



# MAPPING PROGRESS ON WOMEN'S RIGHTS IN NEPAL

2<sup>nd</sup> Edition – February 2020

## List of Abbreviations

AATWIN	-	Alliance Against Trafficking in Women and Children in Nepal
BBC	-	Beyond Beijing Committee
BPfA	-	Beijing Declaration and Platform for Action
CEDAW	-	Convention on the Elimination of All Forms of Discrimination against Women
CERD	-	Convention on the Elimination of All Forms of Racial Discrimination
CIEDP	-	Commission on the Investigation of Enforced Disappeared Persons
CRC	-	Convention on the Rights of Child
CRPD	-	Convention on the Rights of Persons with Disabilities
CRSV	-	Conflict-related Sexual Violence
CSO	-	Civil Society Organizations
DoE	-	Department of Education
DoHS	-	Department of Health Services
FCHV	-	Female Community Health Volunteers
FPTP	-	First-Past-the-Post
FWLD	-	Forum for Women Law and Development
FY	-	Fiscal Year
GER	-	Gross Enrolment Rate
GBV	-	Gender Based Violence
GDP	-	Gross Domestic Product
GoN	-	Government of Nepal
GPI	-	Gender Parity Index
GRB	-	Gender Responsive Budget
HDI	-	Human Development Index
HoR	-	House of Representative
HRC	-	Human Rights Council
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ICJ	-	International Commission of Jurists
IPGBVPR	-	Integrated Platform for Gender-based Violence Prevention and Response
IRP	-	Interim Relief Program
LBTI	-	Lesbian Bisexual Transgender Intersex
LFPR	-	Labor Force Participation Rate
LGU	-	Local Government Unit
MoF	-	Ministry of Finance
MoWCSC	-	Ministry of Women Children and Senior Citizens
NER	-	Net Enrollment Rate
NHRC	-	National Human Rights Commission
NNBN	-	National Network for Beijing-review Nepal
NPA	-	National Plan of Action
NPC	-	National Planning Commission
NWC	-	National Women Commission
PA	-	Provincial Assembly
SDG	-	Sustainable Development Goal
STD	-	Sexually Transmitted Disease

TRC	-	Truth and Reconciliation Commission
UPR	-	Universal Periodic Review
UN	-	United Nations
UNDP	-	United Nations Development Programme
VAWG	-	Violence against Women and Girls
UN Women	-	United Nations Entity for Gender Equality and the Empowerment of Women

## Preamble

The Constitution of Nepal 2015 represented the country's largest political reform since 1990, with the transition from a unitary to a federalist system of governance. After a gap of over 20 years, local elections were successfully held in 2017, along with provincial and federal elections. As a result of progressive laws guaranteeing the representation of women and marginalized groups, women now make up over one-third of elected positions across all three tiers of government. Women (including those from Dalit, indigenous, Madhesi and Muslim groups) constitute 34 per cent of the Federal Parliament<sup>1</sup>, 34 per cent of the seven provincial assemblies<sup>2</sup> and 41 per cent of the 753 local governments.<sup>3</sup> In urban and rural municipalities (753 local governments), women constitute 91 per cent of all deputy mayors/deputy chairs.<sup>4</sup> This level of representation by women is unprecedented in Nepal's political history. The country has also undergone vast legal reform, including the enactment of the new Criminal Code, 2017, Criminal Procedure, 2017, Civil Code, 2017, Civil Procedure Code, 2017, and the Sentencing Act, 2017, which came into effect on 17<sup>th</sup> August 2018, replacing the General Code, 1964.

The state restructuring and legal reform processes in Nepal have been guided by the international human rights commitments of the State in relation to non-discrimination, gender equality, and social justice. Nepal is party to seven of the nine core human rights treaties. Nepal became a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 22<sup>nd</sup> April 1991, and ratified both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 14<sup>th</sup> May 1991 without any reservations, demonstrating its commitment to eliminating all forms of discrimination against women. It became a party to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 30<sup>th</sup> January 1971, the Convention on the Rights of the Child (CRC) on 14<sup>th</sup> September 1990 and the Convention on the Rights of Persons with Disabilities (CRPD) more recently, on 7<sup>th</sup> May 2010. As a signatory to these conventions, Nepal must fulfill, respect and protect the rights of all individuals, including women<sup>5</sup> and excluded groups.<sup>6</sup> As part of its obligation, Nepal is also required to submit periodic reports to the respective treaty bodies with regard to the implementation status of its human rights obligations. The scope of Nepal's obligations also includes the general recommendations and Concluding Observations provided by the treaty bodies. The Universal Periodic Review (UPR), established in 2006 by the UN General Assembly Resolution 60/251, also mandates the UN Human Rights Council (HRC) to undertake a universal periodic review of each state's fulfilment of its human rights obligations and commitments, including Nepal. As part of the UPR process, Nepal must report every four years to the HRC concerning the extent to which it has fulfilled its human rights obligations and the steps it is taking to improve the human rights situation in the country.

Since 2015, the Government of Nepal (GoN) has received Concluding Observations and recommendations from four treaty bodies and the Working Group on UPR, which covers issues of non-discrimination, women's rights and gender justice. The CRC Committee provided concluding observations on the periodic report of Nepal in 2016 and the GoN

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<sup>1</sup> Of the total 272 federal level House of Representative members, 90 are women (33 per cent). Similarly, 22 out of 59 members (37.28 per cent) of the National Assembly and 112 of 331 members (33.84 per cent) of the Federal Parliament are women. (Data from official website of the National Assembly, <http://na.parliament.gov.np/np/members> and House of Representatives, <http://hr.parliament.gov.np/np/members>, accessed on 12 February 2020).

<sup>2</sup> There are 31 women in the 93-member Provincial Assembly (PA) in Province 1; 35 women in the 107-member PA in Province 2; 36 women in the 110 member PA in Province 3; 20 women in the 60-member PA in Province 4; 20 women in the 87-member PA in Province 5; 13 women in the 40-member PA in Province 6 and; 17 women in the 53-member PA in Province 7 (Speech delivered by Justice Anup Raj Sharma, Hon. Chairperson, National Human Rights Commission (NHRC), Nepal as a Co-Speaker for "Gender Equality: Bridging the Gap" in Regional Conference organized by Honorary Consular Corps Nepal and World Federation of Consuls (HCCN – FICAC), Kathmandu, 13 November 2019 (NHRC Chairperson's Speech, 2019)

<sup>3</sup> Out of 35,041 local representatives elected to the newly formed LGUs in 2017 (Election Commission of Nepal, 2018, available at: <http://result.election.gov.np/>)

<sup>4</sup> UN Human Rights Council (HRC), *Visit of Nepal: Report of the Special Rapporteur on violence against women, its causes and consequences*, 19 June 2019, A/HRC/41/42/Add.2

<sup>5</sup> Committee on the Convention on Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 16 December 2010, para. 9, CEDAW/C/GC/28, available at: <http://www.refworld.org/docid/4d467ea72.html>

<sup>6</sup> Human Rights Committee (HRC), *General Comment 3 on ICCPR Article 2 (Implementation at the National Level)*, 29 July 1981,

received concluding observations and recommendations from three treaty-bodies: CRPD in April 2018, CERD in May 2018 and CEDAW in November 2018. With regard to UPR, the GoN received 195 UPR recommendations in 2015 during the second cycle of UPR, of which the GoN accepted 152 recommendations and took note of the remaining 43 recommendations<sup>7</sup>.

With regard to the fulfilment of its human rights commitments, the GoN has achieved progress on several fronts and has shown its commitment to implementing the 2030 Agenda for Sustainable Development, which affirmed the achievement of gender equality and women's empowerment as a standalone goal and a priority that cuts across all 17 Sustainable Development Goals (SDGs). In the last five years, Nepal has made notable progress in achieving gender equality and the empowerment of women and girls as guided by CEDAW, the Beijing Declaration and Platform for Action (BPfA) and the SDGs. The Constitution of Nepal 2015 outlines Nepal's aspiration to become an equitable society based on the principles of inclusion and proportionate participation and calls for an end to discrimination based on sex, caste, geographic region, language, or religion.<sup>8</sup> It guarantees women's rights as a fundamental right, reaffirms the right to safe motherhood and reproductive health, education, health, employment, equal pay, social security and property rights and the inclusive participation of women in state bodies.<sup>9</sup> The new constitution has also established the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) to citizenship according to their gender identity. To implement the constitutional guarantees a number of laws have been formulated including sixteen laws related to fundamental rights.<sup>10</sup> The Criminal Code, and Civil Code profoundly reformed Nepal's legal system through major changes to the country's laws and proceedings. The Criminal Code introduced key provisions to protect women's rights, including the criminalization of various forms of violence against women (VAW) such as Chhaupadi<sup>11</sup>, prescribing a higher degree of punishment for acid attacks, polygamy, sexual offences and various other forms of gender-based violence. Reinforcing the rights of victims of crimes, the Crime Victims Protection Act, 2018, contains provisions on the right to justice, compensation and social rehabilitation.<sup>12</sup> The Integrated Legal Aid Policy, adopted by the GoN in December 2019, will be instrumental for strengthening access to justice for women and vulnerable groups. The Safe Motherhood and Reproductive Health Rights Act, 2018, contains provisions to protect the reproductive health and rights of women, girls, adolescents and newborns and ensures access to quality healthcare services. The Labour Act, 2017, prohibits gender-based discrimination on wages<sup>13</sup> and guarantees social security provisions for employees. Special legal provisions such as a rebate on the registration fee of land registered jointly in the name of husband and wife, a rebate on the registration of industries in the name of women and a rebate of 10 per cent income tax for women are progressive steps towards the economic empowerment of women.<sup>14</sup> Due to the institutionalization of gender-responsive budgeting (GRB), gender-

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<sup>7</sup> Nepal supported 32 recommendations listed under paragraph 121 of the UPR Working Group on the Universal Periodic Review Report. 115 recommendations listed under paragraph 122 of the report also enjoyed their support because they were issues either under implementation or in the process of implementation. Nepal took note of the recommendations listed under paragraph 124 of the report. In relation to the 30 recommendations listed under paragraph 123 of the Working Group report, five enjoyed Nepal's support and 25 recommendations were noted. Therefore, of the total 195 recommendations received, Nepal accepted 152 recommendations and took note of the remaining 43 recommendations. Source: UN Human Rights Council (HRC), *Report of the Human Rights Council on its thirty-first session*, 22 July 2016, A/HRC/31/2, paragraph 686-688

<sup>8</sup> Constituent Assembly Secretariat, *Constitution of Nepal*, 2015, Preamble.

