed election system was adopted for the last two elections to the CA/Parliament, by which 50 percent of seats were to be contested through the first-past-the-post (FPTP) system. The remaining 50 percent of representatives were to be nominated by the political parties on the basis of votes they received on the proportional list. The new Constitution of Nepal, 2015, ensures 33 percent actual representation of women in both federal and provincial legislatures, by requiring that all parties represented in the legislature must have at least 33 women among its elected members in totality.

In the last two elections, fifty percent of the seats on the proportional list had to be reserved for women to fulfill the 33 percent quota for candidacy. It was only due to this requirement that women's representation in the first CA/Parliament reached nearly 33 percent. Despite the same provision being in place during the 2013 elections, women make up only 29 percent of the current CA/Parliament. In neither of the elections did political parties nominate 33 percent women candidates for the FPTP. Moreover, when there was an odd number in counting

under the proportional election, parties nominated men. The issue of proportional representation, however, has become a bone of contention between the parties in power and the opposition; the parties in power are proposing only a minimal percent of seats under proportional representation and the opposition is pushing for a 50/50 share for the two systems.

Women from minority groups, however, found that the Interim Constitutional arrangements were still inadequate to address inclusion and identity problems. According to Pratima Gurung, a lecturer at Padma Kanya College and a member of the NIWF, the Constitution fails to:

- "Recognize the indigenous women's distinct identity and human rights, individual and collective rights, and need for representation.
- Address multiple discriminations, based on ethnicity, language, culture and region facing indigenous women.
- Protect and develop indigenous and traditional knowledge, skills and livelihood of indigenous women".⁶

Debates over the extent to which the issue of identity should be reflected in the restructuring of the state almost threatened to derail the whole constitution-making process and are still on. The compromise that has emerged in the new Constitution 2015 has 60/40 sharing arrangement for FPTP/proportional representation.

In addition to changes in electoral law, acts relating to multiple bureaucratic services were also amended to increase the representation of women, Dalits, Adivasis/Janajatis, Madhesis, Muslims and other marginalized groups as per the mandate of the Constitution. The

Civil Service Act, 1993, the Education Rules, 2002 and the Health Services Act, 1997 were all amended between 2007 and 2010. The 2007 amendments to the Civil Service Act, 1993 reserved 45 percent of the posts to be filled through open competitions for women and other disadvantaged groups. Of those 45 percent of posts (that is taking 45 percent as 100), 33 percent was for women, 27 percent for Adivasis/Janajatis, 22 percent for Madhesis, 9 percent for Dalits, 5 percent for people with disabilities and 4 percent for those coming from remote areas.⁷ Earlier amendments to the Civil Service Act had

already instituted a five-year grace period for women's entry into the civil service (40 years for women versus 35 years for men) and one year grace period for promotions. Similarly, women are subjected to a six months' probation period only as opposed to a full one year for men.⁸ Police and Army regulations, after the amendments in 2007, also stipulated that of the posts to be filled through open competition, 20 percent be reserved for women. The government has issued directives to all public and financial institutions to adhere to similar inclusive policies in recruitment.

4.2 GOVERNMENT POLICIES AND INSTITUTIONS

Besides ensuring women's participation and voice in the state and political structures through legal reforms and affirmative action, the government of Nepal has also initiated measures to promote women's participation, voice and agency in the peace process, in local governance and in the management of development programmes.

Ensuring institutional accountability in implementation of development policies and programmes

Gender responsive implementation of policies and programmes require interventions in legal and policy mandates by ensuring gender responsive institutional structures and instituting a programme to address attitudes and behavior. The implementation machinery must have adequate women's representation, gender responsive regulations, and procedural

guidelines, including participatory monitoring indicators.⁹

A network of institutions have been established for the effective implementation of acts, laws, policies and programmes that ensure accountability to women and other historically marginalized groups. The Chart 4.1 (Annex 4) features the major institutions designated to work for women's equality and empowerment along with other socio-economically disadvantaged groups. These include the NWC, the MoWCSW with offices in all 75 districts, Gender Responsive Budget Committees (GRBC) coordinated by the Joint Secretary of the Budget Division, Office of the Prim-Minister and the Council of Ministers (OPMCM) along with the high-level steering committee under the chairpersonship of the Chief Secretary, Women and Children Service Centers (WCSCs) in the police and Gender

Equality and Social Inclusion (GESI) units/divisions in all sectorial ministries/departments.

The National Human Rights Commission (NHRC), the recently formed Truth and Reconciliation Committee (TRC), specifically constituted to investigate cases of human rights violations during the armed conflict, the Office of the Special Rapporteur on Trafficking in Women and Children (OSRT) are also expected to work to ensure that women's human rights are not violated. These institutions, however, face multiple problems in fulfilling their responsibilities effectively. For example the MoWCSW is the lead agency responsible for issues related to women, children, the elderly and people with disabilities. Budget allocations to the Ministry have been increasing in last few years (Table 4.1, Annex 4). Yet such allocations have not been very significant, constituting about 0.3 percent of the total government's annual budget. In 2012/2013, the Ministry had a mere 1,314 staff to cover operations in all 75 districts. The mandate and the responsibilities the ministry carries far outweigh the resources available, both financial and human.¹⁰

On the whole, Nepal is progressive in terms of enacting laws and policies to address the needs of the time. Nonetheless, all of these institutions are poorly funded and poorly equipped with the necessary human resources, logistics, technical support and even power.¹¹ Lack of funding limits their capacity to even monitor the activities implemented by their own offices/organizations, conduct effective large campaigns on existing policies and facilities or celebrate occasions such as International Women's Day on 08 March. The NWC's potential to raise voices for constructive and positive change in laws, policies and incidences of violence is far from fully utilized. Nor has it been fully successful in making

people aware of the government's available facilities or funding for the target groups, such as the existence of the Single Women's Fund.

There is also a problem of duplication and coordination among the institutions themselves. For example, the OPMCM, the NWC and the MoWCSW often seem to be engaged in similar activities. The roles of these institutions need to be more clearly defined. The problem of coordination is most severe for institutions such as the Women and Children Office (WCO). At the district level, the WCO is the only institution overseeing the implementation of gender equality policies and guidelines. As the gender focal point in the district it coordinates and acts as secretariat for the District Committee to Control Human Trafficking (DCCHT). In addition to the multiple burdens of being in many committees, the Women Development Officer (WDO) is also the Member Secretary of the District Coordination Committees (DCC) for implementation of the NAP on UNSCRs 1325 and 1820. During an interaction, one WDO said:

"Everyone wants to engage WDOs, but no one thinks about developing our capacities on emerging issues. Until and unless WDOs possess good understanding and knowledge of the issues, it will be difficult to play any effective role. But no one thinks about this."¹²

These deficiencies in implementation have been pointed out by many studies.¹³ Some measures have been taken to ease the problem partially. For example, GESI units are now placed under the planning unit (Department/Division/Section) in the ministries and the planning chief is made responsible for gender mainstreaming and inclusion. Similarly, in 22 districts, Women and Children's Offices (WCOs) are headed by Chief Women Development Officers (CWCOs) at the undersecretary level, instead of the third class

officers. The staff strength of these offices has also been increased. However, much remains to be done and the funding of the programme remain grossly inadequate.

In addition to financial and human resources issues, many of the GESI units in the ministries and departments, and gender units in the security organs are headed by men. This undoubtedly reduces the sensitivity of the units as a whole to gender issues. For example, the Women and Children Service Directorate (WCSD), responsible for overseeing the issues of women and children, has been headed by a man, since the DIG-level female officer retired. No other women have the necessary experience to hold this position. Out of all the WCSCs operated in the 75 districts, only two are headed by women officials at the inspector level; the rest are all run by lower-level cadres. This situation clearly reflects that there is an inadequate number of women police officers at the higher levels. At the same time, the situation could also result from women officers not wishing to occupy such positions.¹⁴

The peace process

The government of Nepal is party to UNSCRs 1325 and 1820 (2012/13-2015/16) and has formulated a NAP with the objective of ensuring proportional and meaningful participation of women at all levels of conflict transformation and the peace building processes, and protection of women and girl's rights.¹⁵ The government has taken a series of actions to fulfill its obligations under these UNSCRs.

To strengthen women's voices in the peace process at the local level, the government has issued the Procedural Conditions for the Formation of Local Peace Committees, 2009 requiring that these bodies have a mandatory 33 percent female membership. The

Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 (TRC Act) was promulgated in May 2014¹⁶ to assist those affected by the armed conflict access justice and end impunity. The TRC is entrusted with investigating crimes committed during the insurgency and making recommendations to the government such that truth will prevail and justice will be restored. The TRC Act also specifies that sexual violence is a crime for which amnesty cannot be granted. Both the Commission on Inquiry of Forced Disappearances (CIED) and the TRC have been formed; Out of five-member committees in both bodies, the TRC has two female members and the CIED has one.

Though all parties to the conflict in Nepal have consistently agreed to the need for a TRC, the body has been controversial and contested. The provision of amnesty has been a major source of contestation. Victim groups, jurists, human rights activists and sections of civil society were particularly concerned by the provision allowing for blanket amnesty (section 26 under the Act) that could be applied even for gross human rights violations. They contested this clause through a suit filed in the Supreme Court. The Supreme Court passed a judgment declaring such blanket amnesty illegal on 26 February 2015.¹⁷ Before the TRC can be made fully operational, it will require regulations and a code of conduct.

Surprisingly, considering the inclusion quotas in other peace process bodies, the Nepal Peace Trust Fund (NPTF), does not make representation of women on its board mandatory. Established in January 2007 as a key instrument to support the peace process, NPTF functions as a coordinating body for peace initiatives. The fund, established with joint contributions from the government of Nepal and development partners, is a

source of financing for the reconstruction and rehabilitation programmes implemented under the CPA and it also monitors the peace process.¹⁸ Since its establishment, it has invested NRs. 23 billion in 65 projects across four cluster areas.¹⁹ All projects under NAP UNSCRs 1325 and 1820 are funded by NPTF under cluster 3, security and transitional justice.

Though it has no quotas for women in executive positions, it does have a provision to have one officer on the management team overseeing gender issues. But this position does not necessarily require a woman. There is also a provision for one woman representative on the Technical Committee.

Local governance

Women's participation in local governance prepares them for participation in national politics. Affirmative policies for women were first implemented in the elections to the local self-governance bodies. The Local Self Governance Act, 1999 (LSGA) reserved one seat for women in each Ward (among five members) of the VDCs and the Municipalities. It also included an additional provision that the Municipality, VDC and DDC executives have at least one female member in their executive bodies. As a result, around 40,000 women were elected to the ward committees in 1999.²⁰ Since the term of these elected members expired, Nepal has not held local elections. Currently, VDCs and DDCs are managed by bureaucrats appointed by MoFALD without any provisions for women's representation.

Women activists have been advocating for 50 percent representation in all state organs, in proportion to their share in the population.²¹ As a result, the Election Commission (EC) has sought to raise the female candidate quota for elections to the future local governance

bodies to 50 percent. The Some Nepal Law Amendment Bill (2013), the legal instrument formulated by the EC for upcoming polls, requires that women account for at least 50 percent of nominated candidates in the election of VDCs, municipalities and DDCs.²² If this bill is endorsed by the legislature, Nepal will witness the highest representation of women in local governance bodies in the region.

The government adopted the GESI Policy within the framework of the Local Governance Community Development Program (LGCDP) to address the problem of the lack of elected local governance bodies. With technical and financial support from 15 development partners from 2008-2012 and now extended to 2017, they have been implementing the program. GESI aims to spur governance reform at the local level through empowerment including capacity development, gender and social inclusion, measures to ensure accountability and funding locally initiated programmes through VDCs and DDCs. Under the policy, a hierarchy of institutions at the Ward, VDC and district levels such as Citizen Awareness Centers (CACs) and Ward Citizen Forums (WCFs) are created. These institutions are mandated to make inclusion of women, children and disadvantaged groups in the decision-making process a high priority.²³ The GESI policy requires that one-third of, representation within CACs and WCFs, not only in membership but also at the decision-making levels, be women. It also ensures women's participation in programme planning and in monitoring bodies at the VDC and DDC levels.

A 2012 evaluation of the LGCDP states that inclusiveness was visibly ensured; around 94,000 local people (65 percent women and 35 percent men) had participated in more than 3,500 CACs across the country in the

local planning process. Similarly, around 32,000 WCFs, comprising more than 600,000 members, where 44 percent were women and other marginalized groups, were formed. The number of projects for women and children and the allocation of budgets for them had increased by 4 percent and 8 percent respectively from 2009 to 2011.²⁴

However, studies have pointed out that meaningful participation is yet to be realized, particularly for women from marginalized communities. The reasons for the lack of substantive participation are myriad: participants' limited knowledge of policies, time constraints due to household responsibilities, and the existing mindset of men undermining women's voices and participation in meetings. All these factors combined with a high opportunity cost of women's time in terms of pending economic and household activities, and especially high costs for daily wage earners, limited their capacity to participate regularly and effectively in such meetings.²⁵ Overall, despite the GESI policies, lack of local elections has made the local governance system more centralized and inaccessible to women.

Community based organizations

Community based organizations (CBOs) or community organizations (COs) are another category of institutions which have been successful in involving women on a large scale and increasing the efficiency of local development on a world-wide scale. Starting with the micro-credit and agricultural programmes in the early 1980s under the basic needs approach to development, COs are now accepted as a necessary link to the community voice in all development programmes. They

have been acclaimed as the most successful mechanisms for influencing development policies and programmes at the local level.

In Nepal, the policy of involving the community and women in sectorial grassroots-level programmes such as forestry, agriculture, micro-credit and rural roads started in the early 1980s. COs are now active in all sector programmes. A report²⁶ estimated that there were around 457,994 community groups working in various sectors in the country. In the absence of disaggregated data, it is difficult to know how many such groups are exclusively women focused. But some groups, such as those formed under the Production Credit for Rural Women (PCRW) and by the WCOs as para-legal committees, are fully women-led. Additionally, CBOs such as mother's groups have been promoted extensively. They, along with community health workers, have played crucial roles in improving the health status of Nepali women and children. Currently, CBOs and user's groups who implement local development programmes have to have 33 percent women both as members and also in decision-making positions. Many groups have upgraded themselves into cooperatives, village banks and registered as NGOs. But some have also vanished after the end of external support.

As per the testimonies of the women who have been in such groups, some remarkably positive changes have been brought about through these organizations. Programme impacts included gaining confidence, enhanced economic earnings, participation in decision-making, support to deal with domestic violence, ability to influence elders to abandon harmful traditions and working collectively for the community.²⁷

4.3 STRUCTURAL CAUSES AND RISK FACTORS

Nepali society is in transition from a feudal political, economic and social structure to a fully-fledged democracy with guaranteed political rights and full freedom to voice their concerns and right to be heard. After the Jana Andolan II, women along with other historically discriminated groups have gained much in terms of formal equality, although much still needs to be done (See Chapter 1). Women now enjoy almost equal formal rights (except for citizenship rights). The state has also accepted the principle of affirmative action and proportional representation. Nonetheless, airing their voices freely and being heard is still far from reality for the majority of women. Key factors which deter women from effective participation, voicing their concerns and being heard are discussed below.

Gender biased socialization process and deeply entrenched cultural norms

Deeply entrenched cultural norms restrict women's mobility, participation and leadership. In the majority Indo-Aryan community, submissive roles tailored for young girls and women by the family restrict their socialization process. For example, women are not supposed to mix with male members outside the close family circle or voice their opinions. Further, they are not permitted to travel far distances, especially during the formative adolescence and youth years. This is exactly the time when boys develop their political skills and leadership quality. Particularly, in the Muslim and Madhesi communities, the 'purdah' is enforced strictly for girls and young women, which restricts them from learning

about the intricacies of politics during their formative years. In all communities, girls are groomed for marriage, married off early and expected to produce babies and take care of the family. Meanwhile, young men are groomed for professional advancement and leadership. After marriage, women have little voice either in their marital or parental households. Such upbringing and cultural norms restrict women's advancement not only in politics but also in other professional fields. All institutions including the media, government and of course political parties are managed by men. While there are also women in these institutions, they are a minority. Furthermore, with their gendered socialization and cultural norms, they also have internalized the values which restrict space for women in politics and other public decision-making positions.

Politics of money and muscle

One of the primary reasons women are unable to engage in politics is their limited access to household and public resources and assets. Politics has become a costly business. Women are still unable to stake their claims to parental property although the 11th Amendment to the National Civil Code in 2002, as well as the Interim Constitution, confer that right to daughters. Despite increases in women's legal ownership of home and land due to recent government policies (See Chapter 3) and remittance money received, they still have limited command over how those resources will be used. For instance, very few women would be able to simply decide to use their

familial assets to contest elections; they have to get permission from the household or parents or other family members to use even their own property. Such permission is hard to come by given the general social environment and patriarchal mindset, which does not recognize women's leadership skills. Instead, the man of the household will get first priority in using familial resources to build a political career. This reality also hinders women from investing in media, career development or any other enterprise.

Patriarchy in the political parties

In Nepal's multiparty democracy, political parties play the decisive role in the management of the country, both when they are in power and in opposition. Furthermore, the political parties are critical in grooming leaders. It is through their activities in the political parties – at all levels – that young girls and boys learn the rules of the game, display their ability to lead and finally stake a claim to lead the nation.

Tragically, in Nepal, patriarchal culture is strongly entrenched in the political parties. Gender equality, empowerment and ensuring women's rights are prominently featured in the election manifestoes of the parties. However, this commitment is not translated into practice once the political parties are in power. A study of the party statutes indicates that political parties neither use gender-friendly language nor are they clear on women's participation. Similarly, the election manifestos lack concrete action plans and strong commitments to increasing women's representation in the party decision-making positions.²⁸ Across the board, political leaders have been resistant to more radical changes in the party structure and demands for proportional representation of women within parties.

Patriarchy in the media

Often referred to as the 'fourth estate,' the media plays a pivotal role in democracy as an opinion-maker. As a fully democratic country, Nepal's Interim Constitution and the 2015 Constitution grant full freedom to press and media. Under no condition can this freedom be impinged upon, except when it undermines the sovereignty and integrity of the country or may jeopardize the harmonious relations among peoples of different castes and ethnicity. Similarly, the Right to Information (RTI) is guaranteed by the Interim Constitution and the 2015 Constitution of Nepal. Taking this further, the government of Nepal released a Media Policy in 2012 to promote freedom of expression and right to information as enshrined in the Interim Constitution. The policy aims to enhance respect for accuracy, impartiality and fairness; include marginalized groups and create harmony amongst all cultures; promote healthy democracy and healthy journalistic practices with transparency; and create awareness amongst the excluded minority communities. While the spirit of the Policy is commendable, it does not elaborate on any pathways through which the above goals can be achieved.

Neither the Constitution nor the Media Policy, however, has any gender specific provisions. Without written provisions in statutes and policies, initiatives for gender sensitivity will neither have legal standing nor sustainability. Discrimination on the basis of gender can also be seen in Nepal's Libel and Slander Act of 1959, last amended in 2010. The law has special sections dealing with the defamation of minors and women, but these entail less severe penalties than those dealing with similar cases of defamation against other groups.

In short, the media has received little or no attention in Nepal as a site for pushing

forward gender equality, although 'Women and Media' is one of BPfA's critical areas of concern. The lack of a productive relationship between the gender movement and the media is evidenced by the government reporting to the United Nations's Committee on Status of Women (CSW)²⁹ on the subject. Three points are listed as progress in this area in the government report. First, the clause in the 2011 Information Technology (IT) Policy which aims to increase the access of women and other deprived communities living in remote areas to information technology; second, the reservation of three seats for women in the Central Committee of the Federation of Nepalese Journalists (FNJ); and third, capacity building activities of Sancharika Samuha (SAS) for women journalists. It is not clear how and if the 2011 IT policy is being implemented. Reserving three seats in FNJ was an internal decision within that institution, taken without government intervention. Similarly, capacity building efforts by Sancharika Samuha (SAS) funded from external sources can hardly be considered as part of the government of Nepal's effort to advance gender equality in the media.

Article 10 of the Code of Journalistic Ethics, 2003 does, however, outline the social responsibility of journalists, obligating them to disseminate information and opinions aimed at the development of the disabled, women, children and minority communities. Additionally, the Press Council has established a Media Development Fund with the support of the Danish government in 1991 to support small media operations, particularly outside Kathmandu in the form of soft loans. But only one woman journalist in Ilam district has been successful in accessing some resources from the Fund to purchase a computer.³⁰

Media could be a powerful advocate for

gender equality and women's empowerment, reflecting voices for equal representation of women, the end of VAW and women's exploitation. Media could initiate informed and constructive discussions on vital gender issues, give precedence to news related to gender issues and present positive images of women's leadership and successes. In recent decades, much change has taken place in the attitude of the media, their coverage of women and the ways they present gender issues such as polygamy, child marriage and domestic violence. However, media's potential is far from exploited fully in raising public awareness about women's equal rights to citizenship, property, political potential or changing the traditional practices of gendered socialization. Media coverage of gender and inclusion issues is limited and often sensationalized. As per a 2014 survey of major daily papers and TV channels conducted by Ashmita Women's Publishing House,³¹ out of 728 news pieces aired by various television channels, only nine (1.2 percent) were women-focused. Similarly, only 0.2 percent (22 items) of the news in the newspapers, 0.1 percent of news on television and 0.4 percent of news broadcast on the radio, talked about gender inequality. Less than one percent of the news transmitted through various channels questioned the traditional roles of women in society.