<sup>9</sup> Ibid, Article 18, 38, 42.

<sup>10</sup> The sixteen laws include: Act Relating to Children, Caste-based Untouchability Act (Amendment), Compulsory and Free Education Act, Crime Victim Protection Act, Environment Preservation (First amendment) Act, Land Act (7th amendment), Personal Privacy Act, Public Health Service Act, Right to Employment Act, Right to Food and Food Sovereignty Act, Right to Housing Act, Right to safe Motherhood and Reproductive Health Act, Rights of Disabled Person Amendment Act, Social Security Act, Consumer Protection Act, and Public Security Act.

<sup>11</sup> Chhaupadi is a harmful practice where girls/women are not allowed to enter their house during their menstruation as they are considered 'impure'. As a result, women and girls are banished to small Chhaupadi sheds where their safety is precarious. The practice is widespread in parts of Karnali Province and Surdurpaschim Province in Nepal

<sup>12</sup> Constituent Assembly Secretariat, *Constitution of Nepal*, 2015, Article 21

<sup>13</sup> Labour Act, 2017, Section 7

<sup>14</sup> The Industry Policy 2010 provides a rebate of 35 per cent of the registration fee for industries registered in the name of a woman and a 20 per cent rebate for registration of an industrial property patent, design and trademark in the name of a woman. Financial Act 2019 provides a rebate of 10 per cent in income tax for women. Source: National Network for Beijing-review Nepal (NNBN), *Civil Society Report on Beijing+25*, 2019, pg 7-8 (NNBN, *Report on Beijing+25*)

responsive allocation has increased from 11.3 per cent (2007/08) to 38.17 per cent (2019/2020) in the last ten years.<sup>15</sup> However, the GoN's capacity to track and monitor expenditure across the three tiers of government, and assess the impact on the lives of women and girls is limited due to a lack of system in place. The National Strategy for Ending Child Marriage was adopted in line with the Sustainable Development Goal agenda of ending child marriage by 2030. The proposal to ratify Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, was recently passed by the House of Representatives on 12 March 2020.<sup>16</sup>

While these legal frameworks provide solid ground for advancing the rights of women and marginalized groups, challenges to the effective implementation of these laws remain. Gender inequality in Nepal remains high, as indicated by the Gender Inequality Index<sup>17</sup> (0.476) which ranked Nepal at 115 out of 162 countries<sup>18</sup> and the Gender Development Index<sup>19</sup> of 166 countries which scored Nepal at 0.897 in 2018<sup>20</sup>. The Global Gender Gap Index ranked Nepal at 101 amongst 153 countries, with a score of 0.68 in 2018<sup>21</sup>. Despite sixteen laws on fundamental rights, delays in the formulation of regulations and procedural guidelines have hindered the full and effective implementation of the laws<sup>22</sup> and discriminatory laws against women and sexual minorities remain and require amendment.<sup>23</sup> For example, the Constitution includes several articles<sup>24</sup> pertaining to nationality that discriminate on the basis of gender and contradict other articles<sup>25</sup> of the Constitution, which enshrines non-discrimination and the right to citizenship.

Although there has been a gradual reduction in the level of poverty (from 25.2 per cent in 2011 to 21.6 per cent in 2018), disparity between genders, as well as between women, persists.<sup>26</sup> Child marriage remains pervasive, with 37 per cent of girls marrying before the age of 18 and 10 per cent before the age of 15 and despite the criminalization of the practice, 89 per cent of adolescent girls still face discrimination during menstruation, including Chhaupadi.<sup>27</sup> Similarly, there are significant challenges to enforcing the legal guarantee of equal rights for daughters to inherit ancestral property due to deeply entrenched patriarchal mindsets.<sup>28</sup> The female Labor Force Participation Rate (LFPR) is less than half (26.3 per cent) that of males (53.8 per cent)<sup>29</sup> and the average 11.87 hours per day of unpaid domestic work of women in Nepal has not been included in the national GDP, devaluing the economic contribution made by women<sup>30</sup>. Despite the historic levels of representation of women as elected representatives in all three tiers of governments,

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<sup>15</sup> Government of Nepal (GoN), *Submission for the Twenty-fifth Anniversary of the Fourth World Conference on Women and Adoption of Beijing Declaration and Platform for Action (1995): Review Report*, 2019, pg 16 (GoN, *Submission for Beijing+25*)

<sup>16</sup> Official website of the National Assembly, <http://na.parliament.gov.np/np/bills?type=state&ref=AGREEMENT> and Alliance Against Trafficking in Women and Children in Nepal (AATWIN) <https://www.facebook.com/AATWIN.org/> (accessed on 5<sup>th</sup> February 2020)

<sup>17</sup> Gender Inequality Index is a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market.

<sup>18</sup> Source: United Nations Development Programme (UNDP), *Human Development Report*, 2019, pg 24-25, available at <http://hdr.undp.org/en/towards-hdr-2019>

<sup>19</sup> Gender Development Index is a ratio of female to male Human Development Index (HDI).

<sup>20</sup> Ibid, UNDP.

<sup>21</sup> World Economic Forum, *Global Gender Gap Report*, 2020, pg 9, available at: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>22</sup> NNBN, *Report on Beijing+25*, pg 17

<sup>23</sup> For example, the Civil Code 2017 recognizes marriage only between a man and a woman; and rape is defined as a crime against women only, which is discriminatory from a gender lens.

<sup>24</sup> Constitution of Nepal 2015, Article 11 (3,5,6,7)

<sup>25</sup> Article 11(2)(b) of the constitution provides, any person whose father or mother is citizen of Nepal at the time of birth is a citizen by descent. However, this provision is later contradicted by Articles 11(3), 11(5) and Article 11(7). Article 11(3) requires both the 'father and mother' to be citizens of Nepal for a child to acquire citizenship by descent in cases where one of the parents acquired citizenship by birth, preventing Nepali women from independently transferring their citizenship to their children. According to Article 11(5), a Nepali woman only retains the right to pass nationality by descent if her child is born and resides in Nepal and "whose father is not traced," with the condition that the citizenship of the child be converted to naturalized citizenship if the father is known to be a foreigner. Article 11(7) states that the child of a Nepali woman married to a foreign man may only acquire naturalized citizenship if the child has permanently resided in Nepal and has not acquired another citizenship. In addition to contradicting Article 11(2)(b), these provisions further violate Nepali citizens' right to equality before the law and equal protection the law, as enshrined in Article 18 of the Constitution.

<sup>26</sup> NNBN, *Report on Beijing+25*, pg 9.

<sup>27</sup> Ibid, pg 65.

<sup>28</sup> FWLD and UNDP, *A Study on Women's Property Ownership and Its Impact*, 2018, pg 9.

<sup>29</sup> Central Bureau of Statistics, *Report on the Nepal Labour Force Survey 2017/18*, Kathmandu, 2018, pg 35.

<sup>30</sup> Ibid, pg 35.

women are mostly excluded from top positions. At the local level, men continue to outnumber women as heads of local governments – with 97 per cent of Mayor/Chair or Ward Chair positions being held by men and 91 per cent of deputy positions (Deputy Mayors and Vice Chairpersons) held by women, reflecting the low number of women filed as candidates for the Mayor/Chair positions by political parties.<sup>31</sup>At the federal and provincial level, women are confined to the position of Deputy Speakers in the federal level House of Representative, National Assembly and all provincial assemblies.

The table below presents the latest recommendations received from the second cycle of **UPR of Nepal in 2015, CRC Committee in 2016, and CEDAW Committee, CRPD Committee and CERD Committee in 2018** in relation to women's rights, empowerment and gender justice, along with the implementation status of those recommendations, highlighting Nepal's progress in realizing women's rights.<sup>32</sup>

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<sup>31</sup> *NHRC Chairperson's Speech, 2019.*

<sup>32</sup> The progress presented in the table contains major highlights in realizing the women's rights in Nepal, and should not be considered an exhaustive list.