In part, the dismal coverage of gender as a mainstream concern can be attributed to the limited presence of women in the media, particularly at decision-making levels. Of the 10,077 members of the FNJ, women members account for only 16 percent of the total. This reflects an increase of a mere 4 percent over the last three years.³² The numbers shrink even further at the higher levels. The International Federation of Journalists (IFJ), from a survey³³ of journalist in Nepal reported:

“When it comes to career status within Nepal’s media, more than half the male respondents (53.57 percent) described themselves as ‘senior’ to only a quarter of the women (25.67 percent). More women (56.75 percent) said they were ‘mid-level’. At ‘junior’ level were 14.86 of women and 3.57 of men”.

Similarly, no woman has been appointed ever to head government-owned national broadcasting agencies such as Radio Nepal, Nepal Television, the National News Agency (Rastriya Samachar Samiti) and the Corporate News Agency (Gorkhaparta Sansthan). In 2003, a woman was appointed to the Radio Nepal Board of Directors. In 2004, a woman was also appointed to the Press Council. But, currently, there are no women serving in any government-owned media institutions at decision-making levels.

As is evidenced by the facts laid out above, the government is yet to formulate affirmative action policies to promote women to decision-making positions in the media. This remains the reality despite an 11-point memorandum on gender that SAS and Working Women

Journalist (WWJ) groups in the media submitted to the government in March 2012. The memorandum calls for the guarantee of physical security and the professional safety of women journalists, adequate and qualitative representation, minimum wages, formalization of female appointments and special subsidies to media houses run by women journalists, among others. The problem, however, is not limited to the public sector. There are very few women in decision-making positions in private sector media institutions as well. The latter also lack affirmative action plans.

There are only very few exceptions to the trend of excluding women from powerful positions in media. One positive example is the Nepal Press Institute (NPI), established in 1994, which has included the empowerment of women, Dalits and ethnic minorities as a subject in its training programme. It is noteworthy that NPI’s empowerment training focuses on making the voices of disempowered groups heard. Furthermore, for the first time in its 20 year history, the NPI is currently headed by a woman journalist.

4.4 OVERCOMING THE BARRIERS: EMERGENCE OF TRANSFORMATIVE LEADERSHIP

Despite multiple barriers, women have been active in politics, and struggling for equality and empowerment through various organized channels. The most prominent channels are political party sister organizations, NGOs, gender studies programmes, trade unions and individual gender advocates.

Women’s organizations within political parties
Historically, women in Nepal have supported one or other of the existing political parties as per their convictions. All political parties have sister organizations for students, youth and also women. The women’s wings of the political parties have participated in national-level politics for decades, their activism starting

even before the advent of democracy in 1951. In addition to their overall struggle for democracy, the women’s wings advocated for women’s voting rights, widow remarriage, girls’ educational rights, and against social ills such as early marriage and polygamy. Their voices in the party decision-making process have, however, been weak.

The exclusion of women from political decision-making started to change after the democratic movement of 1990 and continued throughout the decade. But the pace of change was very slow. For example, even in 2000 women constituted only 8 percent of the total Central Executive Committee members of the seven political parties represented in the Parliament.³⁴ This was not acceptable to women. By 2006, the women’s movement had transformed into a new powerful stream of voices claiming equal social, political and economic rights. Women participated in the Jana Andolan II of 2006 with their own agenda of equality and empowerment. Increased space for women within the political parties resulted from a number of different factors. Firstly, ten years of democratic governance and increased awareness of women’s rights due to greater advocacy from women’s groups was certainly important. Secondly, international pressure has played a role in compelling the government to take gender equality seriously. Finally, the 10-year insurgency led by the CPN (Maoists) with demands for social inclusion

and gender equality, among other things, forced the political parties to change their attitude to sharing power. Though changes are taking place very slowly, progress is undoubtedly being reflected in party structures and policies.³⁵

All major political parties in the current CA/Parliament have provisions to make themselves more inclusive in terms of both caste/ethnicity and gender, especially by increasing inclusive representation in the executive bodies. The Nepali Congress has a provision of 33 percent representation of women in its decision-making bodies from the central to the grass-roots level. Further, the party statute notes that there should be a total of 13 women comprising of seven elected members and two appointed members each from the Dalit, Madhesi and Adivasi/Janajati groups in its central committee. In terms of percentages, women constitute 21.7 percent of NC’s Central Committee at present.³⁶ The CPN (UML) has similar provisions with the added condition that this 33 percent should also be inclusive in nature, which may be interpreted to mean that the representation should include women from Adivasi/Janajati, Dalit, Muslim and other marginalized groups also. It also mentions that if women lack qualifications as per the required criteria, then the position should be left vacant and fulfilled later by women only.³⁷ One of the agendas of the CPN (Maoist)-led insurgency was the elimination of discrimination and suppression endured by women and marginalized groups. The party policy explicitly talks about the rights of women and marginalized groups. But it did not ensure any positions for women at the central level initially. Only after women leaders submitted a memorandum during the 7th General Convention to increase women’s representation, was the decision taken

TABLE 4.1
Representation of female members in the central committees

Major political parties	Percentage
Nepali Congress (NC)	21.7
NCP (UML)	13.9
NCP (Maoist)	13.1

Source: MoPR/1325 Action Group Nepal, 2014.

to have at least 22 percent women in the Central Committee. But the current female representation in the CPN (Maoist) Central Committee remains at only 13 percent.³⁸

Even with these progressive policies in place, women still struggle to achieve equality with men within the structures of all political parties. For example, as seen in Table 4.1, women's representation in the three major political parties is far below the targeted 33 percent.

While all political parties have accepted the principle of proportional representation as necessary in state organs, they are reluctant to apply the principle to party structures. According to a female politician, "Our leaders are more amenable to introduce changes in the state structures, but when it comes to internal party matters, they do not want to listen (to our voice)"³⁹

Non-government organizations

Civil society organizations or NGOs have emerged as powerful advocates of social and political transformation the world over in the 21st Century. People's participation in Jana Andolan II could perhaps not have become so massive in scale without civil society's intensive ground work. Indeed, NGOs were critical in raising people's awareness about their rights throughout the 1990s. Women's rights NGOs and sister organizations of the political parties played a deciding role in pushing the women's rights issues to the forefront of the political agenda.

Since the end of the Panchayat period in 1990, the number of NGOs in the country has grown by leaps and bounds. In July 2014, the Social Welfare Council (SWC) had 39,759 NGOs registered, in comparison to a mere 17 in 1978.⁴⁰ Out of the total, 2,961 (7.7 percent) NGOs were categorized as 'women services',

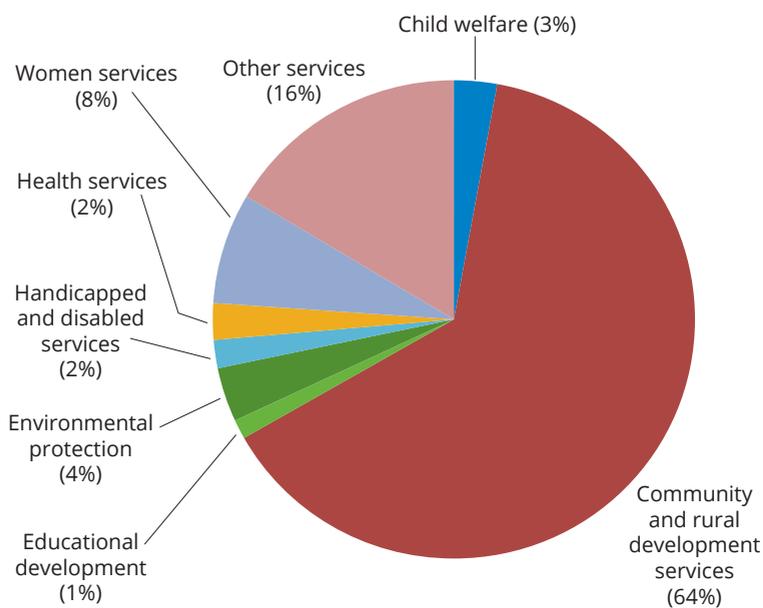
meaning they were mandated to exclusively work on women's issues (See Chart 4.1).⁴¹

Since gender is a cross-cutting issue, many of the remaining organizations also touch upon the issue of gender equality and women empowerment in their programmes. More than half of the NGOs are registered to work in 'Community and Rural Development', which would potentially address gender and inclusion. Similarly, a majority of the health NGOs are focused on women and child health.

There are also large federations of NGOs such as the Bar Association, NGO Federation (5,643 NGOs) and Federation of Community Forestry Users of Nepal (FECOFUN). But women's representation at decision-making levels is limited, although increasing, in all these federations. Only FECOFUN has achieved the 33 percent target for female representation in its decision-making bodies. Meanwhile, the FNJ has 23 percent and the Bar Association 11 percent women's representation at the decision-making levels.⁴² The NGO Federation, with Special Consultative Status from the UN Economic and Social Council, is headed by a woman for the first time since its establishment in 1991. It, however, has only 5 percent women's representation in its decision-making bodies. Women's NGOs also have formed their own issue-based federations such as the Alliance against Trafficking in Women and Children in Nepal (AATWIN) and the National Network against Girls' Trafficking (NNAGT), both focused on fighting against the trafficking of women and children. The challenge in such alliances is to have the different federations come together and advocate for issues on the same platform.

Although limited to microcredit and micro-level skills development during the early years, current women's rights NGOs, supported

CHART 4.1
Percentage of NGOs working sector wise (1978-July, 2014)



Source: Social Welfare Council files, 2014.

by UN agencies, development partners and other right-based civil society organizations, have emerged as a powerful political force. These organizations are important players demanding social and political transformation of the state and society, including fundamental changes in gender relations.

Since the 1990s, when women's activism increased, the agenda has evolved slowly into a fully-fledged charter of demands for empowerment, power sharing and substantive equality as demanded by CEDAW and CSW's recommendations. Starting with the Ninth Plan (1997-2002), the government has also explicitly encouraged NGOs to get involved in the implementation of development programmes. Current activities of NGOs range from programmatic interventions at the grassroots level to lobbying for enactment and reform of progressive laws and policies at the national level.

In addition to providing direct services to women, NGOs also play a critical monitoring and feedback role in the implementation of the government's development programmes and in disaster management during floods, earthquakes, and other calamities that befall the country from time to time. One current example is the NGOs' activities in the 14 affected districts in the aftermath of the 25 April earthquake and continuing aftershocks,⁴³ which have wrought havoc with people's lives and livelihoods. Women's NGOs are now actively involved in distributing immediate relief materials with a focus on women and children, as well as assessing needs in the longer run. More women and children have been impacted than men. But the government agencies and other non-profits organizations responsible for relief distribution are often male dominated, and tend not to pay attention to women's specific needs or seek out those who are poor, uninformed and weak. Women's NGOs have alerted the government and aid agencies on the need to make the relief and longer-term reconstruction programmes more gender responsive by issuing a joint statement (See Box 4.2).

Even the most excluded groups have addressed their concerns through NGOs. For example, the issues of Dalit women are taken up by NGOs such as the Feminist Dalit Organization (FEDO), which advocates for non-discrimination on the basis of caste/gender and calls for proportionate representation of women and specially Dalit women in all state structures. Similarly, the National Federation of Adivasi/Janajati Women (NIWF), a network of 35 organizations, advocates for the rights of Adivasis/Janajatis as well as that of women. Along the same lines, Madhesi women's NGOs such as the Videh Foundation and Muslim women's NGOs such as the Nepal Muslim Women Welfare Society (NMWWS)

BOX 4.2

Extracts from the charter of demands issued by women's groups in the aftermath of the earthquake

A coalition of women's groups active in the field has issued a 'charter of demands' calling for gender sensitive assistance which addresses women's specific practical and strategic needs.⁴⁷ A summary and important extracts from the charter are presented below:

Generally, it is assumed that devastations affect men, women and children alike but such calamities are found to be discriminatory in nature – affecting women and children more than men. The government has declared 14 districts as earthquake-affected districts and intensive assistance has been extended there by the government, international organizations, national organizations and the private sector. But, even though the immediate need of food and shelter may apply to all, it is essential to adopt gender lenses during the relief, recovery and rehabilitation of the earthquake survivors.

To this effect, first the government must ensure women's representation and leadership of women's groups/networks (Janajatis, Dalits, Muslims and others) to ensure gender and inclusion lenses in the needs assessment, planning, prioritization, coordination, development and implementation of policies and programmes in all institutions established for disaster management from the top to bottom;

And second it must formulate gender responsive rules, regulations and directives:

Ensuring that women, especially pregnant, old, those with disabilities and in remote areas with little access to information, have equal access to food security, shelter and sustainable livelihoods;

Giving specific attention to preventing violence against women and girls;

Provisioning special programmes for women (including those with disabilities) to meet their specific reproductive health and other needs;

Ensuring women's representation in the monitoring mechanisms at all levels; and

Compiling gender disaggregated data on impact and needs assessment to support policies and programmes for women generally and vulnerable groups especially.

Source: Press Release issued on 14 May 2015, The Himalayan Times.

and the Fatima Foundation-Nepal exclusively advocate and work for the social, economic and political progress of women from their communities. Through the NGOs, these groups are successful in representing their cultured nuances, voicing their opinions, demanding inclusion and seeking substantive equality and justice (See Cases 4.1 and 4.2).

Although many barriers to substantive

inclusion of marginalized groups remain, two noticeable changes have taken place. First, the state and society now acknowledge the political and socio-economic grievances of these identity groups. Second, there is consensus that these groups must be included in government and political party structures. These NGOs are also active and instrumental in supporting and securing seats for their

representatives in political parties and ultimately in the Constituent Assembly, where their presence is of the utmost importance to present their demands and influence decision making.⁴⁴

In general, all women's NGOs, including those based on ethnicity, religion or caste, call for 33 to 50 percent representation of women in the political organs of the state. They similarly call for the proportional sharing of those seats among women of different social groups. They also call for an end to discriminatory practices, access to opportunities and resources, and equal citizenship rights as key issues facing Nepal's women today.⁴⁵ Similarly, all women's NGOs want government to formulate and implement specific capacity building programmes to enable women to enter the bureaucracy as well as effectively participate in national politics.

There are, however, tensions among the NGOs led by different social groups of women, Adivasis/Janajatis, Dalit, and other marginalized communities and the mainstream women's rights NGOs dominated by women of particular castes, classes and geographic backgrounds. For example, summing up a series of discussions conducted throughout March by Martin Chautari and Chaukhat, a Janajati women researcher, Ms. Kailash Raj,⁴⁶ pointed out the inadequacy of efforts by various strands of the movement, especially the mainstream feminist movement, for coordination, collaborative action, formation of joint platforms for action and unity as the main weaknesses of the current feminist movement.

Trade Unions

Trade unions play the most important role in protecting the rights of workers and advancing

their interests. In Nepal, women's participation and contribution to trade unions dates back to as early as the 1947 workers' strike at the Biratnagar Jute Mill. It was, however, only after the revival of democracy in 1990 that women union members were able to draw attention to their own agenda and the issues of female representation in the trade union leadership. Currently, women are active in all trade unions, which are allied with political parties. The largest of the unions are the UML-affiliated General Federation of Nepalese Trade Unions (GEFONT), the NC-affiliated Nepal Trade Union Congress (NTUC) and the CPN (Maoist)-affiliated All Nepal Trade Union Federation (ANTUF). After Jana Andolan II, GEFONT and NTUC introduced a policy of having 33 percent women in their executive bodies. Only GEFONT has met this target to date. NTUC has 25 percent women including one vice-chairperson in its executive body. ANTUF, established in 2006, too is seriously considering reserving a third of its seats for women. But the policy is yet to be translated into practice.

Importantly, these trade unions have formed an Inter-Trade Union Committee to advance workers' agendas. Their women's wings are collaborating to include women worker's issues as part of the trade union agenda and also to advocate for more effective representation of women in the unions' executive bodies. Ten major issues were identified and advocated for. These included equal opportunity of employment, safe and respectable work place, inclusion in trainings, protection of rights of safe motherhood and basic health, equal wages and facilities and inclusion of informal sector workers in the legal framework of trade unions. Some of these points have impacted the trade union's agenda as well as the Labor Bill in the

CASE 4.1

First step to VDC council by Dalit women in Banlek VDC

Laliguras Community Action Group (CAG), headed by a group of conscious and courageous women from Banlek VDC of Doti district, lobbies and advocates for the rights of marginalized Dalits in the VDC, including pressuring the concerned stakeholders to ensure the political rights of Dalit women. CAG also raises awareness on the issues and problems of Dalit women and make them aware of the services and entitlements made available by the government.

In earlier days, the development process in the VDC was solely dominated by males, especially non-Dalits. Due to their low economic status, lack of education and caste-based discrimination, Dalits were presumed to be incapable of upholding such responsibilities and were excluded from the development process. Dalit men had no chance of being at the decision-making level even though some were included in committees. However, chances of participation and making decisions were almost nil for Dalit women, particularly in the political and governance structure of the VDC. Neither the VDC office nor political parties would share any information regarding the VDC council or other planning process with them.

One year after CAG's formation under the 'Increasing Dalit Women Participation in Nepal' project of FEDO, the network members had the opportunity to interact with many government officials and political parties of the Banlek VDC. It provided them space to present Dalits' and Dalit women's issues and problems to them. Thereafter, they started to advocate for the meaningful participation of Dalit women in political and governance structures and inclusive distribution of VDC resources to them. As a result, six members of the CAG participated in last year's VDC council for the first time and presented their plan for work and demanded several programmes for Dalits, i.e. construction of improved cooking stoves, training on technical writing, developing VDC level plans, and skills development training (tailoring) among others.

In this way the CAG is now involved in disseminating awareness related facts and linking it to community development. They are also in the process of holding different stakeholders accountable for effective implementation of existing policies in the VDC.

Source: FEDO.

Parliament⁴⁸ (See Chapter 3 for details). Yet, there is no female representation in the Inter-Trade Union Committee or its secretariat, although one-third female representation is ensured in all joint programmes.

Preparing future feminists⁴⁹

Several institutions in the government and non-government sectors are intensively engaged in trying to strengthen the women's movement. Their strategy to reach this end

is to improve the knowledge base of women activists and groom a new generation of feminist researchers, advocates and activists. Such initiatives are crucial to raising the level of gender discourse in the country and preparing a mass of informed women for feminist struggle. One such early initiative taken by the women in the academic and research institutions in 1996 was the one-year graduate diploma programme on Women's Studies at the Padma Kanya Campus of Tribhuvan University.

CASE 4.2

Muliya Devi is setting an example: Empowerment through capacity-building*

Muliya Devi Rana a forty-year-old woman hailing from the Tharu community is from Ward No. 7, Manohara, Dhangadi Municipality, Kailai district. Muliya Devi is a mother of two daughters and one son. She has spent a major part of her life in household work, farming and daily wages. She has a new identity today. She has become an active social worker. In partnership with the Rights, Democracy, Inclusion Fund (RDIF), the Minority Community Protection Center implemented a project in 2012 for the socio-economic and political inclusion of minority communities. Because the project was implemented in Muliya Devi's village, she had the opportunity to participate in various trainings, workshops and discussions along with other women like her. She had never participated in any such interactions before so she was hesitant initially. "We had doubts on what illiterate people like us would learn in such trainings but we learned a lot. What are the rights of minorities, indigenous people and women? Where do we have to go to access such rights? We also learned from the programme that a separate budget is allocated for women. We have to be united to raise our voice to access such rights." These days you can see Muliya Devi along with other women at the Municipality office, District Development Committee, District Education Office, Women and Children Office, District Administration Office, schools, Federation of Community Forest User's Group and other related offices to place needed demands. She also keeps track of which children are entitled to free education and scholarships in schools; whether the children meeting the criteria are accessing the social assistance programs; how many women are represented the school management committees etc. Due to her involvement in such issues she is now the Vice Chairperson of the district-level network of minorities, formed by the Minority Community Protection Center. Muliya Devi is also leading a minority group formed in her community. Since participating in the capacity building program her self-confidence has increased great deal. She shares that, "We have submitted our application to the municipality to gravel our road. As per our earlier request, the Municipality has already constructed the first phase of ten toilets out of twenty for our community people." She seems very happy to have the Municipality listen to her demands. The positive change in her is also visible to others. Mr. Pyare Lal Rana, a politician, from Campus Road, Ward No. 8, Dhangadi Municipality says "I am very pleased to see a woman like Muliya Devi, who is usually left far behind, become active for her rights."