Issues	Recommendations of the Working Group on the Universal Periodic Review to Government of Nepal, December 2015 <sup>33</sup>	CEDAW Committee's Concluding Observations on the Sixth Periodic Report of Nepal, November 2018 <sup>34</sup>	CERD Committee's Concluding Observations on combined periodic reports of Nepal, May 2018 <sup>35</sup>	CRPD Committee's Concluding Observations on the initial report of Nepal, April 2018 <sup>36</sup>	CRC Committee's Concluding observations on the combined third to fifth periodic reports of Nepal, July 2016 <sup>37</sup>	Progress as of December 2019 <sup>38</sup>
<b>Gender equality</b>	<b>Recommendations agreed to by the Government of Nepal:</b>  - Take the necessary steps to ensure that the new constitution is implemented while protecting human rights and thus ensuring its provisions on gender equality, lesbian, gay, bisexual and transgender persons, and minorities (Sweden, para 121.16);	- Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples (para 41(a)); - Guarantee that women and men have equal rights to divorce, including with			- Ensure the effective implementation of its legislation in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life, especially in	- The Constitution of Nepal, 2015, is a significant milestone for gender equality as it enshrines most of the internationally accepted human rights of women including women's equal rights to inherit property and family affairs, equal lineage rights, safe motherhood and reproductive health rights, rights to protection from all

<sup>33</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review Nepal*, 23 December 2015, A/HRC/31/9; available at: <https://digitallibrary.un.org/record/821286?ln=en>

<sup>34</sup> Committee on the Convention on Elimination of Discrimination against Women (CEDAW), *Concluding observations on the sixth periodic report of Nepal*, 14 November 2018, CEDAW/C/NPL/CO/6; available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En)

<sup>35</sup> Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined seventeenth to twenty-third periodic reports of Nepal*, 29 May 2018, CERD/C/NPL/CO/17-23; available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/NPL/CO/17-23&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/NPL/CO/17-23&Lang=En)

<sup>36</sup> Committee on the Rights of Persons with Disabilities (CRPD), *Concluding observations on the initial report of Nepal*, 16 April 2018, CRPD/C/NPL/CO/1; available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/NPL/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/NPL/CO/1&Lang=En)

<sup>37</sup> Committee on the Rights of the Child (CRC), *Concluding observations on the combined third to fifth periodic reports of Nepal*, 8 July 2016; CRC/C/NPL/CO/3-5; available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/NPL/CO/3-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/NPL/CO/3-5&Lang=En)

<sup>38</sup> Most of the information have been taken from: GoN, *Submission for the Twenty-fifth Anniversary of the Fourth World Conference on Women and Adoption of Beijing Declaration and Platform for Action (1995): Review Report*, 28 June 2019; Beyond Beijing Committee (BBC) Nepal, *Beijing+25 National Review: National Parallel Report 2019*, Kathmandu, December 2019 (BBC, *Beijing+25 National Parallel Report*); and National Network for Beijing-review Nepal (NNBN), *Civil Society Report on Beijing+25*, 2019.



	<p>- Step up efforts to eliminate gender inequity (Botswana, para 121.20);</p> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <p>- Ensure equality between men and women in its new Constitution as well as the right of all to be free from discrimination (Nicaragua, para 122.3);</p> <p>- Enhance measures on protecting the rights of children, women and other vulnerable groups (Lao People’s Democratic Republic, para 122.22);</p> <p>- Promote gender equality including through an awareness-raising programme to combat negative stereotyping against women (Malaysia, para 122.34);</p> <p>- Increase awareness-raising campaigns on women’s rights and the negative effects of gender-based violence (Slovenia, para 122.23);</p>	<p>regard to grounds for divorce and the financial consequences, taking into account the contributions made by the woman to the family’s economic well-being during the marriage (para 43(e));</p> <p>- Enforce the legal provisions on the equal rights of women and men to inherit property, including land (para 43(f)).</p>			<p>family relations, the criminal and civil justice system and property rights, and take measures to eliminate any forms of discrimination in practice (para 21 (a)).</p>	<p>forms of violence and exploitation and special opportunities to education, health, employment and social security and participation in state structures.<sup>39</sup></p> <p>- The equal right of son and daughter (including married) to the ancestral property has been guaranteed in Civil Code, 2017.<sup>40</sup></p> <p>- 16 fundamental rights related laws were passed in September 2018 to implement the constitutional rights.</p> <p><b>CSO Reports</b></p> <p>- New Constitution establishes rights of LGBTI communities to citizenship according to their gender identity, guarantees their protection, empowerment and development, and right to participate in state bodies on the basis of inclusive principle.<sup>41</sup> While same-sex</p>
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<sup>39</sup> Constitution of Nepal, 2015, Article 38  
<sup>40</sup> Civil Code, 2017, Section 205 and 206  
<sup>41</sup> Constitution of Nepal 2015, Article 12, 18 and 42

	<p>- Strengthen the protection of lesbian, gay, bisexual, transgender and intersex people and work towards the full implementation of the current laws (Israel, para 122.43);</p> <p><b>Recommendations which do not enjoy the support of Nepal and are noted:</b></p> <p>- Take measures to implement the Supreme Court's decision concerning same-sex marriage (Brazil, para 123.30).</p>					<p>marriage has not been constitutionally and legally guaranteed, it is getting more visibility and attention. LGBTI people don't have legal right to adopt children unlike the heterosexual couples. In practice their right to ancestral property is in denial due to their sexual orientation.<sup>42</sup></p> <p>- The Ministry of Women Children and Senior Citizens (MoWCSC) has prepared a draft of the National Gender Equality Policy; reviewed the National Plan of Actions (NPAs) pertaining to BPfA and CEDAW, and prepared a draft of combined NPAs to promote Gender Equality and Empowerment of Women in 2017.<sup>43</sup></p> <p>- National Planning Commission (NPC) has finalized the approach paper on the Fifteenth Plan (FY 2019/20-2023/24) incorporating 'Gender Equality and Women's Empowerment' in the goal of</p>
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<sup>42</sup> Mitini Nepal, *National Parallel Report B+25: Issues, Achievements, Gaps and Recommendations of LGBTI in Nepal*, 2019, pg. 5-9 (Mitini , *Parallel Report on Beijing+25*)

<sup>43</sup> BBC, *Beijing+25 National Parallel Report*, pg 19

						<p>achieving substantive equality, including equal and meaningful participation of women.<sup>44</sup></p> <p>- Despite the legal guarantee of equal right of daughters to ancestral property, its enforcement remain weak since daughters are not considered independent coparcener to the ancestral property in practice.<sup>45</sup></p>
<b>Non-discrimination</b>	<p><b>Recommendations agreed to by the Government of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Strengthen its efforts to effectively implement existing laws and policies to eliminate all forms of discrimination (Thailand, para 121.17);</li> </ul> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Continue efforts to sanction discrimination and violence against women and ensure that there are adequate mechanisms for the provision of assistance and protection to</li> </ul>	<ul style="list-style-type: none"> <li>- Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres, and guarantees effective remedies for victims;</li> <li>- Repeal all remaining constitutional and legal provisions that discriminate</li> </ul>		<ul style="list-style-type: none"> <li>- Adopt a human rights model of disability, which stresses the human dignity of persons with disabilities and conditions arising from interaction with various barriers that may hinder</li> </ul>	<ul style="list-style-type: none"> <li>- Conduct awareness-raising campaigns to combat stigmatization of and discrimination against intersex children;</li> <li>- Ensure that intersex children have access to identity documents that correspond with</li> </ul>	<ul style="list-style-type: none"> <li>- The Country Code, 1964 was repealed and new Criminal Code and Civil Code were adopted in 2017 eliminating many gender discriminatory provisions.</li> <li>- Discrimination based on sex, sexual identity, ethnicity, origin or other basis is criminalized under Criminal Code, 2017.<sup>46</sup></li> <li>- GoN policies and programs between 2014/15 to 2018/19 including the Fourteenth Plan and the Approach Paper of the Fifteenth Plan (2019-</li> </ul>

<sup>44</sup> *Ibid*

<sup>45</sup> FWLD and UNDP, *A Study on Women's Property Ownership and Its Impact*, 2018: In NNBN, *Report on Beijing+25*, pg 9

<sup>46</sup> Criminal Code, 2017, Section 160

	<p>women victims of crime (Mexico, para 122.32);</p> <ul style="list-style-type: none"> <li>- Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and Dalits, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic, para 122.39);</li> <li>- Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the Caste-based Discrimination and Untouchability Act (Germany, para 122.40);</li> <li>- Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia, para 122.41);</li> </ul>	<p>against women and girls, in particular in the areas of nationality, distribution of marital property upon divorce and access to employment abroad (para 9(a-b)).</p> <ul style="list-style-type: none"> <li>- Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women (para 11(b));</li> <li>- Take all measures necessary to ensure the effective implementation of</li> </ul>		<p>their full and effective participation in society on an equal basis with others;</p> <ul style="list-style-type: none"> <li>- Ensure that its classification of disability is human rights-based and does not exclude certain groups of persons with disabilities;</li> <li>- Take appropriate measures to remove all barriers to ensure that persons with disabilities from rural areas and indigenous backgrounds have access to</li> </ul>	<p>the sex/gender identity of their choosing;</p> <ul style="list-style-type: none"> <li>- Ensure that no child is subjected to unnecessary medical or surgical treatment; guarantee bodily integrity, autonomy and self-determination to the children concerned; and provide families with intersex children with adequate counseling and support;</li> <li>- Undertake investigations of incidents of surgical and other medical treatment of intersex children without</li> </ul>	<p>2024) have reiterated government's commitment to eliminate discrimination by ensuring equal opportunities, equal rights, equal protection and dignity to all citizens.</p> <ul style="list-style-type: none"> <li>- Children Act, 2018, and Civil Code, 2017, prohibit any discrimination between sons and daughters in matters of nourishment, education and healthcare.</li> </ul> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Definition of discrimination against women is absent in existing laws and the laws do not address the indirect forms of discrimination and intersectional and multiple forms of discrimination against women.<sup>47</sup></li> <li>- Despite the constitutional guarantee of non-discrimination, LGBTI women are not being able to realize equal rights in citizenship, marriage and social justice. LGBTI people are not</li> </ul>
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<sup>47</sup> NNBN, *Report on Beijing+25*, pg 49