* The preliminary case has been prepared by Minority Community Protection Center and published in "Paribartan Sambhav Chha: Kehi Preranadehi Pailaharu, Volume:2", Enabling State Programme/RDIF, 2013.

The struggles women in Nepal face are symbolized by the history of this course; the programme had to be established in the Home Science Department and the teachers were/are to be paid from the fees collected from the students. No men were/are allowed in this course taught at the all-girls Padma Kanya Campus, which prohibits male entrants to this campus. However, the managers and supporters of this course realized that conceptualizing 'women' in isolation does not

bring desired change in hierarchal gender relationships. Therefore, since the 2005/06 academic year, a new upgraded two-year master's degree in Gender Studies has also been offered along with the one year Diploma. It is offered to both women and men as well as to gender queer people. The course is taught outside the PK campus in rented premises. Initially, presuming that the 'Women Studies' degree was something limited to women, men were reluctant

to seek admission. However, with time, awareness and sensitivity, men are joining the course. By the end of the 2014 academic year, nine men had graduated from this programme out of the 27 who had enrolled. The reasons behind this high attrition rate are not clear.

In the first 18 years of its existence, a total of 600 women students have graduated from the “Women’s Studies” programme and are now engaged as development professionals, academicians, police officers and researchers, among others.

This study programme has had a ripple effect on other government and non-government institutions. Currently, ‘gender studies’ has become part of the regular teaching curriculum from sixth grade onwards to the universities.

Women venturing into new areas of leadership

Women are emerging as leaders in other new areas such as mountaineering, sports and banking. For example, for decades cricket has been a sport ardently played, watched, managed and headed by men. In Nepal, highly influenced by neighboring India, cricket is emerging as one of the popular national sports. As an affiliate of the International Cricket Council (ICC), Nepal is also participating in international tournaments. Recently, Nepal created history by hiring a woman as Chief Executive Officer of the Cricket Association of Nepal (CAN). Her recruitment is a surprise not only in Nepal but also in other countries of South Asia.⁵⁰ While her credentials have not been doubted in the public sphere, concerns have been raised about her presence in the ‘man’s world.’

4.5 EVIDENCE BASE: WOMEN’S CURRENT PARTICIPATION AND VOICE IN LEADERSHIP AND DECISION MAKING

Nepal is currently at a juncture where there is continuing tension between status quo forces resistant to change and progressive forces seeking a social and political transformation of the country. The latter forces are also looking to transform the way gender is visualized and gender equality programmes are designed and implemented. While they have had some successes, those resistant to change also continue to hold sway. The following section discusses some of the advances made, as well as the distances women still have to travel to realize the goal of equal representation and

voice in matters of managing their own lives as well as national and local affairs.

4.5.1 Constituent Assembly/Parliament

One important indicator to gauge women’s empowerment is to look at their participation in the political domain both as voters and candidates. The participation of women in politics gathered momentum after the country witnessed major political and legislative transformations. A historic milestone was reached when 33 percent of the 2008 CA/Parliament that was sworn in, were women

(See Chart 4.2). Out of 601 members, 197 were women with 30 candidates winning through the first-past-the-post (FPTP), 161 through proportional representation, and six nominated by the Cabinet. The increase was observed not only in terms of number of women but also in terms of social inclusiveness. Of the 197 women in the 2008 CA/ Parliament, 12.2 percent were Dalits, 35.5 percent were Adivasis/Janajatis, 18.2 percent were Madhesi, and 2.5 percent were Muslims. The remaining 31.5 percent were from other groups including Brahmins/Chhetris (Table 4.4, Annex 4). It is because of such an increased presence that women were able to influence the subject-specific constitutional drafts prepared by the various Constitutional Committees (See Box 4.3).

But there has been a substantial decrease in the number of women in the current CA/ Parliament. Currently, women members number only 175, a decline of 11.2 percent. Of the existing 175, 10 members came through the FPTP process, 161 were nominated under the proportional electoral system, and four were nominated by the cabinet. This is a set back from the 2008 numbers. Unfortunately,

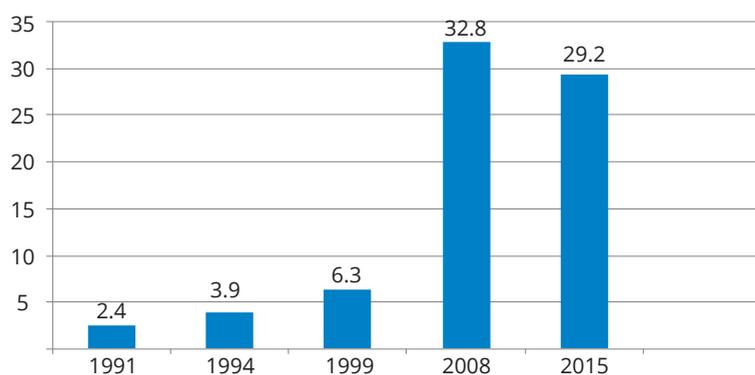
the current scenario is in line with a global trend where women’s representation in parliaments surge immediately after political upheaval, but the numbers drop again within a given time period after stability resumes.⁵¹ Women’s organizations and gender advocates should ensure that women’s political participation gains post-revolution are not reversed.

As to the ethnic and caste composition of these 175 members, as evident from Chart 4.3, the shares of all the Madhesi groups has increased at the cost of all other groups, excepting the hill Dalits who have also increased their presence in the CA/Parliament. Compared to the population composition, the under-represented groups are Tarai Dalits, hill Adivasis/Janajatis and those in the “other groups” categories. Madhesi women, excluding Adivasis/Janajatis and Dalits, are substantially over represented (See Chart 4.3).

Regarding gender composition of each group (See Chart 4.4), surprisingly, Tarai Dalit women have surpassed the 50 percent mark, while hill Dalit women are nearing it. In both groups, women have improved their representation. A similar trend is visible in the cases of Tarai Adivasis/Janajatis and Madhesi women. For all other groups, especially for “others” which includes hill Brahmins/ Chhetris, the female-male ratio has declined significantly, though in total this “other” group is still over represented in relation to their share of the population.

Under the proportional system of representation, the political parties can count a women of Madhesi, Adivasi/Janajati or Dalits origin as fulfilling two quotas – once as a woman and secondly in the respective ethnicity/caste/region quota. This has resulted in significant under-representation of women from the “other group”, which includes

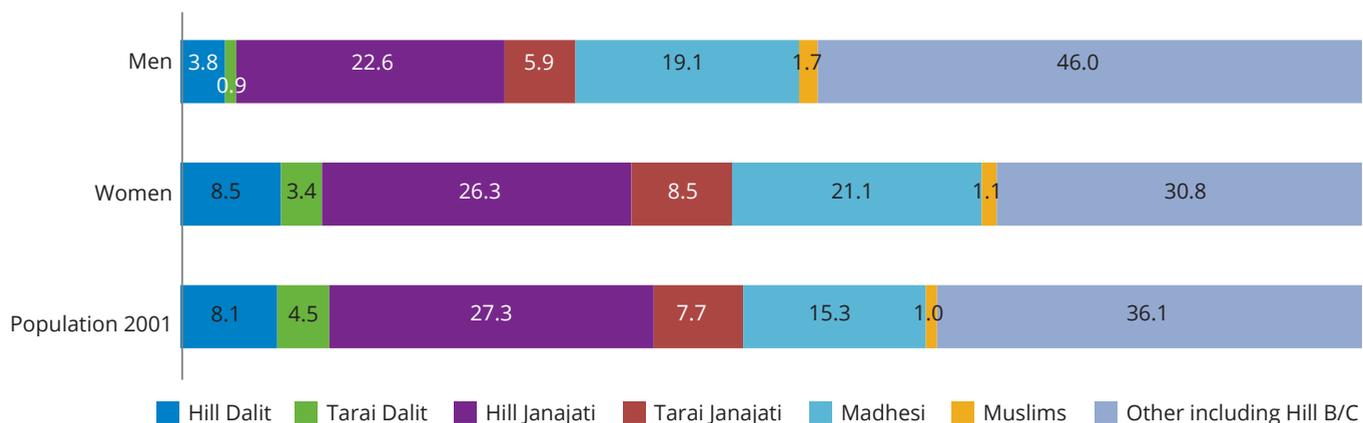
CHART 4.2
Percent women in National Parliament



Source: Annex, Table 4.3.

CHART 4.3

Percent of women in Constituent Assembly by caste/ethnicity 2013

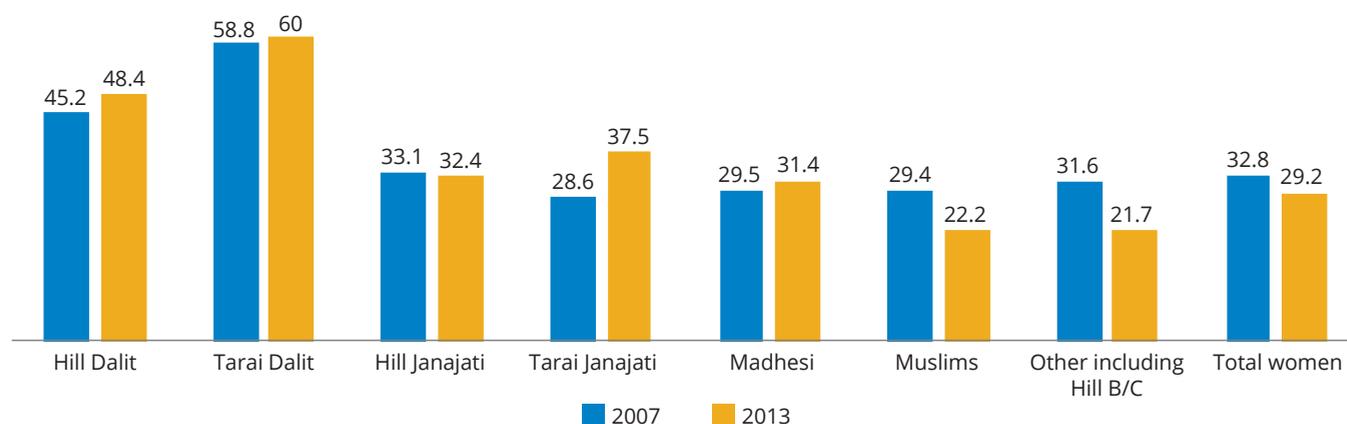


Source: Table 4.4, Annex 4.

Note: No of CA members in 2013=599.

CHART 4.4

Gender composition of the Constituent Assembly members by caste and ethnicity 2007 and 2013 (Women in percent)



Source: Table 4.4, Annex 4.

Brahmin/Chhetri castes. Their place seems to be taken by men, who are over-represented in the current CA/Parliament.

Once elected, CA members can serve in a number of committees and groups. One such collective was the Women Caucus, an informal group of women CA members in the 2008 CA/Parliament. The Caucus was instrumental in raising the issues of citizenship through mothers, equal property rights of daughters,

inclusive and proportionate representation in state structures and the need for broadening the concept of security to encompass human security, among other issues (See Box 4.3).

However, no such caucus of women CA members exists in the current CA. A key agenda item, citizenship through the mother, is still hanging in the second CA and is much debated. A problem within the women's groups is that women CA members from

BOX 4.3

Women's activism and results achieved

When the Interim Constitution Drafting Committee was formed, no women were included despite the earlier parliamentary resolution of mandatory 33 percent representation for women in all the state structures. In protest, women from political party sister organizations, civil society and NGOs demonstrated together on the street. They presented a joint memorandum to all the political parties, including the prime minister. As a result, four women were included among the 16 members of the Constitution Drafting Committee. Their inclusion was crucial to the Interim Constitution incorporating principals of affirmative action for women and other disadvantaged groups to increase their representation in the CA/ Parliament.



Picture Source: Jagaran Nepal.

Women celebrating after the victory.

The Interim Constitution contained a provision that political parties must nominate candidates for elections to the CA/Parliament on the basis of proportional representation of all major social groups in the country. For women, comprising 50 percent of the candidates in the proportional list is a milestone achieved; it was as a direct result of this rule that the first CA/Parliament had 33 percent women's representation. This guarantee of 50 percent candidacy on the proportional list in CA elections was primarily achieved due to pressure from women members.

The first CA, when it adopted rules and procedures, also provided language that called as much as possible, for proportional representation in each of the committees, again due to pressure and advocacy from women members. A separate committee for Women, Children & Social Welfare was established in the Parliament and the women's caucus was recognized and formalized with necessary human and physical resources.

This helped to make the constitutional draft reports gender responsive in many aspects, although the issue of unequal citizenship rights remained. Specifically Women CA members were successful in the following: Persuading the Committee to include the provision that international human rights conventions should prevail in the absence of national laws.

- Within the concept of non-discrimination, including discrimination based on pregnancy, marital status, gender, health status, and special measures to ensure the advancement of women.
- Incorporating gender-neutral language.
- Ensuring recognition of reproductive and sexual rights for women.
- Including a clause that at least one position in each category – president or vice president, speaker or deputy speaker, prime minister or deputy prime minister – has to be a woman.
- Including the National Women's Commission on the list of constitutional commissions and attaining acceptance for the idea that the NWC would be comprised of professionals rather than politicians.
- Forging an agreement among women CA members on amendments to the Civil Code Bill to purge it of remaining clauses and language discriminatory to women.
- Securing a provision for constitutionally mandated representation of women in all Constitutional Commissions.
- Ensuring that if religion, culture, or tradition are discriminatory, it would be recognized as exploitation.

Source: TPAMF, 2010. Information is based on presentation of honorable Sapana Pradhan Malla, CA member, at the interaction programme on "Future Agenda for Women's Movement" organized by Sahavagi/TPAMF on 25 August 2009 in Kathmandu.

various marginalized identity groups feel that women from traditionally powerful groups do not pay adequate attention to their issues. For example, the Tanka Prasad Acharya Memorial Foundation report presents some examples (See Box 4.4) of such voices from a series of interactions carried out by TPAMF/ SAHAVAGI with the then-CA members in 2010.

4.5.2 Cabinet and Constitutional Committees

After the promulgation of the Interim Constitution in 2007, six cabinets were formed

under the leadership of different parties. Representation of women in the cabinet has increased significantly since 2006. But none of the six cabinets have met the 33 percent target (See Chart 4.5). The maximum attained was 24 percent.

Similarly, attempts are being made to ensure the minimum representation of women in constitutional bodies such as the Election Commission (EC), National Human Rights Commission (NHRC), Public Service Commission (PSC), Commission for the Investigation of the Abuse of Authority (CIAA),

BOX 4.4

Voices of women members on their experiences in the 2008 CA and political parties

A UCPN (Maoist) Dalit member:

- One level of freedom to put forward the concerns of women, Adivasi/Janajatis, Dalits, and other marginalized peoples in the CA meetings is granted. But the party line cannot be crossed.

Summary of statements of Adivasi/Janajati members:

- Although there are 197 women in the CA, they have not been able to influence the committees significantly because they cannot go outside the party policy.
- Despite substantial representation of women in CA committees, they have not been able to exert enough pressure on women's issues because women from different parties are divided on the issues.
- Parties have used Adivasi/Janajati women only as vote banks and party workers at the lower levels.
- Adivasi/Janajati women are overly mobilized in various movements. However, they are not brought into leadership positions in sufficient numbers.
- Responsibility is not given to women even if they are in decision-making positions. They are placed there more as symbols.
- The district line agencies and DDCs undermine women CA members elected under proportional representation. Women representatives are not consulted in district plan and programme formulation.

A Madhesi woman CA member:

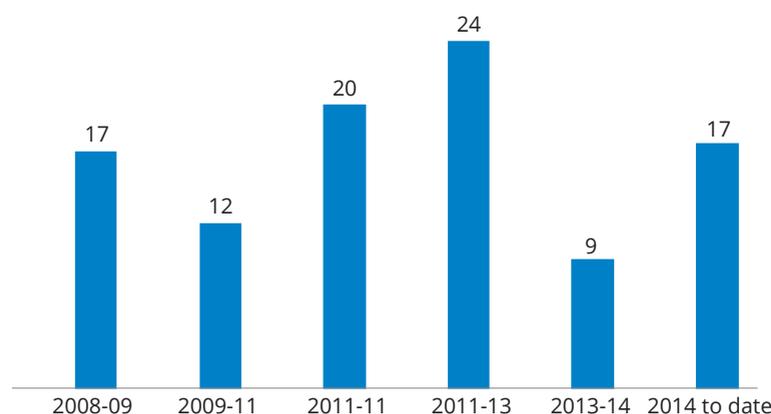
- Representation of Madhesi women in the central and district level committees is nominal in the three largest parties. Role models are needed to attract Madhesi women to politics.

A Muslim woman CA member:

- All the political parties have given free space to women to air their voices on women's issues within the wider political party perspective except the UCPN (Maoist) party.

Source: TPAMF, 2010.

CHART 4.5
Percent of women in different cabinets since 2008/09



Source: Table 4.5, Annex 4.

and the National Planning Commission (NPC). However, all these institutions usually have one woman representative in a body of four to seven members.⁵²

4.5.3 Local Peace Committees

Nepal's peace process did not include women in the negotiating teams, as these were led by the party leadership, where women's representation is almost zero. However, in the Local Peace Committees (LPCs), which were transitional mechanisms formed at the center, district and VDC levels to promote sustainable peace through people's participation, the representation of women and other marginalized groups is mandatory. There is a provision of one-third representation of women in these LPCs. Two members from other excluded groups are also to be included. In reality, the inclusion has not materialized in all places. Although no consolidated data is available, both government and NGOs have

made efforts to enhance the capacity of the women members of the LPCs.⁵³ Studies have indicated that women at the grassroots level face three major barriers: time constraints, lack of access to economic resources even for travel to meeting places and information gaps to participate effectively in the committee work.⁵⁴

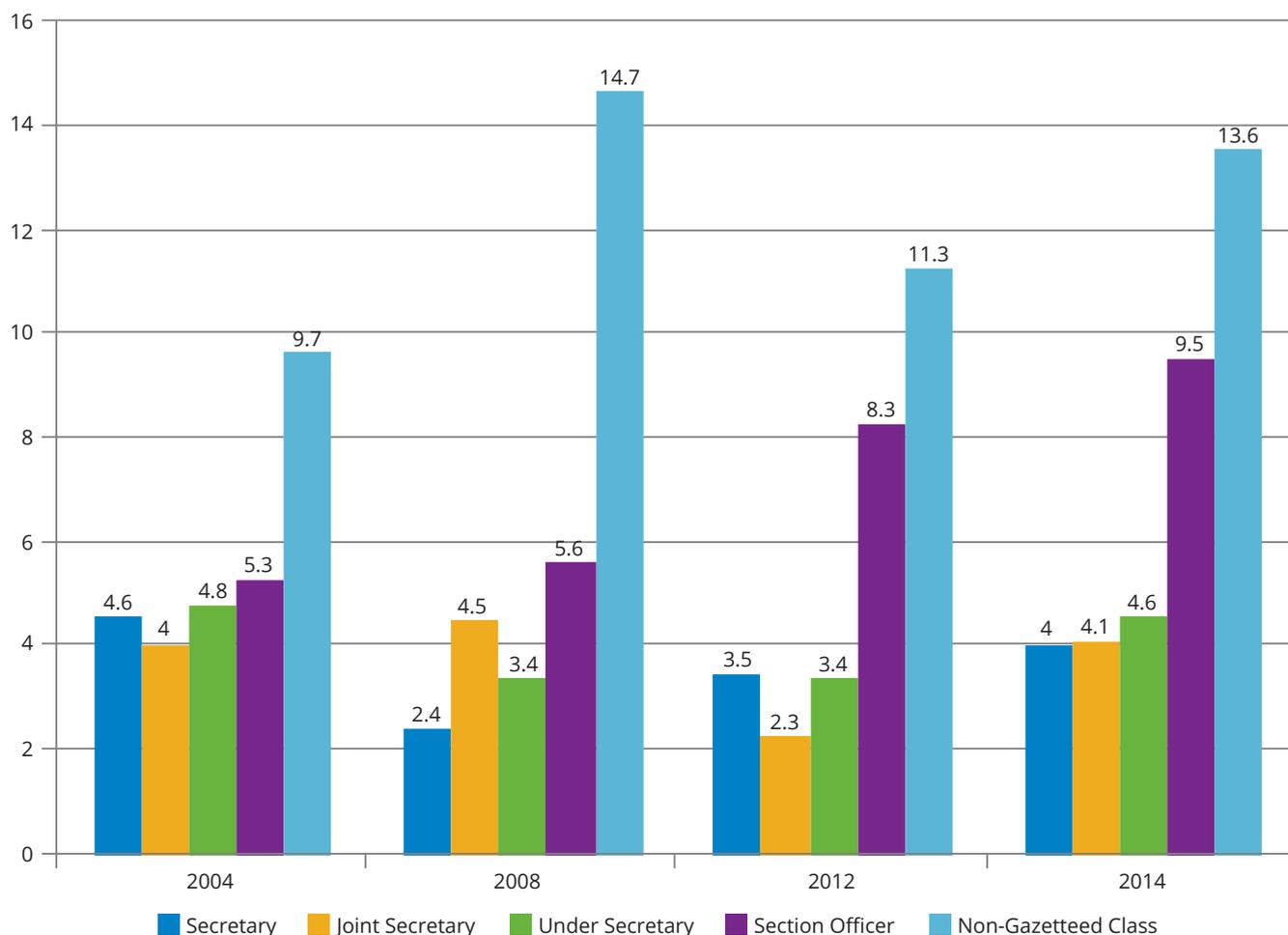
4.5.4 Civil service, army and police

Women's overall representation in the civil service has increased since the introduction of affirmative action policies. However, women comprised only 10.5 percent of the civil service in 2014. Further, increases have resulted mostly at the entry level, that is third class Section Officers and support staff (See Chart 4.6). A lack of women officials eligible for promotion is a bottleneck for increasing their representation at higher levels. Lateral entry is also restricted up to the middle levels. Overall, only 15 percent of civil service seats across the board are reserved for women.