	<p>- Establish specific mechanisms for the investigation and punishment of possible cases of discrimination against lesbian, gay, bisexual, transgender and intersex persons, particularly with regard to issues in relation to the administration (Spain, para 122.42);</p>	<p>the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, in line with commitments made in the context of the universal periodic review (para 41(b));</p>		<p>disability identity cards (para 8).</p> <p>- Implement existing anti-discrimination legislation, policies and programmes in order to prevent multiple and intersectional discrimination against disadvantaged groups, including autistic persons and ethnic, Dalit, Madhesi and Muslim communities;</p> <p>- Establish accessible and effective mechanisms for victims of discrimination</p>	<p>informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including reparation and/or adequate compensation;</p> <p>- Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex</p>	<p>effectively represented under the gender inclusion strategy of government programs.<sup>48</sup></p> <p>- The government has failed to enact laws to implement the special opportunity provisions under the fundamental rights of women as per Article 47 of the Constitution.<sup>49</sup></p> <p>- Progressive Supreme Court decisions and precedents on gender equality are not being implemented.</p>
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<sup>48</sup> Ibid, pg 50; Mitini, *Parallel Report on Beijing+25*, pg 10

<sup>49</sup> NNBN, *Report on Beijing+25*, pg 50

				to seek redress and appropriate compensation (para 10). - Combat discriminatory practices, as specified in the Three-Year Interim Plan (2010–2013), which focuses on policy, legal and institutional reform to eliminate all forms of discrimination affecting women and girls (para 12).	children (para 42 (a-e)).	
<b>Violence Against Women (VAW)</b>	<b>Recommendations agreed to by the Government of Nepal:</b> - Increase efforts to protect women from violence and discrimination, in particular in areas affected by the earthquakes (Norway, para 121.19); - Guarantee the necessary personal and material	- Develop targeted awareness-raising programmes for communities that are particularly affected by gender-based violence against women, including indigenous communities and communities living in temporary shelters, provide	- Intensify its efforts to eradicate violence against women, including by conducting awareness-raising	- Strengthen and implement legislation and provide for accessible monitoring and reporting	- Enact legislation which clearly defines and prohibits the abuse and neglect of children in all settings; - Further strengthen	- Sexual Harassment at Workplace (Prevention) Act, 2015; Witchcraft-related Accusation (Crime and Punishment) Act, 2015 and the Criminal Code, 2017, are some of the new laws enacted by GoN that address various forms of VAW. - The Criminal Code, 2017,

	<p>resources to protect victims of gender-based violence, especially in emergency situations and as it pertains to the effectiveness of protection orders (Spain, para 121.21);</p> <ul style="list-style-type: none"> <li>- Put emphasis on suicide prevention and support to these people and their families, taking into account the despair generated by such act (Haiti, para 121.22);</li> <li>- Make further efforts to ensure safety in prisons for both men and women (Sweden, para 121.23);</li> </ul> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Amend the Domestic Violence Act, in particular to clarify the definition of sexual harm and broaden the definition of domestic violence to also include threats of violence, as well as include all types of physical harm (Norway, para 122.6);</li> <li>- Amend legislation on</li> </ul>	<p>them with special opportunities for access to the gender-based violence elimination fund and promote the participation of indigenous women in the police service;</p> <ul style="list-style-type: none"> <li>- Adopt the national strategy and action plan on gender empowerment and ending gender-based violence before the end of 2018, as indicated during the dialogue, and allocate adequate resources for its implementation, including for the gender-based violence elimination fund;</li> <li>- Amend provisions of the Criminal Code so that sexual violence, including rape and forced abortion, is recognized as a form of torture and bring the definition of rape into line with the Rome Statute of the International Criminal Court, in line with commitments made in the context of the universal</li> </ul>	<p>campaigns, encouraging reporting, investigating all reported cases, prosecuting and sanctioning the perpetrators, and providing protection and remedies to victims (para 36(a)).</p>	<p>mechanisms to detect, prevent and combat all forms of violence, including sexual violence, against women and girls with disabilities (para 12).</p> <ul style="list-style-type: none"> <li>- Take appropriate measures to protect all persons with disabilities from exploitation, violence and abuse both within and outside the home (para 28).</li> </ul>	<p>awareness-raising and education programmes, including campaigns, with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;</p> <ul style="list-style-type: none"> <li>- Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;</li> <li>- Ensure the</li> </ul>	<p>has criminalized number of acts perpetrated against women such as acid attack, chhaupadi, polygamy, sexual offence with increased level of sentencing and fine. Polygamy and child marriage are void under the law.</p> <ul style="list-style-type: none"> <li>- The statutory limitation for rape and other sexual offences has increased to one year under the Criminal Code, 2017, which was six months under the previous Country Code, 1964.</li> <li>- The Criminal Code, 2017, provides wider definition of rape, yet it has not covered gender neutral terms for rape victims and perpetrators.</li> <li>- Incitement of suicide (and not attempted suicide) is criminalized under the Criminal Code, 2017.<sup>50</sup></li> <li>- Victims of Crimes Protection Act, 2018, has been adopted to ensure the right to justice, compensation and social</li> </ul>
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<sup>50</sup> Criminal Code, 2017, Section 185



	<p>domestic violence to encompass all forms of sexual violence, including between partners and outside marriage, in addition to threats (Spain, para 122.7);</p> <ul style="list-style-type: none"> <li>- Develop a national action plan to end gender-based violence and to bring rape laws in line with international standards (Australia, para 122.8);</li> <li>- Bring the laws on rape into compliance with international norms, particularly with regard to the legal definition of rape and the timeframe to file complaints (Belgium, para 122.9);</li> <li>- Effectively enforce its legislation on domestic violence and expedite the adoption of the Bill on Gender Equality and Violence against Women (Slovenia, para 122.10);</li> <li>- Enact the draft law on sexual harassment in the workplace (Algeria, para 122.11);</li> <li>- Consider adopting a national legislation on combating sexual harassment (Egypt, para</li> </ul>	<p>periodic review (para 21(a-c)).</p> <ul style="list-style-type: none"> <li>- 11(a) Reinforce targeted outreach activities to disseminate information on the legal framework and the available mechanisms for gaining access to justice and legal aid schemes and promote a culture and a social environment in which justice-seeking by women is viewed as both legitimate and acceptable, rather than as a cause for additional discrimination or stigmatization;</li> <li>(b) Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women</li> </ul>			<p>allocation of adequate human, technical and financial resources to enable the implementation of long-term programmes for addressing the root causes of violence and abuse;</p> <ul style="list-style-type: none"> <li>- Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former child victims, volunteers and community members, and</li> </ul>	<p>rehabilitation of victims of crime is also guaranteed as fundamental right in the Constitution.<sup>51</sup></p> <ul style="list-style-type: none"> <li>- The rights of victims of crime to information about case proceedings, confidentiality in case, in-camera hearing, interim relief and compensation from the State fund are legally guaranteed in the Criminal Code, 2017, and Criminal Procedural Code, 2017.</li> <li>- State Compensation Fund has been established, and guideline has been drafted.</li> <li>- Integrated Legal Aid Policy was adopted by GoN on 30 December 2019.</li> <li>- The Courts have practiced continuous hearings at all stages of the proceedings on cases related to Violence against Women and Girls (VAWG).<sup>52</sup></li> <li>- National Women Commission (NWC) has established a 24-hour and 7 days a week toll free national helpline to provide support</li> </ul>
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<sup>51</sup> Constitution of Nepal 2015, Article 21

<sup>52</sup> GoN, *Submission for Beijing+25*, pg 10

	<p>122.12);</p> <ul style="list-style-type: none"> <li>- Bring rape laws in line with international standards and remove the 35-day limitation on lodging a complaint of rape with the police (Republic of Korea, para 122.13);</li> <li>- Remove, or at least extend, the 35-day statute of limitations of reporting rape cases (United Kingdom of Great Britain and Northern Ireland, para 122.14);</li> <li>- Combat violence against women and guarantee equality of rights (France, para 122.45);</li> <li>- Ensure that the police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence and incidents of trafficking, and that all complaints are recorded and effectively investigated (Netherlands, para 122.46);</li> <li>- Ensure that law enforcement thoroughly investigates all claims of domestic violence,</li> </ul>	<p>living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women;</p> <p>(c) Repeal the statute of limitations provision on the registration of cases of sexual violence in all contexts to ensure effective access for women to justice for the crime of rape and other sexual offences;</p> <p>(d) Provide mandatory training through the National Judicial Academy to all members of the judiciary, including members of judicial committees, and law enforcement officers on women’s rights, as well as on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, in line with commitments made in the context of the</p>			<p>providing training support to them (para 33 (a-e)).</p> <ul style="list-style-type: none"> <li>- Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations.</li> <li>- Amend its legislation to ensure commensurate penalties for rape and align</li> </ul>	<p>to victims of VAWG with referral service. NWC has also been implementing Integrated Platform for Gender-based Violence Prevention and Response (IPGBVPR) Project from 2016 to better respond to gender based violence (GBV).<sup>53</sup></p> <ul style="list-style-type: none"> <li>- Nepal Police has established Women, Children and Senior Citizens Service Centers at 240 police stations<sup>54</sup> across all 77 districts to provide special services to women and children. Further it has established gender-based violence information management system to collect nationwide data on cases of VAWG.<sup>55</sup></li> <li>- To provide emergency rescue and immediate support services to women and girls, 36 safe houses, 10 rehabilitation centres for victim of trafficking and transportation, and one long term rehabilitation centre are</li> </ul>
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<sup>53</sup> National Women Commission (NWC), *Documentation of Achievements, Change Stories and Lessons Learnt from Sambodhan: Integrated Platform for Gender-based Violence Prevention and Response Project*, Kathmandu, 2018

<sup>54</sup> Women, Children and Senior Citizen Service Directorate, available at: <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate> (Accessed on 1 February 2020)

<sup>55</sup> GoN, *Submission for Beijing+25*, pg 12

	<p>and that perpetrators are prosecuted (Canada, para 122.57);</p> <ul style="list-style-type: none"> <li>- Facilitate complaints from victims of gender-based violence and their access to justice, prosecute and punish the perpetrators and protect the victims (Slovenia, para 122.58);</li> <li>- Adopt effective measures for the protection of and assistance to victims of gender-based violence and ensure that all cases of gender-based violence are duly investigated and perpetrators prosecuted (Czech Republic, para 122.59);</li> <li>- Investigate all case of threat and attacks against human rights defenders (Botswana, para 122.60);</li> <li>- Implement special detention and internment centres for boys and girls, with a view to avoiding their future criminalization and to promote the reintegration into society (Chile, para 122.66);</li> </ul>	<p>second review cycle of the State party under the universal periodic review mechanism of the Human Rights Council (A/HRC/31/9, para. 122.46).</p>			<p>the penalties for marital rape with penalties for rape outside of marriage;</p> <ul style="list-style-type: none"> <li>- Ensure the availability and accessibility of psychological support for child victims of sexual exploitation and abuse;</li> <li>- Abolish the six-month statute of limitation for rape and establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;</li> <li>- Establish</li> </ul>	<p>in operation with additional two safe houses opened by GoN under the President Women’s Upliftment Programme in 2019. Further, safe houses are in operation at Nepali missions in four destination countries with larger concentrations of female migrant workers.<sup>56</sup></p> <ul style="list-style-type: none"> <li>- GoN has established a separate fund under MoWCSC for the protection of widows and single women at risk.</li> </ul> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- One-stop crisis management centers that provide psycho-social and legal counseling, medical treatment and police services free of cost for survivors of GBV and trafficking were in operation in 15 districts in 2014, which extended to 44 districts in 2017.<sup>57</sup></li> <li>- Total VAWG cases reported to Nepal Police was 11,503 in</li> </ul>
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<sup>56</sup> Ibid, pg 13

<sup>57</sup> Department of Health (DoH), *Official Letter regarding budget allocation and operation of Open Stop Crisis Management Center*, 11 July 2017, available at: [http://www.fhd.gov.np/images/notice/OCMC\\_Program\\_Implementation.pdf](http://www.fhd.gov.np/images/notice/OCMC_Program_Implementation.pdf). In BBC, *Beijing+25 National Parallel Report*, pg 21

	<p>- Decriminalize the act of attempted suicide (Haiti, para 123.25)</p> <p><b>Recommendations which do not enjoy the support of Nepal and are noted:</b></p> <p>- Enact consolidated laws addressing all types of sexual violence effectively, with provisions of no statutory limitation on rape and other sexual violence, adequate witness and victim protection mechanisms, compensation from state and measures to address special needs of girls below 16 (Norway, para 123.24);</p>				<p>mechanisms with adequate funding allocations to provide reparations for victims of sexual violence during the Nepalese civil war;</p> <p>- Develop programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of</p>	<p>2014 has increased to 19,462 in 2019.<sup>58</sup></p> <p>- Recent study finds that girls and boys with disabilities are nearly three times more likely to be subjected to sexual violence, with girls at the greatest risk. Further, women and girls with intellectual disabilities are more vulnerable to violence than other disabilities.<sup>59</sup></p> <p>- LGBTI people are commonly targeted, harassed, and punished for their sexual orientation. Researches carried out in Nepal have shown that LGBTI people have to endure verbal, emotional and physical abuse from perpetrators including close family members.<sup>60</sup></p> <p>- Dysfunctionality of GBV funds has halted relief fund package to victims and survivors.<sup>61</sup></p> <p>- Low conviction rate and lack of implementation of court</p>
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<sup>58</sup> Source: Nepal Police Information Technology Directorate, Naxal, Kathmandu. In *Ibid*

<sup>59</sup> NFDN, *A Study on Disability and Sexual and Gender Based Violence: Nepal Country Report*, Kathmandu, December 2019, pg. 4

<sup>60</sup> Mitini, *Parallel Report on Beijing+25*, pg 6

<sup>61</sup> NNBN, *Report on Beijing+25*, pg 25

					<p>Children;</p> <ul style="list-style-type: none"> <li>- Ensure effective reporting and protection mechanisms to prevent forced marriages of victims of rape to their aggressors (para 35(a-f)).</li> <li>- Ensure that allegations of crimes related to gender-based violence are independently and thoroughly investigated and that perpetrators are brought to justice.</li> <li>- Provide regular substantive training for judges, lawyers, prosecutors, the police and other</li> </ul>	<p>decisions remain major challenges in combating violence against women.<sup>62</sup></p>
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<sup>62</sup> *Ibid*

					<p>relevant professional groups on standardized, gender and child-sensitive procedures for dealing with victims and on how gender stereotyping by the judiciary negatively affects strict law enforcement (para 36).</p> <p>- Establish accessible measures for reporting violence in schools and ensuring adequate safeguards and commensurate sanctions against such violence (para 67(d));</p>	
<b>Stereotypes and</b>	<b>Recommendations agreed to by the Government of Nepal:</b>	- Expedite the adoption of legislation prohibiting all	- Effectively operationalize		- Carry out awareness-	- The Criminal Code, 2017, has criminalized stereotypical

<p><b>harmful traditional practices</b></p>	<p>- Adopt a bill criminalizing harmful cultural practices, and abolish child, early and enforced marriage (Sierra Leone, para 121.7);</p> <p>- Implement the national strategy on ending child marriages (Botswana, para 121.20);</p> <p>- Maintain its resolve to eliminate harmful practices against women and children (Egypt, para 121.24);</p> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <p>- Strengthen measures to combat violence against children, particularly with regard to the prevention of early and forced child marriages and child trafficking and in particular through awareness-raising campaigns among families (Belgium, para 122.47);</p>	<p>forms of harmful traditional practices, investigate and prosecute the perpetrators of such practices, impose adequate sanctions and provide compensation to victims;</p> <p>- Expedite the development of a comprehensive strategy, with concrete goals and resources, in collaboration with civil society and local government, to raise awareness among all stakeholders, including the police, the judiciary, village-based health networks and religious and community leaders, of legislation on harmful practices and of the effects of those practices on the lives of women and girls;</p> <p>- Prioritize the adoption of the bill to amend some acts relating to country codes to bring provisions of the Civil Code regarding the legal age of marriage into line with the Criminal Code, which sets that age at 20 years;</p>	<p>its strategy to end child marriage by 2030, including by establishing related activities, targets, timelines, budgets and data collection methods (para 36(b));</p> <p>- Raise awareness in affected communities about the legal prohibition of child marriage, and about the value of girls, their education, and their ability to pursue</p>		<p>raising activities with a view to eliminating patriarchal values and gender stereotypes (para 21 (b)).</p> <p>- Take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes and adopting and implementing legislation explicitly prohibiting such practices. In so</p>	<p>and discriminatory harmful cultural practices, like chhaupadi, witchcraft, dowry, bonded labour and child marriage. Child marriage and polygamy are automatically nullified; Sex selective abortion and forced abortion are criminalized under the law.</p> <p>- Persons below aged 16 were defined as children until the Civil Code, 2017, and Children's Act, 2018, introduced new definition of children recognizing persons below 18 years as children, in line with the Convention on the Rights of Children to which Nepal is a party.</p> <p>- The legal age of marriage is established at 20 years in Civil Code, 2017.</p> <p><b>CSO Reports</b></p> <p>- The National Strategy for Ending Child Marriages has been adopted in line with Agenda 2030 for Sustainable Development and SDGs with</p>
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		<ul style="list-style-type: none"> <li>- Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons;</li> <li>- Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization and that they have access to effective remedies and victim support, such as legal, social, medical and psychological assistance and shelters para 19 (a-e).</li> <li>- Repeal the provisions of the Civil Code on automatic marriage, by which a woman who bears a child is automatically married to the father of that child, in order to outlaw all forms of</li> </ul>	<p>economic independence (para 36(d)).</p>		<p>doing, prioritize girls, particularly girls with disabilities, girls living in rural areas and Dalit girls (para 38).</p> <ul style="list-style-type: none"> <li>- Review allegedly contradictory legal provisions in the draft Penal and Civil codes to ensure that child marriages can be rendered void if it is in the best interests of the child or children</li> <li>- Develop awareness-raising campaigns and programmes on the harmful</li> </ul>	<p>the goal of ending child marriage by 2030,<sup>63</sup></p> <ul style="list-style-type: none"> <li>- Despite laws, discriminatory and harmful social practices like Chhaupadi, child marriage, and fetal abortion after sex determination are still pervasive in the society.</li> <li>- Despite the criminalization of the practice, 89 per cent of adolescent girls still face discrimination during their menstruation and are subjected to the practice of Chhaupadi.<sup>64</sup></li> <li>- 37 per cent of girls marry before age 18 in Nepal and 10 per cent before they turn 15, keeping them out of comprehensive sexuality education lessons taught at school, and making them vulnerable to multiple sexual and reproductive health problems.<sup>65</sup></li> <li>- Harmful practices like Jhuma and Deuki system are still affecting girl child.<sup>66</sup></li> </ul>
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<sup>63</sup> BBC, *Beijing+25 National Parallel Report*, pg 19

<sup>64</sup> NNBN, *Report on Beijing+25*, pg 65.