Reservations for women in the Nepal Army, Nepal Police and Armed Force Police also have resulted in increased numbers of recruits in recent years. Nonetheless, women currently constitute only 3.2 percent, 5.7 percent and 4.9 percent of the three security organs, respectively.⁵⁵ Their presence is miniscule at higher decision-making levels.

Similarly, although there have been increases in the number of women in the judiciary, they are still grossly under-represented. As of 2015 January, there were six female judges in the appellate courts (8.1 percent) and two (1.2 percent) in the district courts.⁵⁶ But, there was no female judge in the Supreme Court.

CHART 4.6
Percent of women by levels in the Civil Service 2004-2014



Source: Table 4.6, Annex 4.

4.6 FUTURE INVESTMENTS: LEADING THE WAY FORWARD

Women's participation within different state structures, from the community to the national level, has witnessed remarkable progress over the years. Nonetheless, except at the grassroots level and in the CA/Parliament, women's participation is nowhere near the

promised target of 33 percent, especially at decision-making levels. Furthermore, most of those who have reached the decision-making levels due to quotas, are inadequately equipped with knowledge and information on matters, except for a few women's issues.

This hampers them in effective participation. Institutional, environmental and resource gaps hinder women from realizing substantive equality in representation and airing their voices with full confidence. This is particularly true for women from the Dalit community and other poorer sections of society.

Today, the feminist movement has diversified to encompass the voices of the excluded and marginalized groups of women, and grown into a powerful force to be reckoned with by the political parties and leaders. The number of women's rights NGOs has also grown exponentially, with different social groups of women airing their own concerns through them. Women's collaborative action, when coordinated and calibrated, has achieved important gains, such as legal mandates for 33 percent representation of women in state structures, legal and institutional changes, and resource allocations to combat VAW. But women from the Adivasi/Janajati, Dalit and other marginalized groups still feel left out by the mainstream women's movement. Unfortunately, the prolonged period of political crisis, and concentration of political parties on the single issue of shaping a federal Nepal, is relegating all other issues, including gender equality, to secondary importance. The fundamental differences between the political parties in understanding the concept of an inclusive state appear intractable at the moment. Similar divisions are also evident in the women's movement.

Lack of easy access to ethnicity/caste/class and other marginalized social group data cross-classified by gender makes it difficult to track the progress of the social groups of women who are at the bottom of the ladder socially and economically. This section presents some recommendations to

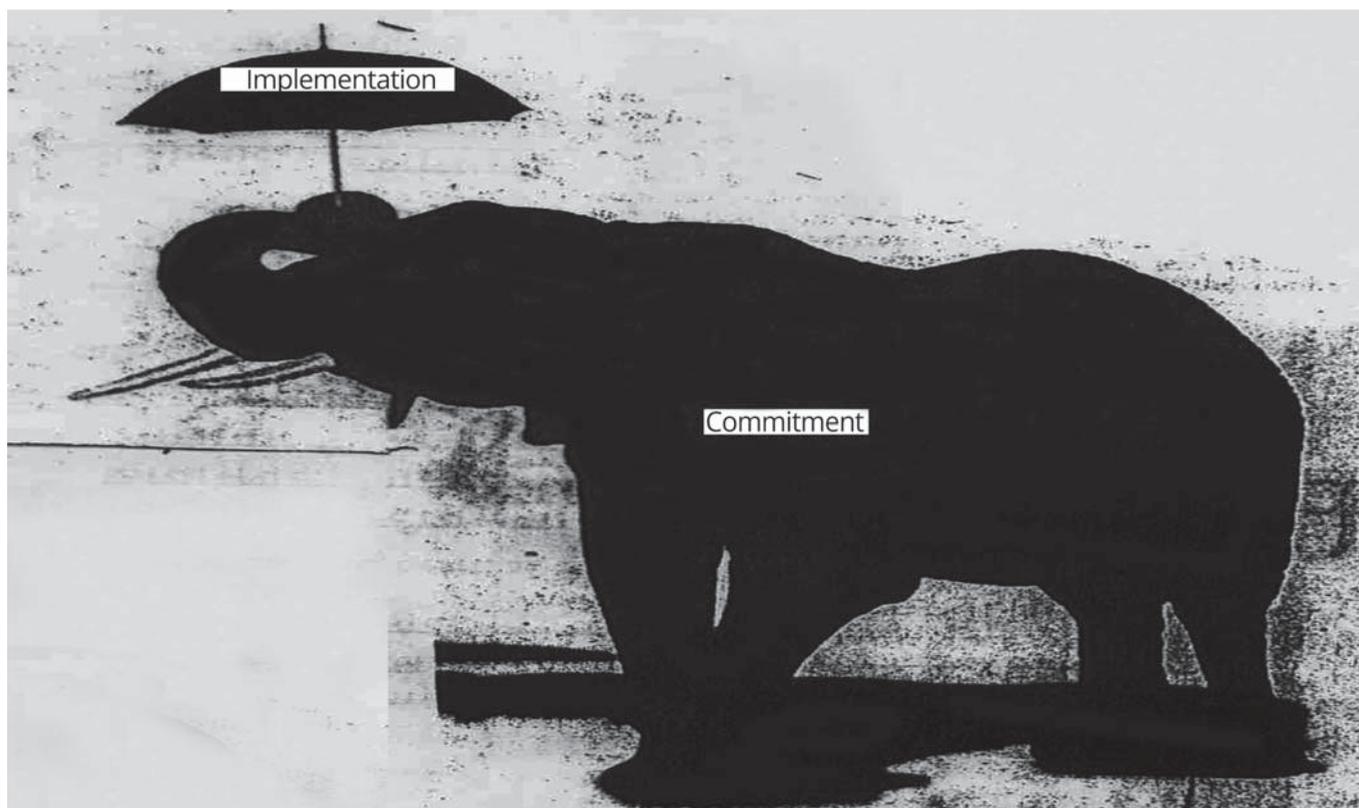
address some of the problems women face for effective representation.

1. Expedite the formulation and implementation of a comprehensive and time-bound Gender Equality Policy. The Policy should work in three areas. First, it should address all the major issues leading to gender discrimination. Second, it should evaluate current gender policies, strategies and actions that are being implemented by various ministries and institutions. Third, it should formulate a forward-looking strategy for accelerated progress on substantive equality for women of all socio-economic groups, incorporating recommendations from this and other similar reports.
2. Implement and extend affirmative action provisions in the Constitution to ensure 33 percent representation of women in all state organs, political parties and the media. This should be accompanied by a plan of action and strategies, along with adequate resources for translating the policy commitments into action. For example, it should include concrete steps on how to sensitize politicians on gender and social inclusion. Similarly, provisions should include thorough reviews and revisions to party statutes, regulations, policies, programmes and structures from a gender lens, with built-in mechanisms for tracking progress and periodic reporting. This was one of the major recommendations which emerged from a series of interactions – conducted by TPAMF and Sahavagi – with women parliamentarians, party activists and civil society leaders in 2010.⁵⁷ The Concluding Observations of the CEDAW Committee⁵⁸

also has welcomed the mandated levels of women's representation as temporary measures taken by the government. Yet, it points to the need for a strategy to achieve substantive equality between men and women, particularly in the areas where women face more discrimination such as health, employment, education, housing, land ownership and public life, in addition to combating VAW.

3. Formulate and implement a capacity-building plan for all political representatives at the central, district and local levels. The content of the training should cover not only women's rights issues but also the government's sectorial development policies, opportunities provided to women in each sector and risks with which women need to be concerned.
4. Provide adequate budgets, human resources and capacity building opportunities to institutions entrusted with the implementation of gender equality as well as larger education and health programmes, targeted at women, remote areas and the poor.
5. Revise the NAPs of UNSCRs 1325 and 1820 (with a clear timeframe) incorporating the recommendations from the mid-term evaluation. Responsible individuals/groups working on 1325 and 1820, the LPCs, GESI units and gender focal persons within political parties need capacity development.
6. Create a robust monitoring and evaluation mechanism at the district/national levels as well as develop a central gender and social inclusion disaggregated database. These areas should be a priority.
7. Formulate and implement a media policy which is geared toward promoting forward-looking changes in gender and social relations. This should also be accompanied by a policy to increase the presence of women and other marginalized groups in the media, particularly at decision-making levels. The policy should also guarantee the safety of journalists, especially women journalists and establish a capacity-building plan for them on gender-sensitive journalism. A rigorous monitoring and evaluation system on women in the media is needed to end impunity for VAW in the form of negative portrayals of women and to create a better environment for women in the media.
8. Coalition- and network-building, and joint actions among women's organizations and gender advocates are needed, particularly to reflect the voices and issues of Adivasis/Janajatis, Dalits, and other marginalized groups of women into the mainstream feminist agenda. Such collaborative work is essential to protect the advances achieved so far and to ensure further changes in the state structures, social norms and behavior so that all groups of women can enjoy substantive equality.

Commitment vs. Implementation



Source:

Baskota, K.H. and Acharya, M.

Revenue Secretary (MOF) & and Dr. Meena Acharya

"Ministry of Finance's Pro-Active Steps on Gender Equality: The Nepalese Experience"

Power point presented in Learning Workshop on Financing for Gender Equality and Women's Rights, New York, 3-5 November 2009



5

CONCLUSIONS AND RECOMMENDATIONS

5.1 LOOKING BACK

Nepal is committed to ensuring non-discrimination and equality to women and girls under its Constitution and the international human rights framework including CEDAW, the BPfA as well as UNSCR 1325 and 1820. The government has adopted policies, formulated action plans to follow up on these commitments as well as implemented various programmes to empower women and ensure their rights. Yet, this review shows that in the 20 years since the Beijing Declaration and the Platform for Action was signed, the goal of achieving substantive gender equality and the realization of women's rights continues to remain elusive. Progress has been achieved in legal and constitutional reforms, education and health, but social and economic barriers to a woman's advancement remain largely intact (See Chart 5.1 and 5.2).

Measures adopted by the government since 1995 have partially addressed gender discrimination both in the legal system and in formal institutions (states, markets, national governance structures) and informal institutions (family, community). Many old laws and regulations have been reformed, and new ones passed to promote gender equality and the realization of women's rights. Some of the examples are the Gender Equality Act 2006, Domestic Violence (Offence and Punishment) Act, 2009 and the law to prohibit violence in the workplace. Civil society organizations and Nepal's Judiciary have played critical roles in bringing about these changes.

NGOs and civil society organizations, as well as gender advocates, have played a critical role in bringing about these changes by their persistent lobbying, demonstrations, sit-ins,

fasts, petition submissions, mass awareness raising and public litigations around women's human rights.

A key shift has been the widespread acceptance of the principles of proportional representation and affirmative action, which is now established in both the political sphere as well for ensuring women's and girl's access to education, health and economic resources. Political representation and the voice of women are ensured through the reservation of seats in the parliamentary elections and local governance institutions. Reservations are made for women and other excluded groups of populations in the civil as well as other government services, including the security forces. The affirmative action policies in the economic and social area are implemented through programmes such as GESI, GRB, tax rebates, widespread scholarships, cash grants for medically assisted delivery and free basic health services including some common medicines.

In terms of outcomes, Nepal has made five important achievements in promoting gender equality and women's rights since the Beijing Conference. Firstly, a more gender friendly constitutional and legal framework has been put into place. Particularly important in this respect are the legal reforms related to laws dealing with sexual violence and women's economic rights. Secondly, there has been a substantial improvement in women's numerical visibility and voice in the public sphere. Thirdly, women have attained increased access to education and achieved higher educational qualifications in substantially increased numbers.

Fourthly, Nepal has experienced significant improvements in and has already achieved the MDGs in maternal and child mortality rates. Finally, women have increased access to economic resources, land, houses, and micro-credit, although nowhere near equal to men.

Nonetheless, the goal of ensuring women's human rights and substantive equality as envisioned by BPfA and CEDAW remain distant. Many laws and regulations, including the current 2015 Constitution of Nepal, continue to discriminate against women, for example in citizenship rights. Many other constitutional provisions, for example on non-discrimination and inclusion, still lack clear definitions.

Overall, women have achieved much in the educational field. But, whatever progress women as a group have made in access to education, health and resources has not been shared equally by all social groups of women and girls. Averages hide large gaps between the maximum and minimum achievers. Brahmin, Chhetri, and Newar women have achieved the highest gains in better access to education and services. Meanwhile, the majority of the Madhesi, Dalit, Muslim and marginalized Adivasi/Janajati women lag behind. Muslim and Dalit women trail behind other demographics of women in all spheres. The impact of gender discrimination and VAW is reinforced by poverty, caste and ethnic barriers.

Even gains made appear hard to protect. One key example is the reduced representation (about 29 percent) of women in the current CA/Parliament from the previous body (almost 33 percent) elected in 2008. It is however, satisfying to note the new Constitution of Nepal 2015 ensures 33 percent representation of women in future federal and provincial legislatures. Women's representation in state and non-

state institutions is still far below the targeted 33 percent at higher decision-making levels such as the cabinet and the bureaucracy. Nor is there a firm plan on how and when that target is going to be achieved. Political parties continue to resist implementation of affirmative action within their internal structures and procedures.

Formal and informal discrimination in the market limits severely economic opportunities for women, both as laborers and producers. As a result, women are concentrated in subsistence agriculture, which has low productivity, or in the informal sector and in low wage jobs with dismal working conditions. Interestingly, while agriculture is becoming feminized, women's land ownership has not increased concomitantly. The proportion of households with women's ownership of land and house, although doubled from 2001, accounted for only 20 percent in the case of land and 10 percent in the case of houses in 2011. Due to the lack of adequate property and support systems, women entrepreneurs face significant barriers in entering the men's world of business as well as in expanding their enterprises.

Moreover, women continue to have the responsibility for the bulk of household and care work, which impedes their opportunities in education, entrepreneurship, career development, better paid regular market jobs, politics and participation in all other public institutions. Poor women are particularly prevented from taking up more remunerative regular work and girl children from poor families from attending school due to house/care work.

On top of all this, inadequate funding and a lack of an effective monitoring system as well as a poor database renders the accountability system grossly inadequate. This is especially so

CHART 5.1 Progress of women since 1995

WHAT HAS BEEN ACHIEVED?

1. Elimination of discrimination in the constitutional and legal framework and ensuring women's human rights
 - Eliminating some major discriminatory provisions from the constitution and the legal framework, such as in property rights and family laws
 - Ensuring the reproductive rights of women and freedom from discrimination and violence in the constitution
 - Passing new laws to combat VAWG and ensure children's rights that includes Human Trafficking Control Act 2007, Domestic Violence Control Act 2009 and Anti-Sexual Harassment Act 2014
 - Adopting principle of proportional representation and affirmative action for ensuring women's participation and voice and agency at decision-making levels, in all state organs
2. Developing a series of policies and institutions to support women and to ensure the realization of her substantive rights in everyday life
 - Expanding the legal understanding of VAWG to include marital rape, cultural practices that perpetuate violence against women, psychological violence and harassment, and forced marriage
 - Establishing a girl's right to basic livelihood, education and health support from their parents without discrimination
 - Setting up special institutions such as NWC, MoWCSW and GESI units to support women and girls to overcome the informal social discriminatory practices and social norms to realize their rights
 - Establishing special funds and allocating special resources to combat VAWG and ensure rehabilitation and reintegration of victims
3. Supporting women to overcome economic barriers in the market
 - Passing laws to prohibit wage discrimination and workplace violence
 - Adopting special policies such as GESI and GRB in the development programmes and budget to ensure that women and girls benefit equally from them
 - Granting tax rebates on property transfers, income tax, enterprise registration, and promoting micro-credit and cooperatives to increase women's opportunities in the market and combating poverty
 - Allocation of specific resources for assistance in facilitating access to education and health services, such as wide scale scholarships, cash subsidies and free delivery services, free medicines for certain basic health problems
 - Mandatory allocation of 10 percent of the local development grants to women's empowerment
 - Instituting a rudimentary social security system including universal pension for all senior citizens, Dalits, physically disabled, the elderly and widows

4. Ensuring participation/representation, voice and agency
 - Guarantee of all democratic rights including full press freedoms
 - Ensuring freedom of organization and action for political parties, civil society and trade unions
 - Ensuring 33 percent of candidates for both the CAs/Parliaments and 33 percent members in the future federal and provincial legislatures.
 - Requiring a minimum representation of women in the Cabinet, other constitutional bodies, public institutions and peace mechanisms
 - Adopting policies like GESI and GRB requiring 33 percent representation of women and that women make up at least 50 percent of beneficiaries of all central and local development programmes
 - Collaborating with NGOs and seeking their participation in the management and implementation of the programmes for combating VAWG and other initiatives
5. Outcomes: Five important achievements women have made since the Beijing Conference.
 - A more gender-friendly constitutional and legal framework
 - A substantial improvement in women's numerical visibility and voice in the public sphere, including in the CA/Parliament, local governance and peace-mechanisms
 - Increased access to education and achievement of higher educational qualifications in increased numbers
 - Significant improvements in maternal and child health
 - Increased access to economic resources, land, houses, micro-credit

in the arenas of VAW, women's poverty, time-use and in ensuring inclusive representation at the intersection of gender and other identities such as caste/ethnicity and region. The regular sectorial monitoring indicators continue to ignore gender and inclusion aspects, despite GESI and GRB policies. GESI and GRB are neither adopted universally in all programmes nor applied systematically across all sectors.

Lastly, although the Judiciary in Nepal has played a progressive role in establishing women's rights, the judicial process is beset with multiple problems, old and outdated laws and a long list of backlogs, political party interventions, and sometimes corruption. Women victims of VAW often hesitate to

approach the court, because they are already pressured by society to let it go and even threatened by the perpetrators of the crime not to file cases, as well as lack a strong long-term support system such as shelter and subsistence, to see the case through. Many women, and poor and disadvantaged people, are not even aware of their rights and how to channel their complaints to get their grievances redressed. Even after approaching the courts, their cases are sometimes not tried fairly.

Thus, although Nepal has moved far ahead from its 1995 position in terms of fostering gender equality and ensuring women's human rights, many gaps remain. A key gap is the

CHART 5.2

Barriers that remain

BARRIERS

1. Barriers that remain to women's enjoyment of substantive equality and the realization of rights

The goal of ensuring women's full human rights and substantive equality as envisioned by the BPfA and CEDAW remains as elusive as ever in the following ways:

a. Ensuring human rights of women and freedom from violence:

- Many laws and regulations, including the current Interim Constitution, continue to discriminate against women, for example in citizenship rights
- Other constitutional provisions, for example on non-discrimination and inclusion, still lack clear definitions
- The clauses that direct the state to adopt supportive measures for women are not mandatory and effective without laws, which are often not passed
- Measures adopted to address social norms and practices that discriminate against women, perpetuate stereotypes and accept violence against them, project women as subordinate and weak, and reinforce traditional sex divisions of household and care work are far from adequate
- Women continue to face violence in everyday life
- VAWG that occurred during the armed conflict remains uninvestigated and unaddressed

b. Ensuring equal access and enjoyment of full economic rights:

- Structural barriers women entering the market, wage discrimination, concentration at the lower end of the labor market continues
- Women and girls continue to face discrimination in access to services and resources at home and in the community. They are subjected to violence in everyday life at home, in the streets, school, and work place, in public places, in police custody and in destination countries when they migrate for work
- Inequality among various groups of women is increasing; intersectionality of vulnerabilities and identities are not addressed adequately

c. Ensuring participation, voice and agency :

- Affirmative action policies were implemented only in state organs, and lacking a firm commitment to ensure results
- Institutions and mechanisms established to implement the laws and policies are under-staffed, underfunded and not equipped with the necessary power to fulfill their responsibilities
- Even gains made appear hard to protect, for example on representation and voice

d. Lack of gender responsive data especially on VAWG, domestic and care work, and poverty and a robust monitoring system, on gender equality and the realization of substantive equality remain severe

fact that measures adopted to address social norms and practices that discriminate against women and girls and accept violence against them, have not been adequate. Consequently, Nepali society still remains tied to hegemonic models of socially acceptable masculine behavior that project women as subordinate and weak, legitimize violence as a means to control women, reinforce the traditional division of household and care work that puts the entire burden on women, and perpetuates the structural barriers of the market economy which assumes equality among non-equals.