<sup>65</sup> Ibid, pg 18.

<sup>66</sup> Ibid

		<p>bigamy and polygamy, and establish legal safeguards to ensure that women enter into marriage only with their free and full consent;</p> <ul style="list-style-type: none"> <li>- Adopt legal measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages, provide for the mandatory registration of all marriages, including religious and customary marriages, and fully implement the provisions of the Criminal Code on the minimum age of marriage;</li> <li>- Eradicate the practice of child marriage and ensure that all child marriages are declared void, that children in early marriages are not punished and that they have access to their rights upon termination of those relationships;</li> <li>- Eliminate the practice of unilateral divorce (<i>talaq</i>) through legal and policy measures that promote equality in matters of marriage and divorce (para 43(a-d)).</li> </ul>			<p>effects of early marriage on the physical and mental health and well-being of girls, as ordered by the Supreme Court of Nepal in <i>Sapana Pradhan Malla and others v. Government of Nepal</i> in 2006, targeting households, local authorities, religious leaders, judges and prosecutors;</p> <ul style="list-style-type: none"> <li>- Establish protection and support schemes for children wishing to void their marriage, particularly those who file a complaint;</li> <li>- Undertake an assessment of the impact of</li> </ul>	
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					the 2015 earthquake on girls' vulnerability to child marriage and apply those findings to guide the implementation of measures to address the increased risk of child marriage (para 40(a-d)).	
<b>Trafficking and exploitation of prostitution</b>	<p><b>Recommendations agreed to by the Government of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Make increased efforts to introduce and effectively carry out new measures to deal with human trafficking of women and children (Japan, para 121.25);</li> <li>- Finalise the revision of Child Act in order to set up coordination mechanism related to cases of child victims trafficking (Timor-Leste, para 121.8);</li> </ul>	<ul style="list-style-type: none"> <li>- Lift the ban imposed on women workers seeking employment abroad and raise awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking;</li> <li>- Adopt standard operating procedures to ensure the early identification of victims of trafficking and their referral to protective services and integrate its content into the training of</li> </ul>	<ul style="list-style-type: none"> <li>- Intensify its efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour;</li> <li>- Implement standard operating procedures for proactively identifying</li> </ul>		<ul style="list-style-type: none"> <li>- Consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, in order to, inter alia, prevent trafficking and smuggling of children (para</li> </ul>	<ul style="list-style-type: none"> <li>- GoN has been supporting ten rehabilitation centres for victims of trafficking in Nepal and one in Kolkatta, India.<sup>68</sup> Further, safe houses are in operation at Nepali missions in four destination countries with larger concentrations of female migrant workers. These safe houses provide emergency rescue and immediate support services (foods and shelter, medical treatment and free legal aid; psychosocial counseling,</li> </ul>

<sup>68</sup> GoN, *Submission for Beijing+25*, pg 13.

	<p><b>Recommendations which do not enjoy the support of Nepal and are noted<sup>67</sup>:</b></p> <p>- Consider ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Egypt, para 123.12);</p>	<p>judicial and law enforcement officers and service providers;</p> <p>- Expedite the adoption of the bills on witness and victim protection and enhance training, through the Nepal Police Academy and the Judicial Academy, on the national minimum standards for victim protection;</p> <p>- Expedite the revision of the bill to amend the Human Trafficking and Transportation (Control) Act, to bring it into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the ratification of the Protocol, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 123.12);</p> <p>- Investigate, prosecute and punish cases of trafficking in</p>	<p>and assisting victims of trafficking and slavery;</p> <p>- Strengthen its efforts to eliminate exploitative and deceptive recruitment practices towards migrant workers, and bring those responsible for human trafficking and contemporary forms of slavery to justice;</p> <p>(d) Provide information and advice on safe channels of migration in migration-prone</p>		<p>45(e)).</p> <p>- Establish special units in the State party's social services sections to ensure that the needs of orphans, indigenous children and religious or other minorities are addressed and, in so doing, ensure that these units are provided with adequate human, technical and financial resources and that they pay particular attention to the risk of human trafficking (para</p>	<p>education, skills/trainings and income generation support) to women and girls.<sup>69</sup></p> <p>- A safe house has also been established in Kathmandu for returnee women migrants to provide rehabilitation support specifically for rescued women migrant workers.<sup>70</sup></p> <p>- There are anti-trafficking committees and special funds for trafficking survivors at the district and central level. A separate fund has been established for immediate rescue, medical aid, legal aid, psychosocial counseling, seed money for micro-enterprise, and rehabilitation of VAWG victims.</p> <p>- The number of trafficking cases registered in Nepal Police increased from 185 in FY 2013/14 to 305 in FY 2017/18 with 78 per cent of victims comprising women. However, it is difficult to</p>
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<sup>67</sup> UN Human Rights Council (HRC), *Addendum Report of the Working Group on the Universal Periodic Review of Nepal: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 24 February 2016, para 16 and 20, A/HRC/31/9/Add.1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/035/08/PDF/G1603508.pdf?OpenElement>

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid*

		<p>women and girls, corruption and the complicity of State officials, ensuring that sentences match the seriousness of the offence and that those who are victims of trafficking are exempted from any liability;</p> <ul style="list-style-type: none"> <li>- Allocate adequate resources to rehabilitation centres to ensure that women and girls who are victims of trafficking are provided with adequate protection and redress, including access to counseling, medical treatment, psychological support, rehabilitation and compensation (para 25(a-f)).</li> <li>- Formulate a comprehensive policy, legislative and regulatory framework that ensures the monitoring, and legal protection from exploitation, of women who engage in prostitution and</li> </ul>	<p>communities;</p> <p>(e) Strengthen its efforts to fund voluntary and sustainable resettlement and rehabilitation of former bonded labourers, including through the provision of affordable and adequate housing and alternative livelihoods;</p> <ul style="list-style-type: none"> <li>- Provide in its next periodic report data, disaggregated by ethnicity or caste, on the number of acts of trafficking and</li> </ul>		67(e)).	<p>estimate the magnitude of trafficking in persons due to the lack of representative household survey. Accurate estimation can't be done on the basis of interventions of governments and NGOs due to the possibility of reporting of cases by more than one organization, and also because of lack of a unified and integrated counter-trafficking database system.<sup>71</sup></p> <p>-The proposal to ratify Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, was passed by the House of Representatives on 12 March 2020.<sup>72</sup></p> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Human smuggling and unsafe migration during the process of foreign</li> </ul>
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<sup>71</sup> National Human Rights Commission (NHRC), *Trafficking in Persons in Nepal: National Report*, September 2018, pg XIII

<sup>72</sup> Official website of the National Assembly, <http://na.parliament.gov.np/np/bills?type=state&ref=AGREEMENT> and Alliance Against Trafficking in Women and Children in Nepal (AATWIN) <https://www.facebook.com/AATWIN.org/> (accessed on 5<sup>th</sup> February 2020)

		<p>ensure that they are not prosecuted for engaging in such activities;</p> <ul style="list-style-type: none"> <li>- Investigate, prosecute and punish law enforcement officers for the harassment and extortion of women in prostitution and ensure that victims are provided with protection and support in a gender-sensitive manner;</li> <li>- Strengthen exit programmes for women who wish to leave prostitution (para 27(a-c)).</li> </ul>	<p>enslavement investigated, prosecuted and sanctioned, and on remedies provided to victims (para 28(a-f)).</p>			<p>employment has intensified the issues of trafficking and challenges for combating it.<sup>73</sup></p> <ul style="list-style-type: none"> <li>- Human Trafficking and Transportation (Control) Act, 2008 has restricted the definition of human trafficking. It does not clearly cover the trafficking of people from Nepal to a foreign country or vice versa in the name of foreign employment or for any reason, deceived with information to the victims and exploited. Such cases are registered under Foreign Employment Act due to the ambiguity in Human Trafficking and Transportation (Control) Act.<sup>74</sup></li> </ul>
<p><b>Participation in political and public life (Women)</b></p>	<p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Adopt measures to ensure the participation of women in the peace process, including the</li> </ul>	<ul style="list-style-type: none"> <li>- Adopt targeted measures, including targeted scholarships, in line with article 4 (1) of the Convention and the Committee's general</li> </ul>	<ul style="list-style-type: none"> <li>- Increase the level of political participation of Dalit women (para</li> </ul>	<ul style="list-style-type: none"> <li>- Consult with the representative organizations of women and girls with</li> </ul>		<ul style="list-style-type: none"> <li>- The Constitution guarantees women's right to participate in all structures and bodies of state based on the principle of proportional inclusion.<sup>75</sup> It contains provisions to</li> </ul>

<sup>73</sup> Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Human Trafficking and Transportation: 5 Years Comparative Media Analysis, April 2018

<sup>74</sup> Santa Gaha Magar, Controversial Law on Human Trafficking Control (Nepali version). Available at: <https://www.aatwin.org.np/index.php/news-room/news-clippings/231-2018-01-20-15-34-11> (12 Feb 2020)

<sup>75</sup> Constitution of Nepal, 2015, Article 38 (5)

<p><b>in power and decision making)</b></p>	<p>truth commissions (Costa Rica, para 122.65);</p> <ul style="list-style-type: none"> <li>- Redouble efforts towards providing more opportunities for women’s active involvement in the economic and political spheres (Mauritius, para 122.75);</li> <li>- Continue to advocate for the principle of equality between men and women in the decision making (Timor-Leste, para 122.76);</li> <li>- Speed up the process to promote more participation of women in public offices (Israel, para 122.77);</li> </ul>	<p>recommendation No. 25, to achieve substantive equality between women and men in the judiciary, law enforcement and the diplomatic service, in particular at the decision-making level;</p> <ul style="list-style-type: none"> <li>- Enforce and monitor the implementation of electoral quotas and the composition of State entities at the local, district and federal levels and consider adopting sanctions against political parties that do not comply with the regulations;</li> <li>- Introduce a proportional representation system (sometimes referred to as a “slide” or “zipper” system) of placing candidates on an electoral list, in which women and men are alternated, in order to achieve parity and enhance targeted training and mentoring programmes for</li> </ul>	<p>36(g)).</p>	<p>disabilities, to use those consultations as a basis to ensure their participation in political and public life (para 12).</p>		<p>reserve 33 per cent of parliamentary seats to women.<sup>76</sup></p> <ul style="list-style-type: none"> <li>- In the federal level House of Representative (HoR), six out of the 165 lawmakers elected under the first-past-the-post (FPTP) category are women. The political parties met the constitutional requirement by selecting more women in the proportional representation category. Of the 272 House of Representative members, 90 are women (33 per cent) while 22 out of the 59 National Assembly members are women (37.3 per cent).<sup>77</sup></li> <li>- The Province Assembly is comprised of almost 34 per cent women representatives.<sup>78</sup></li> <li>- The Local Bodies’ Election (Procedure) Act (2016) ensures 40 per cent women representatives from each political party in local</li> </ul>
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<sup>76</sup> Ibid, Article 84 (8)

<sup>77</sup> This accounts to 112 women (33.8 per cent) in 331 member federal Parliament. (Data derived from official website of National Assembly, <http://na.parliament.gov.np/np/members> and House of Representatives, <http://hr.parliament.gov.np/np/members> on 12 February 2020)

<sup>78</sup> There are 31 women in the 93-member Provincial Assembly (PA) in Province 1; 35 women in the 107-member PA in Province 2; 36 women in the 110 member PA in Province 3. Likewise, the 60-member PA in Province 4 has 20 women. The number of women in the 87-member PA in Province 5 is 29; 13 women in the 40-member PA in Province 6 and 17 women in the 53-member PA in Province 7. In *NHRC Chairperson’s speech*, 2019



		<p>women who stand for election and women elected to public office and programmes on leadership and negotiation skills for current and future women leaders (CEDAW/C/NPL/CO/4-5, para. 24);</p> <ul style="list-style-type: none"> <li>- Raise the awareness of public officials and society as a whole of the importance of the full and equal participation of women from all groups of society, including Dalit and indigenous women, in decision-making (CEDAW/C/NPL/CO/4-5, para. 24) (para 29(a-d)).</li> </ul>				<p>government bodies; the Election Commission Act (2017), the Political Parties Registration Act (2017) and the Electoral Rolls Act (2017) ensure 33 per cent of seats reserved for women. As a result, a total of 14,352 (40.96 per cent) women representatives were elected across 753 LGUs<sup>79</sup>, which is a historic breakthrough towards advancing gender equality and social inclusion in the governance system.<sup>80</sup></p> <ul style="list-style-type: none"> <li>- Of the 35,041 local representatives elected to the LGUs in 2017, a total of 6,567 (18.7 per cent) Dalit women have been elected as ward members due to reservation of seats for Dalit women. Women occupy almost 91 per cent of deputy positions in the LGUs.</li> </ul> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Despite the historic political representation of women, women are still not in top</li> </ul>
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<sup>79</sup> It is out of 35,041 local representatives elected to the newly formed LGUs in 2017. In Election Commission of Nepal, 2018, available at: <http://www.election.gov.np/election/np>

<sup>80</sup> NHRC Chairperson's speech, 2019

						<p>positions. Women are confined to Deputy Speaker positions in federal level House of Representative and National Assembly and same is the situation across all Provincial assemblies. Likewise, 91 per cent of the deputy positions (Deputy Mayor and Vice Chairperson) in LGUs were won by women, while men won almost 98 percent of chief positions (Mayor and Chairperson) attributing to lower candidacy for women provided in chief positions by the political party.<sup>81</sup> Out of 753 local bodies, only 18 (&lt;3 per cent) are headed by women as Chairperson/Mayor.<sup>82</sup></p> <p>- The appointment of women ministers in the cabinet is less in executive system. The ministerial cabinet after the federal election in 2017 listed 1 prime minister, 19 ministers and 3 state ministers. Out of the 19</p>
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<sup>81</sup> Women were "nominated" for mayor/chairperson in only 190 positions out of 753 positions (25 per cent) in LGUs. Source: Election Commission, 2017: In *NHRC Chairperson's speech, 2019*

<sup>82</sup> NNBN, *Report on Beijing+25*, pg 39

						<p>ministers of the central government only 2 of them are female and out of 3 state ministers, none of them is female.<sup>83</sup></p> <p>- 3 out of 21 judges (14.28 per cent) in the Supreme Court, 14 out of 148 judges (9.45 per cent) in High Courts and 5 out of 230 judges (2.17 per cent) in District Courts are women.<sup>84</sup></p> <p>- Of the 30 embassies in 30 countries, only 3 female Ambassadors are appointed in Oman, Japan and Israel as in 2019.<sup>85</sup></p> <p>- The number count is overriding the quality of representation and participation of women.<sup>86</sup></p>
<b>Nationality</b>	<p><b>Recommendations that enjoy the support of Nepal:</b></p> <p>- Take necessary measures to ensure the guarantee in the Nepal's Constitution of full</p>	<p>- Repeal all remaining constitutional and legal provisions that discriminate against women and girls, in particular in the areas of nationality (para 9(b));</p>			<p>- Amend, as a matter of priority, relevant legislation, particularly the</p>	<p>- The Constitution of Nepal (2015) recognizes the right of all Nepali citizens to obtain citizenship under Article 10, which was not explicitly provided in earlier</p>

<sup>83</sup> Office of the Chief Minister and Council of Ministers, 2019, available at: <https://www.opmcm.gov.np/cabinet/>. In NNBN, *Report on Beijing+25*, pg 39

<sup>84</sup> Judicial Council, December 2019, available at: <http://www.jcs.gov.np/judges>. In *Ibid*, pg 40

<sup>85</sup> *Ibid*

<sup>86</sup> *Ibid*

	<p>equality between men and women with respect to the nationality of their children and in accordance with Article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, which Nepal has ratified (Canada, para 122.2);</p> <ul style="list-style-type: none"> <li>- Amend the citizenship laws to allow citizenship through either parent (Hungary, para 122.67);</li> <li>- Amend legislation on nationality in order to be able to grant Nepali nationality through either parent (Spain, para 122.69);</li> <li>- Implement measures to ensure that the rights to acquire, transfer and retain citizenship are extended equally to all women and their children (New Zealand, para 122.70);</li> <li>- Ensure that provisions in the revised Constitution guarantee the equal rights of women as well as their right to acquire, retain and transfer citizenship</li> </ul>	<ul style="list-style-type: none"> <li>- Amend or repeal all discriminatory provisions in its Constitution that are contradictory to article 9 (2) of the Convention in order to guarantee that Nepali women may transmit their nationality to their children, as well as to their foreign spouses, under the same conditions as Nepali men, whether they are in the country or abroad, in accordance with commitments made in the context of the universal periodic review (A/HRC/31/9, paras. 122.2, 122.67–70 and 123.23);</li> <li>- Bring the bill to amend the Citizenship Act and the related rules, as well as the draft birth, death and other personal event registration act, into line with the Convention, including by removing requirements regarding consent and</li> </ul>			<p>Birth, Death and Other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 2006 and articles 11 (3), 11 (5) and 11 (7) of the Constitution to ensure full compliance with articles 7 and 8 of CRC.</p> <ul style="list-style-type: none"> <li>- Amend its legislation on transmission of nationality by: <ul style="list-style-type: none"> <li>(a) Removing the requirement for both parents to prove citizenship;</li> <li>(b) Making citizenship by descent accessible through proof of</li> </ul> </li> </ul>	<p>Constitution.</p> <ul style="list-style-type: none"> <li>- The Constitution has provision for single women to confer citizenship to their children whose fathers are not traced.<sup>87</sup></li> <li>- The GoN has been following the Supreme Court's <i>mandamus</i> order to provide citizenship certificate to children whose father are not traced.<sup>88</sup></li> <li>- A Citizenship Bill tabled in the Parliament is still under discussion in the Parliamentary Committee.</li> </ul> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Nepal is one of 25 countries in the world that denies women the right to confer nationality to their children on an equal basis with men, and one of roughly fifty countries to deny women the right to acquire, change, or retain their nationality or confer nationality to spouses</li> </ul>
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<sup>87</sup> Constitution of Nepal 2015, Article 11(5)

<sup>88</sup> GoN, *CEDAW Sixth Periodic Report of Nepal*, 15 May 2017, CEDAW/C/NPL/6, para 58