The scourge of violence against women and girls continues unabated while accessing justice is very difficult for the victims.

To borrow a phrase from the Secretary General's Report to the 23rd special session of the General Assembly to describe the overall progress of women since Beijing, "the change has not been deep, nor has it been irreversible."¹ To bring about deep and irreversible changes, Nepal will need a comprehensive gender equality policy with a transformative approach and estimates of funding requirements as well as its honest implementation in a phased manner.

5.2 RECOMMENDATIONS: MOVING FORWARD

The Nepal government is in the process of formulating an agenda for SDGs and also a Gender Equality Policy. The Policy should set a transformative stand-alone goal on achieving gender equality, women's rights and women's empowerment, and integrate the gender equality goal across all other agendas of the forthcoming SDGs. In the words of the UN Secretary General, "to be transformative, the future agenda must be universal and anchored in human rights. It must achieve sustainable development in all three dimensions, economic, social and environmental. It must create peaceful societies by changing cultures of violence, masculinity and militarism."²

Understanding and integrating the concept of substantive equality in development is critical if we are to build on the positive changes that have taken place in the country and eliminate the gaps that have been identified in this review. The forthcoming Gender Equality Policy should first set a goal

of bringing about transformative change in the way gender issues are perceived and aim for ensuring formal as well as substantive equality for women. The policy should not focus only on equality of treatment but equality in outcomes as defined by CEDAW and its Protocol. It should also evaluate current gender policies, strategies and actions that are being implemented by various ministries and institutions from a human rights perspective. Policies and programmes across sectors must address the discriminatory social norms, power relations and gender stereotypes and focus instead on promoting positive norms of gender equality, human rights and social justice. Next, it should formulate a forward-looking strategy for faster progress on substantive equality for women of all socio-economic groups, focusing on the following six specific areas: ensuring constitutional and legal equality; transforming social norms and gender stereotypes; transforming the economy

with increased investment in women's capability enhancement; ensuring women's full and equal participation, voice and agency; strengthening the accountability system with effective institutions; improved justice delivery mechanisms and creating a robust monitoring system and an expanded database. Detailed pathways to change for each of the six recommendations are discussed below.

5.2.1 Ensuring formal legal equality and justice for women and girls

To ensure that women can enjoy substantive equality in practice and realize their rights, a strong national legal framework is essential. The framework must protect the formal political, civil and socio-economic rights of women as well as recognize the various forms of violence perpetuated by state and non-state actors. Transformative change in gender relations involves a change in the overall power relations between the sexes in all spheres of life, including in the state's constitutional and legal framework. Laws, policies and programmes all need to focus on ensuring both de jure and de facto outcomes in equality. While appreciating the adoption of temporary special measures such as affirmative action, it must be noted that by themselves, they are not adequate to bring real long-term outcomes. The state must understand that what is most critical is to transform the whole system to ensure substantive equality and dignity to women.

As a first move towards a transformative change, the constitution of Nepal should incorporate the principle of substantive equality in its preamble. The Constitution should ensure non-discrimination not only on the basis of sex but also on factors that constitute other vulnerabilities. It should also be specified that the prohibition of

discrimination on the basis of sex, refers to both direct and indirect discrimination, and discrimination that occurs in the public and private spheres. The Constitution must recognize that to ensure dignity to women, equal citizenship and reproductive rights are critical.

Along with a strong constitutional and legal framework prohibiting all forms of discrimination, the Nepali state needs to put in place a strong socio-economic support system, including affirmative action and empowerment policies and programs for women. These measures must be accompanied by a strengthened accountability system expertly implemented with adequately funded outcome-based monitoring mechanisms through time-bound goals, accompanied by indicators that measure the success of actions and support. These are discussed in some detail below.

5.2.2 Transforming discriminatory social norms and gender stereotypes

The transformation of discriminatory social norms and gender stereotypes must be a priority in future action agendas for gender equality and women's empowerment. This has proved to be most difficult to achieve, in part because adequate efforts have not been put into it. The following immediate actions are recommended to address this issue:

i. Formulate and implement a gender-responsive media and information campaign:

The campaign should be geared towards promoting progressive changes in gender and social relations, projecting women's positive roles, avoiding negative stereotyping, creating an environment of zero-tolerance of VAWG, and facilitating transformation to a gender-just and equitable society. Multiple channels

of communication should be used including informal media.

Formal media: Formal media can be a powerful ally in changing people's attitudes and institutionalizing social change. To date, the potential of the media is far from exploited fully for such social transformation. The responsibility for raising awareness about gender equality is left mostly to non-government organizations. It is recommended that the government use all channels to spread messages on gender equality and women's rights. The media policy should also aim to increase women's reach and presence in the media, particularly at the decision-making levels. Alongside these measures, it is necessary to guarantee the safety of journalists, especially women journalists, and implement a capacity building plan for gender-sensitive journalism. A rigorous monitoring and evaluation system on women in media, agreed upon by the FNJ, the Press Institute, government, representatives of women journalists, and women's NGOs is required.

Supplementary informal channels of communication: The majority of Nepali women and men have very limited access to mainstream print and visual media. Adopting newer mediums of communication such as through mobile phones as well as having anti-VAWG and pro-gender equality slogans on public transport, schools, government office walls, and grain, fertilizer, cement and other bags should be used.

i. Involve communities in such campaigns: Educating the community and tapping into existing opportunities within communities is of the utmost importance to reduce domestic

violence and address issues of stigma. This is specifically the case for trafficking returnees and rape victims. Strategies must ensure that programmes do not adversely impact those for whom initiatives are undertaken.

ii. Redesign educational books, teaching materials and teacher training modules: Messages on women's human rights, gender equality and a zero-tolerance attitude toward violence against girls and women should be integrated in the school education system so as to influence students at the early stages of learning. The current government school books and teaching materials do include some content on gender equality and human rights, but not sufficiently. Efforts need to be initiated at an early learning stage from elementary school. The private sector schools also should be required to integrate such materials in their curricula more effectively. From practical experience, getting teachers to change their attitudes and behavior to women and girls seem to be a difficult task. Repeated and effective training is a must for them. The new recruits should be given such training right at the beginning of their teaching tenure and tested on attitudes and past behavior before recruitment. Inclusion of sexual education, concepts of harassment and consent for adolescents in the schools could be helpful to increase their awareness and power to resist.

iii. Involve men and mainstream institutions: Design and implement a programme to involve more men, particularly young men, and non-gender focused institutions in becoming active in gender equality and anti-VAWG campaigns. Positive male role models should be rewarded for their work on gender equality advocacy and in combating

VAWG. Men and boys must be educated to take responsibility for their behavior. A few successful campaigns have been organized in the past in South Asia³ engaging men and boys. But such efforts have been few, far apart and often inspired and funded by external sources. They should be resourced nationally and locally as well.

Include more stakeholders such as FNCCI, FWEAN and other business houses and their federations, cultural associations, literary and music clubs and the media in the collaborative mechanisms established to combat VAWG and promote gender equality. They play crucial roles in setting the social norms, and their involvement will enhance the impact of the awareness raising programmes.

5.2.3 Transforming the economy to achieve gender equality and sustainable development

With the conclusion of the MDGs this year, achieving sustainable, holistic development, peace and security have become the express aim of the Sustainable Development Goals that have been developed at the global level by the United Nations for the period 2016-2030. The realization of women's and girls' economic rights is among the major components of the agenda.⁴ Attaining this goal will involve a total transformation in the way the issue of women's economic empowerment is conceptualized and addressed. Economic approaches generally have drawn on women's knowledge and time without conferring upon women the rights and the benefits of sustainable development, including in Nepal. Consequently, they have tended to reinforce gender stereotypes and entrench gender inequalities. It should be remembered that sustainability is not only about physical environment but includes human security

and peace. The United Nations Open Working Group of the General Assembly on Sustainable Development Goals (A/68/970 and Corr.1) based on the World Survey,⁵ states:

“Acknowledging women’s knowledge, agency and collective action offers the potential to improve resource productivity and efficiency; to enhance ecosystem conservation and sustainable use; and to build more sustainable, low-carbon and climate-resilient food, energy, water and sanitation, and health systems. Women have been and must continue to be central actors in promoting sustainability and green transformations...Any development pathway will only be sustainable if it enhances women’s capabilities, respects and protects their rights and reduces and redistributes their unpaid care work.” (p. 111-112).

Furthermore, the Secretary General's Report to the 23rd special session of the General Assembly emphasizes:

“Achieving gender equality and women’s economic empowerment requires transformative economic and social policy agendas that are firmly anchored within a human rights framework”⁶(p. 56).

The following concrete recommendations illustrate what is required to catalyze such a transformation in the context of Nepal.

i. Redefine the goals of macro-economic policies

The macro-economic policies in Nepal, which so far have accorded priority to the pursuit of economic growth despite the TYIP's declared goal of building an “Equitable and Just Society”,⁷ must be redesigned to provide an environment to achieve gender

equality and inclusion. The taxation, fiscal and monetary policies must make sure that they do not impact adversely on employment and economic opportunities for women and other marginalized social groups, with a specific focus on the poorest within the group. Additionally, more resources must be mobilized for investments in gender responsive infrastructure, public services and social protection measures on a priority basis. Similarly, monetary policy should expand its narrow target of inflation control and one-dimensional average growth to include inclusive and gender responsive growth. For reducing poverty and promoting sustainable development, social security must be integrated in the development planning process.⁸

(ii) Recognize, reduce and redistribute unpaid care and domestic work

Economic policies and the country's overall planning and programming process must take into account the contributions made by women to household and care work for ensuring equal economic, social and political rights. Concrete plans and actions are required to measure, analyze and integrating household and care work in the overall planning process including generation of time use data. Other necessary actions include investment in innovative technology and its better diffusion to reduce the drudgery of the care and household work, and expansion of care facilities for children and senior citizens. Policies and programmes are needed to promote better distribution of care and household work within the household.

(iii) Create more and better jobs and entrepreneurial opportunities for women.

Nepal is in the process of implementing a

second round of structural reforms to promote private local and foreign investment in the country. It is imperative that these policies incorporate specific safeguards to ensure that they do not harm women's interest as well as provide an equal playing field for women entrepreneurs. The process of integrating gender dimensions into the investment climate reform policies – industrial, employment and labor policies – are welcome. But such efforts have been inconsistent to date. Specifically, investment climate reform policies must aim to create more and better jobs for women and improve entrepreneurial opportunities for them. This is possible through a series of concrete actions such as ensuring equal wages, facilitating the establishment and growth of women's enterprises, investing in technology and related training for women, redesigning and expanding the training programmes for women for more market-oriented and higher level technical jobs, requiring business houses to follow ILO work standards, ensuring women's equal rights to property and citizenship in law and in practice, and better implementation and monitoring of GESI and GRB.

iv. Regulate the informal sector work:

As the majority of workers – especially women – are in the informal sector, just ensuring work standards in the organized sector will touch only a small percentage of workers. Furthermore, women also earn lower wages than men, even in the formal sector. Moreover, the female/male wage ratios are declining both in the agricultural and non-agricultural sectors. Therefore, better implementation of the equal wage provisions as well as regulation of the informal sector work with an upgrading of the universal social security system should be priorities.

5.2.4 Investing in women: Ensuring access of all women to quality education and health services

Public services in education, health, social services and reducing structural barriers to women's access to formal institutions are all essential for the achievement of substantive equality for all women. In recent decades, Nepal has made large investments in improving girl's access to basic education, maternal and child health and ensuring a kind of universal social security to the elderly, widows, single women, and selected marginalized groups such as Dalits. But such services still remain outside the reach of a large section of women. Some more actions and investments are required for reducing inequality in educational and health access.

- i. Reduce inequality in access to education between men and women and among women of various social groups will need special attention to improve the quality of education in government schools, particularly in remote areas and the schools catering to the children of the marginalized communities. It is necessary to expand the scope of scholarships for higher technical education for women from those areas and communities.
- ii. In the health sector, there is a critical need to expand the objectives of health policies with a life cycle approach to women's health and improving the health management system. Nepal has achieved much progress in improving maternal and child health, but little attention has been paid to the needs of the girl child, adolescent and elderly women. Expanding the network of OCMCs and improving the services of the police cells and shelters in the districts to cater

to VAWG victims are critical. Other actions that need attention are the collection and analyses of gender disaggregated data on so-called gender neutral diseases such as tuberculosis and malaria, and better analysis of women's broader reproductive needs such as psychological violence, uterus or breast cancer and uterus prolapses. Another critical need is to improve the supply of equipment and trained human resources in government health institutions in remote rural areas and district hospitals, and large scale training and deployment of technical human resources in marginalized communities to reduce the inequality in access.

- iii. A third area that calls for urgent investment is strengthening the institutional accountability system. (see 5.2.6 below)

5.2.5 Ensuring women's full and equal participation, voice and agency in decision-making at all levels and in all spheres of governance

The right to representation and voice is an integral part of the democratic freedoms of an individual and of groups. Representation of stakeholders at decision-making levels is also a necessary step to ensure that they have a voice. Nepal has adopted a policy of affirmative action to increase women's representation and voice in the various political and administrative organs of power. But these have neither been wide enough to cover all institutions nor guarantee results in a fixed proportion of representation. Further measures are required in the following areas:

- i. Formulate and implementing a medium-term, multi-sector action plan to chart out

a path to achieving at least 33 percent representation of women at decision-making levels in all state organs in the medium term with a goal of reaching 50 percent in the long term.

- ii. Constitutionally require political parties to increase women's representation in their executive bodies at all levels to 33 percent and to make their statutes, rules and regulations more responsive to gender. A concerted campaign is needed to change the attitudes of leaders and activists to VAWG as well as projecting women's potential as leaders, contributors to the economy, peace and social progress.
- iii. Bring the banks, media, and corporations in the public and private sector under the proportional system in the elections to their executive bodies and recruitment of white collar staff in collaboration with the concerned institutions and FNCCI in a phased manner.
- iv. Increase women's representation in the peace negotiating mechanisms and implementation of the NAP of UNSCRs 1325 and 1820. Additionally, invest in capacity-building of different responsible individuals/groups as well as in the LPCs and GESI units to investigate the cases of violence against women during the armed conflict with sensitivity, bring the culprits to justice, and compensate for the psychological and physical injury to women and their families.
- v. Ensure women's voice and agency in all mechanisms and policies aimed at rehabilitating disaster victims. Particular attention needs to be given to their immediate reproductive health needs, protection from VAWG, girl's schooling and adolescent needs, and ensure that they get equal benefit from the public transfer of assets and resources.
- vi. Capacity building of diverse groups of women for effective participation with a time-bound plan of action. The target groups should include all political women representatives at the central, district and local levels and members of community-based service management committees. Themes should cover not only women's rights issues but also economic policies, related laws, regulations, procedures, budgets and resources.
- vii. Support women's organizations to claim their rights and shape the policy agenda at all levels. Women's collective action is a key to the achievement of substantive equality for women as evidenced by the examples presented in this report. As mentioned in chapter 4, government does have a policy to encourage civil society organizations to get involved in implementation of development programmes. This collaborative process should be strengthened and expanded to cover other areas such as formulation of financial, monetary and fiscal policies, foreign investment and infrastructure. On the other hand, a new determination is required on the part of women's representative's in the state structures, the civil society and the feminist movement to continue their collaborative and collective struggles to achieve equality and women's rights. Coalition-making, network-building and joint actions are critical for transformative change. It is particularly

important to push for legal reforms to eliminate the remaining discriminatory provisions in the constitution and the legal system. In this regard, attention needs to be paid to citizenship rights, enabling women to realize their economic and social rights, and holding the government responsible for implementing all of the policies and programmes it adopts, including on VAWG. The mainstream feminist agenda must particularly reflect the voices and issues of Adivasis/Janajatis, Dalits, Muslims, Madhesis and other marginalized women's groups. Such collaborative work is essential to protect the advances made so far and to ensure further changes in the state structure as well as in social norms and behavior. Only with such actions will women as a group be able to advance their interests and broaden the scope for substantive equality.

5.2.6 Improving the accountability systems: Strengthening institutions, establishing a robust monitoring system with a gender responsive date-base

Concrete actions are required to ensure that the plans and programmes aimed at ensuring gender equality and women's human rights are implemented properly to yield the desired outcomes. Three key points in this regard are discussed below"

- i. Equip the existing mechanisms and institutions established to oversee, implement and monitor the gender equality policies and programmes with adequate power, financial resources, technical knowledge*

Collaborative and coordinated multi-sectorial and holistic interventions are required to ensure that women's rights are realized. But,

as evidenced by the foregoing discussions, most special institutions established to support women in Nepal suffer from insufficient financial and human resources, and even lack the power to effectively fulfill their responsibilities. Coordination between institutions is also a major problem making the system dysfunctional. The following steps need to be taken to strengthen them:

- Clearly specify responsibilities and functions of various institutions, especially those of the NWC, MoWCSW and OPMCM. NWC should be an independent constitutional body resourced from the Consolidated Fund of the State and its members appointed on the basis of professional expertise.⁹ OPMCM's activity should be limited to overall supervision and monitoring of progress on gender equality and providing a coordination platform to multi-sector action plans and initiatives.
- Upgrade the status of NHRC and NWC to that of ombudsman to ensure that the country observes the human rights codes as per international standards, particularly for all women and the girls. For example, monitoring implementation of CEDAW and other international conventions and agreements on gender equality and women's rights should be a function of the NWC, with the responsibility to present periodic reports to the Parliament and the President. Similarly NHRC and NWC should be empowered to play a more active role in investigating, seeking redress for and reporting VAWG cases.
- Formulate subject-wise capacity building plans for service providers and implement them. Extensive capacity building trainings are required for all government

institutions engaged in delivery of services to women. Trainings on VAWG are required for a range of actors, from shelter providers and counselors to lawyers and private sector employers to media personnel and security agencies. Women from poorer sections of the population and marginalized communities need particular attention in this respect; due to past experiences of discrimination and neglect, they may be more reluctant to seek services.

ii. Improve the justice delivery system for the victims of VAWG

Access to justice is particularly important for women as it allows them to enforce and obtain remedies for their substantive rights and, by promoting substantive equality, helps to eliminate discrimination. But as discussed in detail in chapter one, accessing justice is difficult for women generally and almost impossible for the poor vulnerable groups of women, such as Dalits or women from remote rural areas. Therefore improving the system of delivery of justice to women must be a priority agenda.

To this end, first Nepal must adopt a restorative justice system, which is defined as “a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible”.¹⁰

Along with this, the proportion of women in the judiciary must be increased. Studies suggest that people have increased confidence in their judiciary if they see it as representative of the population. The lack of female representation in the Nepal judiciary is one of the reasons hindering access to justice for women victims, as they do not feel

comfortable approaching the male dominated judiciary for a legal remedy.

Actions must also be taken to strengthen the victim and witness protection mechanisms by establishment of gender sensitive infrastructure and fast track judicial system (courts); to expand the number and geographical distribution of “shelter homes” with experienced staff and adequate funding so that standard operating procedures are followed; and to establish a few second stage homes as working women/girls hostel for survivors. Further actions needed to expedite justice for women requires designing and implementing a programme for perpetrators, aimed at changing behaviors and psycho-social patterns, and collaborating with NGOs, women and other human rights defenders and protecting them when needed (See Chapter 2 for details).

iii. Ensure that women's reproductive and other needs are addressed effectively in times of crisis

Nepal is becoming more and more prone to natural disasters as a consequence of its geological location, climate change and population pressures including unplanned urbanization. These natural disasters present another big hazard for women. This was clearly illustrated during the 2015 April earthquakes as stated in chapter II and IV whereby women were more severely impacted than men. Moreover, as already poorer in economic endowment and capacity to cope with the situation, their vulnerability to violence increases manifold. The groups such as Dalits, elderly, widows and single women already in precarious economic positions, are pushed to the brink. For example a total of 498,852 houses were damaged in the 2015 April earthquakes with about 26 percent of the

damaged houses being female-headed, 41 percent belonging to Dalits and indigenous communities, and 23 percent belonging to senior citizens.

Therefore the disaster management programmes designed to address the natural calamities, must ensure first that they include women and their organizations in the impact assessment and planning, implementation and monitoring of the reconstruction and rehabilitation programmes. Women must be included at all levels of decision making. Secondly gender must be mainstreamed in all activities. Thirdly the programme must ensure that adequate resources are channeled to the vulnerable groups of women, elderly and the children as well as to the Dalits, marginalized ethnic minorities, and those living in remote regions. The efforts to protect women and children from increased violence in such situations have to focus on prevention and social protection for those at risk and the victims. The process and programmes designed by the Government of Nepal for the rehabilitation of the people and reconstruction of the villages and urban habitats subsequent to the recent earthquakes has been a successful outcome of effective collaboration between the NGOs and National Planning Commission and should serve as an example for future action.¹¹

iv. Set up a multi-dimensional participatory and robust monitoring system with gender responsive indicators to track women's overall advancement as well as the impacts of gender mainstreaming programmes

Availability of information and data provide a base for designing appropriate policies and programmes in all spheres. They are, however, particularly important for measuring advancement in gender equality and women's

empowerment, which is a relatively new area for state policies and programmes. The lack of centralized and regular monitoring mechanisms on gender equality and empowerment goals at both the district and central levels has been a repeated theme in the foregoing chapters. In addition, lack of monitoring of the gender mainstreaming policies such as GESI application and GRB results has been noted repeatedly by gender advocates.¹² The following actions are required to improve the situation:

- Design and implement a comprehensive monitoring framework on gender equality and women's human rights. This comprehensive database must include data that gives us a holistic sense of women's lives.
- Set up sectorial monitoring mechanisms to monitor implementation of specific gender equality and mainstreaming policies and programmes as recommended in chapter 3 to include indicators on employment and income generated, assets redistributed, and services provided disaggregated by gender and other social groups as required by GESI and GRB.
- Involve and collaborate with women's NGOs and other civil society organizations along with the community in design and participatory monitoring systems at all levels. A monitoring framework relevant for public accountability of policies and programmes is especially crucial for combating VAWG. Such an accountability-based system should enable women and NGOs to hold public authorities accountable and vice versa, while simultaneously ensuring all stakeholders carry out their responsibilities (See Chapter 2 for details).

- Establish stronger mechanisms to review, monitor and follow-up on progress made on commitments under CEDAW and its protocol as well as universal and country-specific recommendations of CSW, BPfA, UNSCR 1325 and 1820 and their periodic reviews. These monitoring reports should be tabled in parliament for discussion before they are sent to CSW and other concerned institutions. This process may be expected to increase the accountability of the parliament and the government to the country's commitments to gender equality and ensuring women's human rights.

v. *Develop a database with adequately gender responsive indicators including on VAWG, poverty and time-use to measure overall progress in ensuring substantive equality to women*

Nepal has already integrated a gender perspective into its population and housing censuses since 2001. Nepal's regular demographic and health surveys with five year intervals which are focused on the fertility characteristic and nutritional status of women and children provide some information on VAW as well. These alone, however, are not adequate. Specifically, more attention must be paid to collecting, processing, and analyzing data on different kinds of VAWG, women's economic status and poverty including on time spent on unpaid household and care work. The following specific steps must be undertaken to improve the database for monitoring gender equality and women's human rights:

- Commission a series of research papers on new areas of VAWG related to internal

and external migration, work in the entertainment and sex industries, and past and present political conflict and other forms of violence as discussed in chapter 2. Specific research efforts are needed to identify the circumstances that create/induce such violence and to design and implement targeted interventions.

- Collect and undertake in-depth analysis and regular reporting of time-budget data as a priority. To release the productive potential of women, it is imperative that women's care work be integrated in the national planning process as elaborated above. The first step towards such integration is creating a time-budget database. It is recommended that the CBS/NPC start to collect, process, analyze, and report periodically the time-use data in a more rigorous manner keeping gender and poverty perspectives in mind.
- Other actions required on this front include redesigning all surveys and censuses from gender and inclusion perspectives including NLSS, agricultural and manufacturing surveys; and creating a database to analyze wealth and professional status in more detail, ensuring at least two digit reporting of the data on the occupational and industrial labour force.
- Support the creation of feminist knowledge on key policy issues such as monetary, fiscal and taxation policies, and pension system design. These issues are fundamentally important to women's lives but often require a specialized technical understanding of the field.

ANNEXES

ANNEX 1
TABLE 1.1: CASTE AND ETHNIC CLASSIFICATION OF NEPAL'S POPULATION

Broad caste/ethnicity	Caste/ethnic group				
Hill Brahmin	Hill/Brahmin	Sanyashi			
Hill Chhetri	Thakuri	Chetri			
Tarai Brahmin/Chhetri	Brahmin	Kayastha	Rajput		
Other Tarai Castes	Badhae	Baniya	Barae	Bhedi- Yar/Gaderi	Bing/Binda
	Dhunia	Hajam/Thakur	Haluwai	Kahar	Kalwar
	Kamar	Kanu	Kewat	Koiri	Kumhar
	Kurmi	Lodha	Lohar	Mali	Mallah
	Nuniya	Nurang	Rajbhar	Sonar	Sudhi
	Teli	Yadav	Bangali	Marwadi	Punjabi
Hill Dalit	Badi	Damai/Dholi	Gaine	Kami	Sarki
Tarai Dalit	Bantar	Chamar	Chidimar	Dhobi	Dom
		Harijan			
		Ram			
	Dusadh/Paswan/Pasi	Halkhor	Khatwe	Musahar	Tatma
Newar	Newar				
Other Mountain/Hill Janajati	Bhote	Brahmu/Baramu	Byangsi	Chepang (Praja)	Chhantyal
	Dura	Gharti/Bhujel	Gurung	Hayu	Jirel
	Limbu	Magar	Pahari	Rai	Lepcha
	Raute	Sherpa	Sunuwar	Tamang	H Yolmo
	Thakali	Thami	Walung	Yakkha	
Tarai Janajati	Dhaga/Jhagar	Dhanuk	Dhimal	Gangai	Kisan
	Koche	Meche	Munda	PatharKata	
Kuswadiya	Rajbansi				
	Santhal/Satar	Tajpuriya	Tharu	Danu war	Darai
	Majhi	Bote	Raji	Kumal	
Muslim	Musalman				
Others	Unidentified/unclassified others				

Source: Gurung and Tamang (2014).

ANNEX 2
TABLE 2.1: PERCENTAGE OF WOMEN AGE 15-49 WHO HAVE EVER EXPERIENCED PHYSICAL VIOLENCE, ACCORDING TO BACKGROUND CHARACTERISTICS AND FREQUENCY, NEPAL 2011

Background Characteristic	Percentage who have experienced physical violence since age 15*	Percentage who experienced physical violence in the past 12 months			
		Often	Sometimes	Often or sometimes	Number of women
Current age					
15-19	9.6	1.4	4.3	5.7	988
20-24	18.2	2.5	8.3	10.7	817
25-29	24.2	2.4	8.4	10.8	646
30-39	28.2	1.8	8.7	10.5	988
40-49	29.6	1.9	7.5	9.4	758
Residence					
Urban	19.3	1.5	7.4	8.8	1 075
Rural	22.3	2.1	7.3	9.4	3 122
Ecological zone					
Mountain	17.4	0.6	5.4	6.0	442
Hill	16.8	1.4	6.4	7.7	2 038
Tarai	28.1	2.9	9.0	11.9	1 717
Employment status (past 12 months)					
Not employed	19.4	2.5	7.0	9.5	976
Employed for cash	28.2	2.8	8.4	11.2	932
Employed not for cash	19.7	1.4	7.0	8.4	2,289
Marital status					
Never married	5.8	0.5	2.3	2.7	972
Married	26.1	2.4	9.1	11.5	3,084
Divorced/separated/ widowed	28.4	1.4	3.9	5.3	140
Education					
No education	32.5	3.2	10.3	13.5	1 654
Primary	20.2	2.1	8.4	10.5	690
Some secondary	14.8	1.3	5.1	6.5	1 030
SLC and above	9.1	0.1	3.2	3.2	823

Background Characteristic	Percentage who have experienced physical violence since age 15*	Percentage who experienced physical violence in the past 12 months			
		Often	Sometimes	Often or sometimes	Number of women
Wealth quintile					
Lowest	20.9	1.7	8.2	9.9	884
Second	25.1	3.0	7.3	10.3	716
Middle	28.2	3.4	9.7	13.0	750
Fourth	23.5	1.4	7.7	9.0	885
Highest	12.3	0.8	4.4	5.1	962
Total	21.5	1.9	7.3	9.3	4 197

*Includes in the past 12 months.

Source: NDHS (Nepal Demographic Health Survey). (2012). Table 14.1.

Note: Physical violence includes (as per NDHS, 2011)

- Push/shake or throw something at you
- Slap you
- Twist your arm or pull your hair
- Punch you with his fist or with something that could hurt you
- Kick you, drag you, or beat you up
- Try to choke you or burn you on purpose
- Threaten or attack you with a knife, gun, or any other weapon
- Physically force you to have sexual intercourse with him even when you did not want to
- Forced you to perform any sexual acts you did not want to

TABLE 2.2: PERCENTAGE OF WOMEN AGE 15-49 BY WHETHER THEY HAVE EVER EXPERIENCED SEXUAL VIOLENCE, ACCORDING TO BACKGROUND CHARACTERISTICS, NEPAL 2011

Background characteristic	Percentage who have experienced sexual violence ¹		
	Ever ²	In the past 12 months	Number of women
Current age			
15-19	4.6	2.8	988
20-24	10.9	7.4	817
25-29	14.2	7.4	646
30-39	17.3	8.3	988
40-49	16.1	6.7	758
Residence			
Urban	10.7	6.4	1 075
Rural	12.9	6.4	3 122
Ecological zone			
Mountain	13.1	6.8	442
Hill	9.8	5.4	2 038
Tarai	15.2	7.5	1 717
Employment status (past 12 months)			
Not employed	10.5	5.8	976
Employed for cash	18.4	7.7	932
Employed not for cash	10.6	6.1	2,289
Marital status			
Never married	1.9	0.3	972
Married	15.2	8.5	3084
Divorced/separated/widowed	22.4	3.4	140
Education			
No education	17.1	8.9	1 654
Primary	12.1	7.1	690
Some secondary	8.8	4.6	1 030
SLC and above	7.3	3.1	823
Wealth quintile			
Lowest	12.1	6.9	884
Second	14.2	7.2	716
Middle	15.0	7.9	750
Fourth	12.0	5.9	885
Highest	9.4	4.6	962
Total	12.3	6.4	4 197

¹ Excludes women who experienced forced sexual initiation but no other forms of sexual violence.

² Includes in the past 12 months.

Source: NDHS (2012).Table 14.3.

TABLE 2.3: WOMEN AGE 15-49 WHO HAVE EXPERIENCED PHYSICAL VIOLENCE SINCE AGE 15, PERCENTAGE WHO REPORT SPECIFIC PERSONS WHO COMMITTED THE VIOLENCE, ACCORDING TO THEIR MARITAL STATUS, NEPAL 2011

Person	Marital status		Total
	Ever married	Never married	
Current husband	84.3	-	
Former husband	6.9	-	
Father/stepfather	3.2	(36.3)	5.3
Mother/stepmother	3.6	(30.1)	5.2
Sister/brother	2.3	38.2)	4.6
Other relative	4.3	(11.2)	4.8
Mother-in-law	4.6	-	4.3
Father-in-law	4.2	-	3.9
Other-in-law	5.9	-	5.5
Teacher	0.3	(7.7)	0.7
Employer/someone at work	0.5	0.0	0.5
Police/soldier	0.1	0.0	0.1
Other	1.5	(1.7)	1.5
Number of women	846.0	57.0	903.0

Source: NDHS (2012).Table 14.2.

Note: Figures in parentheses are based on 25-49 outweighed cases.

TABLE 2.4: STATUS OF RETURNEES, NEPAL 2014

Status	Total Number
Normal	217
Physically and mentally impaired	2
Physically impaired	11
Penniless	51
Pregnant	2
Physically weak and penniless	1
Pregnant and penniless	1
Psychologically impaired	20
With baby	2
Total	307

Source: Paurakhi, email information received, April 22, 2015.

TABLE 2.5: VIOLENCE AGAINST WOMEN (VAW) CASES REPORTED BY VARIOUS ORGANIZATIONS

Type of VAW&G	Documenting organizations															
	Nepal Police				Women Rehabilitation Center (WOREC)				INSEC				National Women Commission (NWC)			
	2010/11	2011/12	2012/13	2013/14	2010/11	2011/12	2012/13	2013/14	2010/11	2011/12	2012/13	2013/14	2010/11	2011/12	2012/13	2013/14
Domestic Violence	1355	2250	1800	1002	1019	1040	-	447	1569	155	273	-	-	-	-	-
Rape	481	555	677	-	-	-	-	440	621	10	12	-	-	-	-	-
Attempted Rape	151	156	245	124	146	224	-	39	89	-	-	-	-	-	-	-
Trafficking	183	118	144	23	25	14	-	80	103	-	3	-	-	-	-	-
Polygamy	197	249	350	-	-	-	-	147	283	4	4	-	-	-	-	-
Child marriage	3	-	-	-	-	-	-	21	18	-	-	-	-	-	-	-
Sexual Violence	-	-	-	64	63	52	-	134	124	4	9	-	-	-	-	-
Witch craft/social violence	-	-	-	266	251	297	-	52	69	2	1	-	-	-	-	-
Murder	-	-	-	47	28	29	-	-	-	-	30	-	-	-	-	-
Missing	-	-	-	-	-	-	-	-	-	-	9	-	-	-	-	-
Mental torture	-	-	-	-	-	-	-	-	-	9	21	-	-	-	-	-

Source: Trafficking in persons especially on women and children in Nepal, National report 2012-2013.

TABLE 2.6: NUMBER OF GENDER BASED VIOLENCE CASES REPORTED TO THE NEPAL POLICE

Fiscal year	Rape	Attempt to rape	Trafficking	Abortion	Polygamy	Child marriage	Domestic violence
1997/98	112	34	117	74	101	5	337
1998/99	181	34	130	101	135	3	228
1999/2000	141	18	110	81	96	1	432
2000/01	186	33	120	89	96	5	711
2001/02	122	35	92	55	75	1	449
2002/03	129	21	40	14	51	-	410
2003/04	157	18	55	15	69	2	569
2004/05	154	19	56	8	44	3	922
2005/06	188	25	72	11	66	1	730
2006/07	195	38	97	14	65	1	939
2007/08	317	70	112	3	94	7	1100
2008/09	309	73	123	13	122	4	881
2009/10	391	75	139	12	170	2	968
2010/11	376	101	161	8	146	7	983
2011/12	481	151	183	12	197	3	1355
2012/13	555	156	118	13	249	12	2250
2013/14	677	245	144	28	350	19	1800

Source: Nepal police.

TABLE 2.7: CASES IN DISTRICT GOVERNMENT ADVOCATE OFFICES IN FY 2012/2013

Case Name	District Government Advocate Office											
	Record		Number of of Redemption								Remaining	
			Crime Maintained		Clearance		Recall/Hold		Total			
Case	Defendant	Case	Defendant	Case	Defendant	Case	Defendant	Case	Defendant	Case	Defendant	
Rape	1210	1620	311	389	201	289	33	51	545	729	665	891
Attempt to rape	331	388	57	67	84	92	7	7	148	166	183	222

Source: MoPR/1325 Action group (2014) Mid -Term Monitoring Report on Implementation of NAP on UNSCRs 1325 and 1820.

ANNEX 3

TABLE 3.1: SHARE OF HEALTH AND EDUCATION BUDGET IN THE NATIONAL BUDGET

(Rupees in Billions)

Budget	Fiscal Year				
	1995/96	2001/02	2005/06	2012/13	2014/15
National budget	52.9	49.3	126.9	404.8	618.1
Education budget	6.9	10.5	21.3	63.4	86.0
Percentage share of education in total budget	13.0	14.1	16.8	15.7	13.9
MoHP budget	2.5	2.2	7.6	20.2	33.5
MoHP share in total budget	4.7	4.5	6.0	5.0	5.4

Source: Government of Nepal budget speech, 1995/96, 2001/2, 2005/06, 2012/13, 2014/15.

TABLE 3.2: BUDGET ALLOCATION BY GENDER RESPONSIVE BUDGET (GRB) CATEGORY IN EDUCATION AND HEALTH

(Rupees in Billions)

GRB Categories/ Fiscal Years	Education				Health			
	2008/09	2010/11	2012/13	2014/15	2008/09	2010/11	2012/13	2014/15
	in percentage				in percentage			
Directly Supportive	3.8	21.4	62.3	65.2	32.7	37.3	61.4	52.9
Indirectly Supportive	79.2	23.9	37.6	34.7	38.9	50.3	38.3	46.5
Neutral	17.0	54.7	0.1	0.1	28.4	12.4	0.3	0.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Government budget speeches for the respective years.

TABLE 3.3: DAILY WORK HOURS OF 15 AND ABOVE POPULATION BY TYPE OF ACTIVITY

	Economic activity	Non-economic	Total	Reference
Female	6.0	3.5	9.5	CBS 1999, NLFS1999
Male	6.6	1.3	7.9	
Female	5.8	3.7	9.5	CBS 2009, NLFS 2009
Male	6.8	1.4	8.2	
Female	6.8	4.0	10.8	CEDA, 1981, Status of women in Nepal, Tribhuvan University, Kathmandu
Male	6.7	0.8	7.8	
Female	6.5	4.5	10.9	Sri Shakti, 1995, Status of women in Nepal, Kathmandu
Male	6.6	1.2	7.8	
Female	5.9	3.6	9.5	Sri Shakti, 2010, Status of women in Nepal, Kathmandu
Male	6.3	1.3	7.6	

Source: Acharya, 2014b, p. 136.

TABLE 3.4: SELECTED INDICATORS OF EDUCATIONAL ATTAINMENTS BY LEVEL

Educational levels finished	1991	2001	2011
Female literacy rate	25.0	42.8	57.4
Male literacy rate	54.5	65.5	75.1
Female/male literacy ratio	0.46	0.65	0.76
Percentage of women among			
SLC (Class 10) and equivalent	23.8	35.7	43.0
Intermediate (Class 12) and equivalent	20.9	28.8	41.6
Graduate and above	0.2	18.6	30.9
Graduate and equivalent	(18.3)	(19.2)	(33.0)
Post graduate	-	(16.3)	(25.0)

Source: Population and Housing Censuses of Nepal for the respective years, see the reference list.

TABLE 3.5: PERCENTAGE OF WOMEN BY FIELD OF STUDY

Field of study	Percentage
Humanities, law, journalism and information	39.6
Science, mathematics, statistics and computer	27.7
Engineering, manufacturing and construction	12.3
Health and education	49.8
Agriculture, forestry and fishery	21.7
Business and administration	33.5
Other and not stated	37.9

Source: Population and Housing Censuses of Nepal, 2011.

Note: Similar classification by sex is not available in 2001 and 1991 census publications.

TABLE 3.6: SUMMARY INDICATORS ON HEALTH

SN	Description	Status of 1996	Year				
			2001	2006	2009	2011	2013
1	Infant mortality rate (per 1000)	78.5 (NFHS, 1997)	64.4 (NDHS, 2002)	48.0 (NDHS, 2007)	-	46.0 (NDHS, 2011)	46.0 (MoF, 2014)
2	Child (under five) mortality rate (per 1000)	118.0 (NFHS, 1997)	91.2 (NDHS, 2002)	61.0 (NDHS, 2007)	-	54.0 (NDHS, 2011)	
3	Maternal mortality rate (per 100,000)	539.0 (NFHS, 1997)	-	281.0 (NDHS, 2007)	281.0 (DHS 2010)	229.0 (MDG 2013)	170.0 (MoF, 2014)
4	Total fertility rate	4.6 (NFHS, 1997)	4.1 (NDHS, 2002)	3.1 (NDHS, 2007)	-	2.6 (NDHS, 2011)	-
5	Contraceptive prevalence rate (CPR percentage)	28.8 (NFHS, 1997)	34.4 (NDHS, 2002)	44.0 (NDHS, 2007)	43.5 (DHS, 2010)	43.2 (NDHS, 2011)	45.3 (DHS 2014)
6	Average life expectancy (Female) (Years)	53.5 (NPR, 2011)	60.7 (NPR, 2011)	64.0 (NPR, 2011)	-	64.5 (NPR, 2011)	-
7	Average life expectancy (Male) (Years)	55.0 (NPR, 2011)	60.1 (NPR, 2011)	63.0 (NPR, 2011)	-	63.6 (NPR, 2011)	-

Source: NPC, 2011.

(DHS 2010). Annual Report 2065/66 (2008/09). Department of Health Services.

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(NDHS, 2011). Nepal Demographic and Health Survey, 2011. MoHP/New ERA/ ICF International.

(NFHS, 1997). Nepal Family Health Survey, 1996. MoH/New ERA/ Macro International Inc.

(NRP 2011). Nepal Population Report, 2011.

TABLE 3.7: DISTRIBUTION OF ECONOMICALLY ACTIVE POPULATION BY INDUSTRY, NEPAL 1991-2011

Industry	1991		2001		2011	
	Male	Female	Male	Female	Male	Female
Agriculture, forestry and fishing	74.9	90.5	60.2	72.8	54.6	76.6
Non-agriculture	23.3	8.9	39.5	27.0	42.6	21.8
Non-agricultural by industry details						
Industrial production	3.0	1.2	8.9	12.5	7.9	3.8
Mining and quarrying, manufacturing and recycling	2.7	1.2	8.3	9.8	7.5	3.8
Electricity, gas and water supply	0.3	0.0	0.6	2.7	0.4	0.0
Construction	0.7	0.1	4.2	1.2	5.3	0.8
Services	19.6	7.5	26.4	13.3	29.4	17.2
Trade accommodation and food services	4.5	2.0	10.7	9.0	10.0	6.4
Transport, storage and communications	1.1	0.1	2.8	0.1	4.3	0.3
Finance and business services	0.4	0.1	1.2	0.3	1.0	0.5
Community, social and personal services of which:	13.6	5.3	11.7	3.9	14.1	10.0
Public administration and social security			(4.7)	(0.8)	(2.2)	(0.5)
Education, health and social work			(3.8)	(1.8)	(5.1)	(3.8)
Other community, social and personal service**			(1.1)	(0.2)	(4.0)	(1.8)
Private households			(1.1)	(1.0)	(2.6)	(3.8)
Extra-territorial organ and bodies			(1.0)	(0.1)	(0.2)	(0.1)
Not stated and others	1.8	0.6	0.2	0.2	3.1	1.6
Total	100.0	100.0	100.0	100.0	100.0*	100.0

* Totals may not tally exactly due to rounding effect.

** Includes (1) professional, scientific and technical services; (2) administrative and support services, (3) arts, entertainment and recreation; and (4) other services and activities, as shown in the population and housing census 2011, Report Volume II.

TABLE 3.8: FEMALE PROPORTION IN THE LABOR FORCE BY OCCUPATION, NEPAL
1991, 2001, AND 2011

Occupational groups	1991	2001	2011
Agriculture, forestry and fishery workers	45.0	48.1	52.4
Administrative workers (legislators, senior officers and managers, etc. + armed forces)	9.3	13.8	30.0
Professionals , technicians and associate professionals, of which	15.1	19.0	29.9
Professionals	-	(23.3)	(33.8)
Technician and associate professionals	-	(14.4)	(22.6)
Clerks or office assistants	(10.0)	(12.8)	(29.4)
Service, shop and market sales workers	23.9	27.7	30.4
Production workers, of which	15.8	44.1	-
Craft and related workers	-	44.6	20.1
Plant and machine operators and assemblers	-	13.0	7.1
Elementary occupations (other than agriculture)	-	48.6	37.9
Not stated + others for	35.9	50.9	30.1
Total	40.4	43.2	42.3

Source: Based on population censuses for the respective years. For comparative grouping across the years; based on Shakya Kusum (2014), Changing Gender Status: Achievements and Challenges, Population Monograph of Nepal Vol II, (Social demography) CBS, Nepal

TABLE 3.9: PERCENTAGE DISTRIBUTION OF MALE AND FEMALE LABOR FORCE BY AGRICULTURE AND NON-AGRICULTURAL EMPLOYMENT BY ETHNIC/CASTE GROUP, NEPAL 2011

Ethnic/caste group	Agricultural employment		Non-agricultural employment of which					
			Total		Professional and technical jobs		Elementary workers	
	Male	Female	Male	Female	Male	Female	Male	Female
Hill Brahman/Chhetri	54.6	78.2	45.4	21.8	14.3	6.2	5.6	5.5
Hill Brahman	46.6	72.9	53.4	27.1	20.5	9.1	4.8	5.4
Hill Chhetri	60.7	81.6	39.3	18.4	9.6	4.4	6.3	5.5
Tarai Caste Groups	59.7	76.8	40.3	23.2	6.4	3.0	13.5	16.4
Tarai Brahman/Chhetri	37.6	46.8	62.4	53.2	25.8	22.2	8.9	14.9
Other Tarai Castes	61.0	78.0	39.0	22.0	5.2	2.2	13.8	16.4
Hill Dalit	54.7	82.1	45.3	17.9	2.2	1.0	12.2	11.6
Tarai Dalit	64.1	78.9	35.9	21.1	1.5	0.8	41.0	46.3
Hill Janajati	57.3	75.7	42.7	24.3	6.5	4.1	7.0	6.4
Newar	29.5	50.9	70.5	49.1	12.9	10.9	5.4	7.3
Other Hill Janajati	64.9	80.5	35.1	19.5	4.7	2.8	7.4	6.3
TaraiJanajati	61.3	80.8	38.7	19.2	4.0	1.8	16.2	16.0
Muslim	51	73.8	49	26.2	3.1	1.1	16.6	22.7
Others	54.9	80.8	45.1	19.2	4.4	1.6	15.5	12.7
Total	57.1	77.9	42.9	22.1	7.8	4.0	11.1	9.9

Source: Gurung and Tamang, 2014.

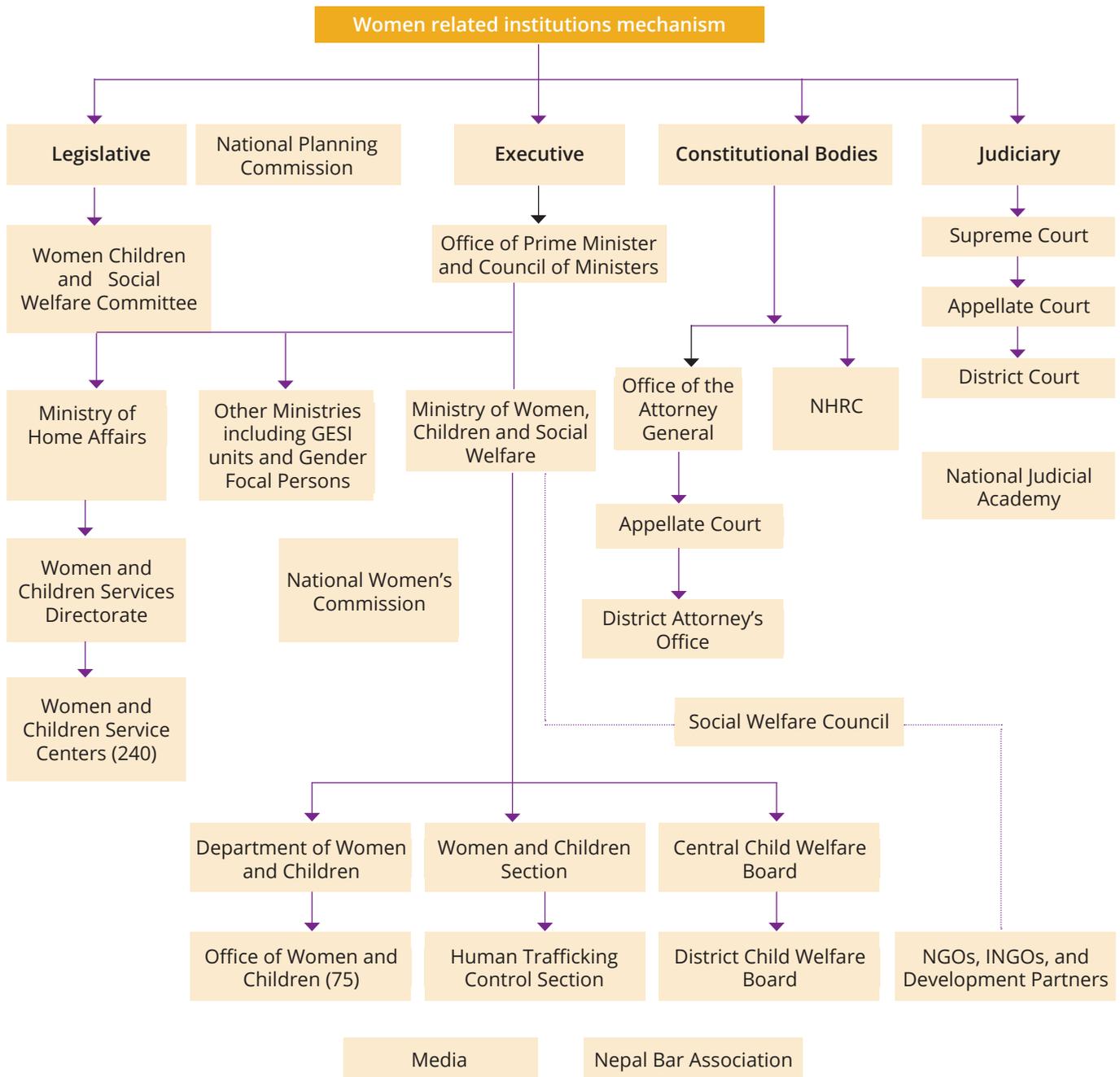
TABLE 3.10: SELECTED SOCIAL SECURITY SCHEMES OF THE NEPAL GOVERNMENT WITH FOCUS ON WOMEN, ELDERLY, DALITS AND OTHER DISADVANTAGED GROUPS (AS OF 18 SEPTEMBER 2014)

Heading	Age bar	Monthly (in Nepalese Rupees)
Senior citizen allowance for all	70 years and above	500
For the senior citizens of Karnali zone	60 years and above	500
All Dalit senior citizens	60 years and above	500
Divorcee and unmarried women	60 years and above	500
Widow	No age bar	500
Disabled		
1. With red card (highly disabled)	No age bar	1000
2. Blue card holders (general disabled)	No age bar	300
3. 10 ethnicities near extinction	No age bar	1000
Allowance for children		
1. All children from Karnali (only 2 children per mother)	Under 5 years	200
2. Dalit from all over the country (Only 2 children per mother)	Under 5 years	200
Treatment allowance for all senior citizens (started from fiscal year 2014/15)	70 years and above	-

Source: Personal communication with Mr. Shalikram Rijal, Under Secretary of Ministry of Federal Affairs and Local Development on November 18, 2014.

ANNEX 4

CHART 4.1: INSTITUTIONS WORKING FOR GENDER EQUALITY AND WOMEN'S EMPOWERMENT



Source: From MoWCSW's Annual Trafficking Report 2014; modified in consultation with MoWCSW.

TABLE 4.1: MINISTRY OF WOMEN, CHILDREN AND SOCIAL WELFARE (MOWCSW) BUDGET FOR THE FISCAL YEARS 2001/02, 2005/06, 2012/13 AND 2014/15

Rs in Million

Details	Fiscal years			
	2001/02	2005/06	2012/13	2014/15
Total Government of Nepal Budget	99792.2	126885.1	404824.7	618100.0
MoWCSW budget	317.6	375.5	1022.4	1794.9
MoWCSW share in percentage	0.32	0.30	0.25	0.30

Source: Government of Nepal Budget Speeches for the Fiscal Years 2001/02 (Annex 4), 2005/06 (Annex 7a), 2012/13 and 2014/15 (Annex 10).

TABLE 4.2: NUMBER OF NGOS WORKING SECTOR-WISE, NEPAL 1978-JULY 2014

Sector	Number	Percentage
AIDS and abuse control	98	0.2
Child welfare	1149	2.9
Community and rural development services	25,403	63.9
Educational development	517	1.3
Environmental protection	1451	3.6
Handicapped and disabled services	758	1.9
Health services	875	2.2
Moral development	1146	2.9
Women services	2967	7.5
Youth services	5395	13.6
Total	39,759	100.0

Source: Social Welfare Council, Nepal.

TABLE 4.3: PROPORTION OF SEATS HELD BY WOMEN IN NATIONAL PARLIAMENT

Year	1991	1994	1999	2008	2015
Number of seats	205	205	205	601	599
Number of women	5	8	13	197	175
Percentage of women	2.4	3.9	6.3	32.8	29.2

Source: "UN Gender Mapping in Field Election" (Kare Volla, International expert on electoral systems, July 2010 from election commission) and 2015 actual numbers in CA at the end of March, 2015.

TABLE 4.4: CASTE/ETHNIC COMPOSITION AND WOMEN'S PERCENT OF CONSTITUENT ASSEMBLY/PARLIAMENT MEMBERS, NEPAL 2007 AND FEBRUARY 2015

Caste/Ethnicity	2011 Percentage population	2007			February 2015		
		Total	Women	Women's percentage	Total	Women	Women's percentage
Hill Dalit	8.1	31	14	45.2	31	15	48.4
Tarai Dalit	4.5	17	10	58.8	10	6	60.0
Hill Janajati	27.3	169	56	33.1	142	46	32.4
TaraiJanajati	7.7	49	14	28.6	40	15	37.5
Madheshi (excluding Dalits and Janajati)	15.3	122	36	29.5	118	37	31.4
Muslims	1.0	196	5	29.4	9	2	22.2
Other including Hill Brahaman/Chhetri	36.1	17	62	31.6	249	54	21.7
Total percentage	100.0	601	197	100.0	599	175	100.0
Percentage of women in total				32.8			29.2

Source: Compiled by SAHAVAGI on the basis of list of CA's obtained from CA site, March 2015 and National Federation of Indigenous Nationalities (NFIN), Feminist Dalit Organization (FEDO), provided information and CBS, Population Monogram, Volume II for 2013 and TPAMF, for 2010.

TABLE 4.5: GENDER COMPOSITION OF CABINETS SINCE 2006

Dates	Premiership	Men		Women		Total Number
		Number	Percentage	Number	Percentage	
2006-2009	Pushpa Kamal Dahal	20	83.3	4	16.7	24
2009-2011	Madhav Kumar Nepal	38	88.3	5	11.7	43
2011-2011	Jhala Nath Khanal	28	80.0	7	20.0	35
2011-2013	Baburam Bhattarai	37	75.5	12	25.5	49
2013-2014	Khil Raj Regmi	10	91.0	1	9.0	11
2014-	Sushil Koirala	24	82.7	5	17.3	29

Source: Ministry of Peace and Reconstruction and 1325 Action Group Nepal, 2014. Mid-term evaluation of the national work plan (2067/68 to 2070/71) on the implementation of Security Council Resolutions 1325 and 1820.

TABLE 4.6: NUMBER AND PERCENT OF WOMEN EMPLOYEES IN THE CIVIL SERVICE, NEPAL 2004 -2014

Description Class	2004		2008		2012		2014	
	No.	%	No.	%	No.	%	No.	%
Special Class	2	4.6	1	2.4	2	3.5	2	4.1
First Class	24	4.0	15	4.5	12	2.3	19	4.1
Second Class	113	4.8	67	3.4	98	3.4	152	4.6
Third Class	348	5.3	348	5.6	817	8.3	1013	9.5
Non – Gazette Class	5054	9.7	6776	14.7	3285	11.3	3851	13.6

Sources: Women in Nepal, Some Statistical Facts, NPCS, Civil service Journal (Darpan) 2004. (2061 BS). Monitoring report UNSCR 1325, 2011: SBCN/UNDP. (2012). Changes in Nepalese Civil Service After the Adoption of Inclusive Policy and Reform Measures; Department of civil personnel records/Ministry of General Administration 2012 December and January 2015 data sheets.

ENDNOTES

CHAPTER 1

- 1 Until their overthrow by the joint efforts of the then king, Tribhuvan, and democratic forces, Nepal was under the absolute rule of the Rana family, who had granted themselves all the powers of the monarchy through a bloody massacre and coup.
- 2 Tamang, S. (2014). *The Nation, Nationality and Gendered Citizenship in Women in Transformation*.
- 3 Committee on Citizen Relations and Public Opinion Collection (CCRPO) of the Constituent Assembly (CA) gathered the public views on the preliminary draft constitution through public consultation from 9 -23 July 2015. CA received altogether 33,016 suggestions through various means of communications - See more at: <http://www.myrepublica.com/#sthash.qrwhi1Xi.dpuf> (accessed 23 July 2015)
- 4 Organizations which filed PILs include FWLD, Pro Public, WHR and LACC.
- 5 Forum for Women's Law and Development (2007), *Discriminatory laws against women, An updated study*, Kathmandu.
- 6 Amending Some Nepal Acts to Maintain Gender Equality Act, 2007 is in short called Gender Equality Act, 2007.
- 7 Ibid.
- 8 BBC and NNBN, *Civil Society Report on Beijing+20 Nepal*, November 2014, p. 36 (BBC-NNBN Report).
- 9 See <http://nepalisamachar.com/?p=4077>
- 10 Forum for Women Law and Development (2007), *Discriminatory laws against women, An updated study*, Kathmandu.
- 11 Meera Dhungana vs GoN, writ No 55 of 2058 of Supreme Court of Nepal, Jeet Kumarai vs GoNwrit no 064-0035, 2063- of Supreme Court of Nepal, decision date 2065.03.26; FWLD, 2014
- 12 CEDAW: Restoring Rights to Women, PLD and UNIFEM, 2004, pp. 31.
- 13 National Judicial Academy, *Gender Equality and Social Inclusion Analysis of the Nepali Judiciary*, May 2013, p. iv.
- 14 Data sheet obtained from the Records Department of the Ministry of General Administration (Tosa Khana) Dated January 12, 2015.
- 15 For an overview of the ethnic and caste mosaic of Nepal see Annex 1.1
- 16 National Judicial Academy, *Gender Equality and Social Inclusion Analysis of the Nepali Judiciary*, May 2013, p. 49.
- 17 UN CEDAW Views adopted on 16 July 2010, para. 8.3, Communication No. 18/2008, Vertido v. Philippines, CEDAW/C/46/D/18/2008.
- 18 Ibid
- 19 CEDAW: Restoring Rights to Women, PLD and UNIFEM, 2004. Pages 26.
- 20 Special Measures for women and their impact, FWLD, April 2003. This study is in the process of update.
- 21 Ibid.
- 22 Civil Service Act (amendment Jan 2008) provides for a total of 45% of new openings be reserved for inclusion of disadvantaged groups filled through open competition, 33% of which are reserved for women.
- 23 www.can.gov.np (accessed on December 2014)
- 24 Table 4.5 in the Annex
- 25 Section 37(1)(a), Public Service Act, 1993
- 26 NPC 2014, cited in BBC-NNBN Report, p. 17
- 27 UNFPA, 2007
- 28 Bennett, Lynn, Dilli Ram Dahal and Pav Govindasamy, *Caste, Ethnic and Regional Identity in Nepal: Further Analysis of the 2006 Nepal Demographic and Health Survey*. Calverton, Maryland, USA: Macro International Inc., 2008, p. 31.
- 29 MOHP, 2011. NDHS 2010/11
- 30 CBS, 2011
- 31 Foreign Employment Board Data Sheet, dated July 2014. http://fepb.gov.np/downloadfile/Overall%20Progress%20New_1416300192.pdf
- 32 Citizenship Act 2063, Section 8, Provision 1 Ka.
- 33 Article 1 of CEDAW states: "Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."
- 34 Women's right to equality: The promise of CEDAW, UN Women/Foreign Affairs, Trade and Development Canada, page 23
- 35 Women's right to equality: The promise of CEDAW, UN Women/Foreign Affairs, Trade and Development Canada, page 25

- 36 Sapana Pradhan Malla vs GoN, writ No 3561 of 2063 from Supreme Court of Nepal, decision date 2064.1010
- 37 Report of the Constitution Committee and Fundamental Right Committee of CAI.

CHAPTER 2

- 1 UN Women, 2013. A Transformative Stand-Alone Goal on Achieving Gender Equality, Women's Rights and Women's Empowerment: Imperatives and Key Components in the Context of the Post-2015 Development Framework and Sustainable Development Goals. www.unwomen.org/focusareas/post-2015.
- 2 National Planning Commission), and UN Country Team of Nepal, 2013. *Nepal MDG Progress Report 2013*. Kathmandu, Nepal.
- 3 NNBN/Saathi, 2009. Keeping the Beijing Commitment Alive, Nepal NGO Report on Beijing +15. National Network for Beijing Review Nepal and Saathi. Kathmandu.
- 4 MoHP, NDHS, 2011, Table 14.9
- 5 "61 Women murdered in 3 months". *Kantipur* (Kathmandu), 28 May 2015.
- 6 Singh, Pinky R., 2014. Chapter on Harmful Traditional Practices, Nepal NGO Report on Beijing +20. Kathmandu.
- 7 Deuki: the tradition of offering a girl to the gods for prosperity often undertaken by very poor families, seen in the far west of Nepal. Deukis are seen as good luck if one has intercourse with them, and due to lack of support, skills and education, often these girls trade sex for survival, a form of prostitution with the consequence that the deuki's daughters, called devis, cannot obtain Nepali citizenship if they cannot prove that the father is Nepalese.
- 8 Chaupadi: though outlawed by the Nepal Supreme Court in 2005, in many parts of the country this tradition is still prohibiting many women and girls from normal life during their menstruation. Girls often get locked up in a cow shed until the end of their period and are perceived as impure. Women and girls are barred from touching anyone else and are not allowed to consume yoghurt, milk, butter or meat. They are restricted from going to school or taking a bath and are only allowed to sleep on a small rug without a cover during any season.
- 9 Boksi: witch, is the Nepalese translation which has solely negative connotations in contrast to a Jhankri, the male witch, who often is the first to accuse a woman of witchcraft. Being a witch can lead to severe torture and fatal punishment often because people are afraid of the wrath that comes with any dark psychic powers.
- 10 National Workshop on Conflict Affected Women (CAW). A Journey towards Empowerment and Justice, January 2014.
- 11 OHCHR, 2012. Nepal Conflict Report.
- 12 WOREC and NAWHRD (2068 BS). *Sankalpa: Stories of Women Human Rights Defenders* (Nepali) Lalitpur, Nepal.
- 13 Interview at Saathi Shelter, Kathmandu.
- 14 <http://www.ekantipur.com/2014/08/26/headlines/Elderly-kills-self-after-being-dragged-in-rape-case/394159/>
- 15 National Human Right Commission (NHRC), 2013/14. *Trafficking in Persons Especially On Women and Children In Nepal, National Report 2013/14*. Office of the Special Rapporteur on Trafficking in Women and Children. OSRT. National Human Rights Commission, Nepal.
- 16 National Planning Commission (2003). *Poverty Reduction Strategy Paper*. Kathmandu, Nepal.
- 17 Office of the Prime Minister and Council of Ministers (2009). *National Plan of Action for "Year Against Gender Based Violence, 2010"*. Office of the Prime Minister and Council of Ministers, Government of Nepal. Kathmandu
- 18 TPAMF (2010). *Updating Gender Chapter and Social Exclusion Assessment (GESA)*. Report submitted to DFID/ World Bank. Tanka Prasad Acharya Memorial Foundation, Kathmandu Nepal.
- 19 MoPR (Ministry of Peace and Reconstruction), and 1325 Action Group, October 2014. *Mid Term Monitoring Report. NAP on Implementation of UNSCRs 1325 and 1820*. Unofficial English Translation.
- 20 Ibid.
- 21 Took place from December 2013 to February 2014.
- 22 Part of the international campaign organized annually since 2013, the latest being in February 2015.
- 23 SAHAVAGI, 2010. Review of the National Plan of Action against Trafficking in Children and Women for Sexual and Labor Exploitation, SAHAVAGI. Report submitted to Plan Nepal and Ministry of women, Children and Social Welfare, Kathmandu.
- 24 Office of the Prime Minister and Council of Ministers (2009). A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal. Office of the Prime Minister and Council of Ministers. Government of Nepal.
- 25 CREHPA and UCL (2013). *Tracking Cases of Gender Based Violence in Nepal: Individual, institutional, legal and policy analyses*. UNFPA, UN Women and UKAI.
- 26 Office of the Prime Minister and Council of Ministers, (2009) Ibid.
- 27 Data sheet obtained from the Records Department of the Ministry of General Administration (*Tosa Khana*) Dated January 12, 2015.

- 28 MoHP (Ministry of Health and Population)/ UNFPA/ Nepal Health Sector Support Programme (NHSSP) (2013). *Assessment of the Performance of Hospital-Based One Stop Crisis Management Centers*. Population Division, Ministry of Health and Population, Kathmandu, Nepal.
- 29 Solotaroff, L.J., and R.P. Pande, 2014. *Violence against Women and Girls, Lessons from South Asia*. World Bank Group, South Asia Development Forum.
- 30 Ibid pg. 28.
- 31 National Human Rights Commission (NHRC), 2012/13. *Trafficking in Persons Especially On Women and Children In Nepal, National Report 2012/13*. Office of the Special Rapporteur on Trafficking in Women and Children. OSRT. National Human Rights Commission, Nepal.
- 32 Ministry of Health and Population, New ERA, and ICF International, 2012. *Nepal Demographic and Health Survey 2011*. Ministry of Health Services. Kathmandu, Nepal.
- 33 National Human Right Commission (NHRC), 2008/09.. *Trafficking in Persons Especially On Women and Children In Nepal, National Report 2008/09*. Office of the Special Rapporteur on Trafficking in Women and Children. OSRT. National Human Rights Commission, Nepal.
- 34 Frederique, J. Basnyat, M. and Aguetant, J.L., 2010., *Trafficking and Sex Exploitation in the Entertainment and Sex Industries in Nepal. A Handbook for Decision Makers*. Kathmandu, Nepal. Terre des Hommes foundation.
- 35 Ibid
- 36 NPC (2015) Post Disaster Needs Assessment Vol. A: Key Findings, p 62.
- 12 Interim Constitution of Nepal, Clause 13 (4).
- 13 Acharya, 2014
- 14 NPC, 2007.
- 15 Since 1976, the United Nations has rallied its member countries to acknowledge the Civil and Political Rights (Civil Pact) and the Economic, Social and Cultural Rights (social pact) of their citizens. The Civil Pact reinforces the Universal Declaration of Human Rights, and is to be realized in each country without delay. Member states oversee compliance by other member states that have ratified these pacts and commit to upholding the rights guaranteed within them. For the second set of rights, obligations are linked only to the state's conduct (or efforts), not results as in the first case. It is recognized that poorer countries cannot immediately fulfill the rights of all their citizens to employment, shelter, food, full health care and education to the level to which they aspire. However, every state is urged to do its utmost to work towards realizing these economic, social and cultural rights within the limits of economic resources, and compliance has to be reported to various UN Committees. The rights under the social pact provide a framework for the rights-based approach to development (see Meyer, Thomas and Nicole Breyer, 2007 for a detailed discussion on the issue).
- 16 World Bank, the WDRs, 2011 and 2012; UNDP, HDR, 2013.
- 17 See references for the development partner country papers and strategies reviewed and Acharya, 2008.
- 18 Badi is a caste, which in recent decades has survived on commercial sex work.
- 19 See the introductions to the ADB/DFID/World Bank, 2012 report.
- 20 MoLE/DoFE, 2014.
- 21 MoLE, 2014.
- 22 The Nepali fiscal year is from mid-July to mid-July of the Gregorian calendar.
- 23 UN Women (UNIFEM) (not dated). *Gender and Gender budget Studies in Nepal*, Country Programme Office, Kathmandu.
- 24 MoF, 2013.
- 25 Ibid.
- 26 Acharya, 2008.
- 27 Personal phone conversation with NPC member Chandra Mani Adhikari, October 2014.
- 28 IIDS/SAHAVAGI/ANU Enterprise, 2012.
- 29 Freedman, 2012.
- 30 IIDS/SAHAVAGI/ANU Enterprise, 2012.
- 31 Folbre, 2012; Razavi, 2007; and Acharya, 2003.

CHAPTER 3

- 1 CBS, 2011; NLSS, 2010/11, Table 11.2.
- 2 MoF, 2014.
- 3 UNDP, Human Development Reports for 1995 and 2014.
- 4 United Nations, 2014
- 5 The 2014 HDR reported GDI looks unbelievable, but it is a ratio of low ratios, female HDI 0.514 to male HDI 0.564, therefore understandable. What it means is that post-1995 policies and programmes have helped to reduce gender inequality in access to services.
- 6 UNDP, 2014.
- 7 Interim Constitution of Nepal, Clause 12; The Constitution of Nepal, 2015, Clause 17(f).
- 8 Interim Constitution of Nepal, Clause 20 (4); The Constitution of Nepal, 2015, Clause 19 (3).
- 9 Interim Constitution of Nepal, Clause 35 (8); The Constitution of Nepal, 2015, Clause 38 (5).
- 10 Interim Constitution of Nepal, Clause 16(2) and 35 (8).
- 11 UNFPA Nepal, 2007.

- 32 For example, see KC, 2012; UN Women/UNWTO, 2011; Gautam, 2014; World Bank/IFC/infoDev, 2013; Bushell, 2008.
- 33 For example, the latest Arun III Power Development Agreement has the three following guidelines: First, it sets out processes and standards to guide the project to involve local people through meaningful consultations, ensuring that the community supports the project. Second, it requires the project company to comply with a local benefit sharing plan, which is to be jointly developed with the government of Nepal. This plan is intended to target skills development, employment, business development, and community infrastructure and services. The latter includes access to clean water, health services, electrification, technology transfer and training in addition to resettlement, rehabilitation and compensation for the project-affected people. Third, it establishes the right of local people to purchase equity shares in the project company with first priority. Investment Board, 2014, Achieving Nepal's Nine Policy Principles through the Arun 3 PD
- 34 Where not specified, information in this section is based on the websites of the respective institutions, brochures and telephone conversations with their officials in February 2015.
- 35 Information from the FNCCI website and a write-up obtained from its secretariat on 20 February 2015.
- 36 Global Compact is a strategic policy initiative for businesses committed to embracing universal principles in the areas of human rights, labour, environment and anti-corruption. They partner with the United Nations.
- 37 The four companies include MIT Groups Holdings Nepal (MIT Group), Total Business Institute (TBI) Group Nepal, Best Remit and London Fashion House.
- 38 UN Women, 2008/2009.
- 39 CBS, Nepal Population and Housing Census, 2011, Volume I. Calculated from Table 10.
- 40 Gurung/Tamang, 2014.
- 41 Ibid.
- 42 CBS, 2011.
- 43 MFPSD/NRB, 2014.
- 44 Bennett et al., 2013
- 45 UN Women, 2015
- 46 DFID/World Bank, 2006; Bennett et al, 2013
- 47 Interview with senior planning officer, Department of Cooperatives, 04 December 2014.
- 48 PAF, 2014; Interviews with Moti Prasad Sharma, Chief of Programme Division,
- 49 Ibid, table 2 & 3.
- 50 Interview with Mr Lok Bahadur Kahdka, Information Section, Youth and Small Entrepreneurs Self-employment Fund, 09 December 2014.
- 51 A redesigned form of PCRW/MCPW to address current priorities.
- 52 Department of Women and Children/ MoWCSW, 2015.
- 53 TPAMF, 2010.
- 54 UNFPA, 2007.
- 55 The World Bank, 2015.
- 56 Compiled from Bhattarai and Acharya, 2013 on vegetable farming; and summarized presentation of Ghimire, H 2015 on Women Micro, Small Medium Enterprises in Nepal' focused on handmade paper and Nepali nettle fibre.
- 57 Pandey, 2011.
- 58 MoF, 2013.
- 59 For most recent detailed coverage of this problem in Nepal see Acharya, 1997 and UNFPA, 2007.
- 60 *Gorkhapatra*, 12 March.
- 61 *Kantipur*, 2015.
- 62 Although all work is productive work as per the United Nation's System of National Accounts (SNA) 2003, only work which produces goods including for household use and direct services in the market are counted in current SNA calculations as economic work.
- 63 Studies on Status of Women, see Table 3.3, Annex 3.
- 64 Acharya, 2014; Folbre, 2012; Jain et al., 2010.
- 65 DFID/ World Bank, 2006; Bennett et. al. 2013; TPAMF 2008
- 66 NPC, 2011.
- 67 Ibid.
- 68 Nepal Rastra Bank 2014.
- 69 Ibid
- 70 Jansen, M.A.2010.
- 71 "Earthquake 2015 Situation Report No.20 (as of 3 June 2015). *Relief Web*. 03 June 2015. Available from <http://reliefweb.int/report/nepal/nepal-earthquake-2015-situation-report-no20-3-june-2015>.
- 72 United Nations, 2014.
- 73 The difference according to experts is related to the fact that DoE information is only for the first graders while other sources are reporting for the whole primary school age cohorts.
- 74 NPC/UN Country Team of Nepal, 2013.
- 75 Ibid.
- 76 CBS, 2011. NLSS, 2010/11
- 77 Gurung/Tamang, 2014.
- 78 TPAMF, 2008; Bennett et al., 2014.
- 79 Gurung/Tamang, 2014.

80. It is important to understand that Nepal started on the path of modernization only in the mid-1950s. At that time, the Nepali economy was much more subsistence oriented than the neighboring South Asian countries. It had only minimum social expenditure and limited government interventions in the economy at large. During the 1960s the government had, however, established a series of factories and trading companies to supply agricultural inputs and other goods received as aid from the communist countries. The early efforts at neo-classical restructuring of the economy in the mid-1980s, therefore, impacted only on the exchange rate (devaluation) of the rupee which was earlier manipulated to promote diversion of trade away from India. A few public enterprises were also privatized (see Acharya et al, 2003 on details). There was no possibility to cut government expenditure on education, health, or other social infrastructure to dismantle. So the neo-classical package, which was implemented in a fuller scale during the early 1990s, impacted only on the restructuring and introduction of minimum user fees for government supplied services and revised pricing of some of the government supplied essential goods such as milk, salt, and agro-inputs such as seeds, fertilizer, and irrigation fees. These must have impacted adversely on women but there are few specific studies on them.
- 81 Acharya, 2003.
- 82 Information on cross classification of industrial sectorial and employment status is not available from the Census 2011 at this stage. The 2008 NLFS does indicate a concentration of agricultural workers as discussed below.
- 83 This could also be because of some changes in the definition of economically active.
- 84 The information in this paragraph, where otherwise not mentioned, is calculated from Table 15 in the 2001/2 Agricultural Census Report and Table 25 and 26 in the Agricultural Census, 2010/2011.
- 85 TPAMF, 2008.
- 86 Sijapati, 2014.
87. CBS, 2009. NLFS, 2008/9 .
- 88 For example, in Nepal, equal wage provisions may not be implemented even in the government/DDC managed programmes funded by foreign donors when implemented through contractors (IIDS/SAHAVAGI/ANU Enterprise 2011).
- 89 All the data in this section is from CBS, 2012.
- 90 Khanal, 2012.

- 91 UNFPA, 2007; TPAMF, 2010.
- 92 Iborgh-Woytek et al, 2013.

CHAPTER 4

- 1 UN General Assembly, 2011.
- 2 UN WOMEN, 2013 (June, 2013), transformative stand-alone goal on gender equality, women's rights and women's empowerment: Imperatives and key components.
- 3 Acharya, 2010.
- 4 Interim Constitution of Nepal, 2007. Clause 20
- 5 Ibid
- 6 Pratima Gurung, 8 March 2015. Presentation at Martin Chautari.
- 7 SPCBN/UNDP, 2012.
- 8 Ibid
- 9 UN Women, 2008.
- 10 MoWCSW, 2014.
- 11 TPAMF, 2010; Saathi, 2012.
- 12 Sathi, 2012 .
- 13 UNFPA, 2007; TPAMF, 2010.
- 14 MoPR/1325 Action Group Nepal, 2014.
- 15 NNBN/Saathi, 2009.
- 16 ICJ, 2014.
- 17 *Kantipur*, 27 February 2015.
- 18 ICJ, 2014.
- 19 The four cluster areas are: Cantonment Management, Integration/Rehabilitation of Combatants; Conflict Affected Persons and Communities; Security and Transitional Justice; and Constituent Assembly, Elections and Peace Building Initiatives at National and Local Levels.
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- 22 "Local body election law amendment". *The Kathmandu Post*. 04 April 2014.
- 23 Freedman et al, 2012.
- 24 Ibid.
- 25 SAHAVAGI et al, 2012.
- 26 Bennett et al, 2013.
- 27 Ibid.
- 28 UN Women/DidiBahini, 2013.

- 29 MoWCSW,2014
- 30 Ibid
- 31 Details on expenditure of Media Development fund available at <http://www.presscouncilnepal.org/files/Provided%20Loan%20Subsidy%202068-4-5.pdf>
- 32 Ashmita Women's Publishing House, 2015.
- 33 SAS, 2011.
- 34 UNFPA, 2007, Table 5.1
- 35 Acharya, 2010.
- 36 SBCBN/UNDP, 2013.
- 37 Ibid.
- 38 Ibid.
- 39 TPAMF, 2010.
- 40 Social Welfare Council, figures obtained from office files in February 2015.
- 41 "NGOs affiliated with Social Welfare Council by Women Service Sector (2034 - 2067 AsadhMasant)". Available from http://www.swc.org.np/swcsector/Women_Services.pdf. This covers the period from FY 1978/79 - 2012/13.
- 42 MoPR/1325 Action Group Nepal, 2014.
- 43 As per the National Seismological Center, Department of Mines and Geology, Ministry of Industry, as of 30 May 30 2015 a total of 293 aftershocks measuring about 4 on the Richter scale have been recorded.
- 44 TPAMF, 2010.
- 45 Ibid.
- 46 Kailash Rai, summary presented on 31 March 2015 at the Interaction programme organized by Martin Chautari and Chauthath.
- 47 A common charter issued by Women's Groups (WOREC Nepal, Saathi, FEDO, Jagaran Nepal, WHR, FWLD, Beyond Beijing Committee, Media Advocacy Group, Sancharika Samuha and Homenet Nepal) in Nepal pursuant to the devastating earthquakes of 25 April and 12 May.
- 48 Pandey, 2014.
- 49 In the write-up prepared by lecturer PuspaGhimire-Niraula in February 2015.
- 50 "Bhawana Ghimire 'invades' cricket's manly world". NDTV Sports. 16 October 2014. Available from <http://sports.ndtv.com/cricket/news/231544-bhawana-ghimire-invades-cricket-s-manly-world>
- 51 See for example, Nelson and Chaudhari, 1994.
- 52 Respective institutional websites and current newspapers as of March 2015.
- 53 MoPR/1325 Action Group Nepal, 2014.
- 54 SAHAVAGI/EU/UN Women, 2012.
- 55 MoPR/1325 Action Group Nepal, 2014.
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Organization Weblinks (relates to chapter III Table 3.3)

CNI www.cnind.org

FHAN www.nepalhandicraft.org.np

FNCCI www.fncci.org/intro.php

FNCSI www.fncsi.org

NBF www.Nepalbusinessforum.org

NCC www.nepalchamber.org

PHOTO CREDIT

Chapter 1: FORMAL TO SUBSTANTIVE EQUALITY – UN Women Nepal, Samir Jung Thapa.

Chapter 2: HUMAN RIGHTS AND FREEDOM – UN Women, Paiyavit Thongsa-Ard.

Chapter 3: CAPABILITIES AND RESOURCES – SAHAVAGI, Bikash Rauniar.

Chapter 4: VOICE, AGENCY AND LEADERSHIP – UN Women Nepal, Samir Jung Thapa.

Chapter 5: CONCLUSIONS AND RECOMMENDATIONS – UN Women Nepal, Samir Jung Thapa.

SAHAVAGI

SAHAVAGI is an action and research NGO working for last 16 years for reduction in poverty, gender equality and empowerment of disempowered generally, for example Dalits and women and in Humla. Besides, it has focused on research for gender equality and women's empowerment. Its contributions to policy matters have included engendering the national development plans, gender responsive budgeting, combating violence against women etc (Gender Audit and Gender Assessment of Ministry of Local Development, Gender Responsive Budgeting – methodology and manual development for the Ministry of Finance, gender audit of the Aid effectiveness in Nepal). Another area of its contribution has been engendering the population censuses of Nepal and creating the regional SAARC gender data base. In these studies, it has collaborated with relevant government ministries/offices, by-lateral and multilateral development partners, INGOs and NGOs. Its other major contribution has been historical review and publication of Feminist Movement in Nepal with suggestions for way forward (*Nepalko Mahila Andolan ka Paribartit Sandarva: Yek Jhalak*).

DidiBahini

DidiBahini (DB) is a Gender Equality and Social Justice Issue focused organization initiated and governed by a team of multidisciplinary experts. To achieve gender equality at all levels and end gender based violence (GBV), DB has been active at local, national and international level for almost two decades. In this process, DB has accomplished different national and international level action/research and development projects in partnership with international/ multilateral/bilateral agencies, UN entities, government ministries, I/NGOs, and media/ academic/educational institutions. To name few projects (in South Asia) research on Violence against Women in Politics (VAWIP) and Gender in Governance (GNG), on Making Politics Work with Women in Nepal (MP3W) and pioneered Women Safety Audit (WSA) concept in Nepal. Its policy oriented action/research includes projects like Violence against Women and Girls in Education, Women in Health, Education, Environment and Local/ Legal resources (WHEEL), Peace Enabling Awareness and Conflict transformation Enterprise (PEACE) etc.

Feminist Dalit Organization (FEDO)

FEDO is a national level Non-Governmental Organization (NGO) founded in 1994 envisioned with "a just and equitable society"- by promoting Dalit women's rights and to eliminate caste and gender based discrimination where Dalit women can live with respect and dignity in the society. To achieve its goal, FEDO has been working at grassroots to international level to promote Dalit women's advancement and participation at the decision-making level through Economic and Political Empowerment, Justice and Human Rights, Violence against Women, Peace and Constitution Building, Education, Humanitarian Support and Organizational Development.

FEDO has 56 district chapters with 2,154 women's groups with 53,850 group members united, organized and mobilized to fight against caste and gender based discrimination at all levels. The working approaches of FEDO are: Coordination, collaboration and networking; Partnership and participation; Advocacy and lobbying and Organizing and mobilizing to bring Dalit issues to the forefront at all levels.



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