	<p>(Sierra Leone, para 122.68);</p> <p><b>Recommendations which do not enjoy the support of Nepal and are noted:</b></p> <p>- Consider amending the Constitution to allow women to convey their citizenship to their children and foreign spouses on an equal basis with men (United States of America, para 123.23);</p>	<p>assistance of the husband or the husband's family and documentation of the whereabouts and identity of the husband;</p> <p>- Provide training to district administration offices on the circular promulgated in 2013 to provide citizenship certificates to children on the basis of the Nepali citizenship of their mother and establish a complaint mechanism for reporting cases of denial of receiving citizenship applications;</p> <p>- Periodically conduct citizenship certificate distribution campaigns, with teams to issue citizenship certificates, taking into account the difficulties faced by women in securing proof of nationality;</p> <p>- Accede to the 1954</p>			<p>citizenship of one of the parents, regardless of the parent's sex;</p> <p>(c) Making the acquisition of Nepalese nationality by descent accessible to children at birth (para 27).</p>	<p>on an equal basis with men.<sup>89</sup></p> <p>- Constitution includes several articles<sup>90</sup> pertaining to nationality that discriminate on the basis of gender, and that are internally contradictory with other articles<sup>91</sup> of the Constitution, which enshrine non-discrimination and the right to citizenship.</p> <p>- The discriminatory provisions in the Constitution are compounded by several provisions of the Citizenship Act, 2006, and its Rules, which also discriminate against women.</p> <p>- The discriminatory provisions in articles 11(3), 11(5), 11(6) and 11(7) of the Constitution limit women's autonomy regarding nationality and the ability to transmit citizenship through</p>
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<sup>89</sup> FWLD, SNAP et al., *Thematic Submission on Article 9 on Sixth Periodic Report of Nepal on CEDAW*, 2018, pg 2

<sup>90</sup> Constitution of Nepal 2015, Article 11 (3,5,6,7)

<sup>91</sup> The Article 11(2)(b) of the Constitution provides any person whose father or mother is citizen of Nepal at the time of birth is a citizen by descent. However, this provision is later contradicted by Articles 11(3), 11(5) and Article 11(7). Article 11(3) requires both the 'father and mother' to be citizens of Nepal for a child to acquire citizenship by descent in cases where one of the parents acquired citizenship by birth, preventing Nepali women to independently transfer her citizenship to their children. According to Article 11(5), a Nepali woman only retains the right to pass nationality by descent if her child is born and resided in Nepal and "whose father is not traced," with condition that the citizenship of the child to be converted into naturalized if the father is known to be a foreigner. Article 11(7) states that the child of a Nepali woman married to a foreign man may only acquire naturalized citizenship if the child has permanently resided in Nepal and has not acquired another citizenship. In addition to contradicting Article 11(2)(b), these provisions further violate Nepali citizens' right to equality before the law and equal protection the law, as enshrined in Article 18 of the Constitution.

		Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (para 31(a-d)).				<p>marriage and to their children.<sup>92</sup></p> <ul style="list-style-type: none"> <li>- Women, in particular single mothers, are being denied citizenship certificates and registration of their children, which prevents those women and their children from opening bank accounts, obtaining driver's license, voting, managing their property, gaining access to education, acquiring travel documents, applying for employment in the public sector and benefitting from social services.<sup>93</sup></li> <li>- Constitution further discriminates against women with regard to the conferral of nationality on foreign spouses, a right reserved for Nepali men and denied to Nepali women.</li> <li>- Nepal's nationality laws are also implemented in a discriminatory manner, with local authorities frequently denying women and their children access to</li> </ul>
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<sup>92</sup> Committee on the Convention on Elimination of Discrimination against Women (CEDAW), *Concluding observations on the sixth periodic report of Nepal*, 14 November 2018, CEDAW/C/NPL/CO/6, para 30(a)

<sup>93</sup> NNBN, *Report on Beijing+25*, pg 49

						documentation due to discriminatory and patriarchal mindset. <sup>94</sup>
<b>National machinery for the advancement of women</b>	<p><b>Recommendations agreed to by the Government of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Ensure the effective functioning of the National Human Rights Commission of Nepal, including a representative approach to appointments (Australia, para 121.13);</li> </ul> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Strengthen its National Commissions, namely the National Women Commission, in order to implement the adopted policies (Portugal, para 122.17);</li> <li>- Continue making progress in the protection of women rights, consolidating existing institutional mechanisms (Bolivarian Republic of Venezuela, para 122.18);</li> </ul> <p><b>Recommendations that did not</b></p>	<ul style="list-style-type: none"> <li>- Expedite the appointment of the Commissioner on Women’s Rights, provide the National Women’s Rights Commission with a complaint mechanism and the authority to issue binding rulings, and allocate adequate human, technical and financial resources for its functioning.</li> <li>- Prioritize the adoption of a national gender equality policy, ensure that the entity in charge of the implementation of the policy has adequate decision-making authority and human and financial resources to ensure the coordination and cooperation among the ministries tasked with the promotion of women’s human rights at all levels;</li> <li>- Strengthen the mandate and capacities of local governments to address</li> </ul>				<ul style="list-style-type: none"> <li>- Following state restructuring, Ministry of Social Development, which is the focal ministry to deal with formulation of gender related policies and programmes in the provincial level along with other social issues, has been established in provinces.</li> <li>- Women and Children Sections have been established under 7 Provincial Government Social Development Ministries and 753 local government units.<sup>95</sup></li> <li>- 91 percent of the vice chairpersons and deputy mayors of 753 local level are women. In line with the constitutional mandate, deputy mayors/deputy chairs lead the judicial committees in the 753 local governments. The judicial committees were established with the goal of improving access to justice for women and other</li> </ul>

<sup>94</sup> FWLD, SNAP et al., *Thematic Submission on Article 9 on Sixth Periodic Report of Nepal on CEDAW*, 2018, pg 3

<sup>95</sup> BBC, *Beijing+25 National Parallel Report*, pg 22



	<p><b>enjoy the support of Nepal:</b>  - Set up an independent Commission for children and women (India, para 124.8);</p>	<p>women’s rights and gender equality and reintroduce the allocation of targeted budgets at the local level for women’s leadership (para 13(a-c)).</p> <p>- Ensure the meaningful participation of women’s non-governmental organizations, the National Women’s Rights Commission and the National Human Rights Commission in the design and implementation of legislation and programmes aimed at protecting women’s rights;</p> <p>- Strengthen the mandate of the National Human Rights Commission for the protection of civic space and the promotion of civil society engagement;</p> <p>- Revise the draft national integrity and ethics policy, the draft privacy policy and the draft online media directive and amend the</p>				<p>marginalized groups. Further, Local Government (Operation) Act, 2017, has entrusted them with the role of the convener of Local level Revenue Consultation Committee and Budget and Program Formulation Committee.<sup>96</sup></p> <p><b>CSO Reports</b></p> <p>- The Constitution of Nepal (2015) established NWC as the constitutional body, which was earlier a statutory body. The five-member Commission has remained vacant for more than a year and failure to appoint commissioners has hindered the Commission from effectively protecting and promoting women’s rights.<sup>97</sup></p> <p>- Women and Children Offices in 75 districts were dissolved with federalization of the country. This has created difficulties for women in accessing</p>
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<sup>96</sup> GoN, *Submission for Beijing+25*, pg 5

<sup>97</sup> NNBN, *Report on Beijing+25*, pg44

		<p>Electronic Transactions Act and the National Broadcasting Regulations, in consultation with the National Human Rights Commission and civil society, to ensure that they do not restrict the activities and freedom of expression of representatives of non-governmental organizations working on women's rights (para 15(a-c)).</p> <p>- Expedite the revision of the Census Act to collect data, disaggregated by sex, gender, age, ethnicity, caste, marital status, disability and profession, and make the collection of such data through all State policies and programmes mandatory (para 45).</p>				resources and facilities for advancing socio-economic political rights of women. <sup>98</sup>
<b>Temporary special measures</b>		- Expedite the adoption of a Special Opportunity Act that includes provisions for such measures in the fields of health, education, employment, housing,				- The Constitution (2015) guarantees right of women to obtain special opportunities in education, health, employment and social security through

<sup>98</sup> *Ibid*

		<p>access to clean water and sanitation and social security;</p> <ul style="list-style-type: none"> <li>- Recognize the specific needs of all women and girls facing intersectional and multiple forms of discrimination in the legal provisions on “special opportunities”;</li> <li>- Monitor the implementation of “special opportunities” legislation and ensure awareness-raising among all relevant government officials that the aim of such measures is to accelerate the achievement of substantive equality between women and men and to effect the structural, social and cultural changes necessary to correct past and current discrimination against women, including intersectional and multiple forms of discrimination</li> </ul>				<p>affirmative action.<sup>99</sup></p> <ul style="list-style-type: none"> <li>- The Constitution guarantees a minimum of 33 per cent women’s participation in the state structure, and one of the positions among Speaker and Deputy Speaker of the House of Representatives and the Chair and Vice-Chair of the National Assembly secured for women.</li> <li>- The constitutional and legal provisions on affirmative measures have resulted in increased number of women in Parliament, politics, civil service, police and army.</li> <li>- Currently, there is 33 per cent women’s representation in Parliament, with nine out of sixteen parliamentary committees headed by women leaders<sup>100</sup> and four women ministers (15.38 per cent) in GoN, Council of Ministers.<sup>101</sup></li> <li>- Women are increasingly entering civil service and are</li> </ul>
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<sup>99</sup> Constitution of Nepal 2015, Article 38 (5)

<sup>100</sup> These committees are: International Relations Committee, Agriculture, Cooperative and Natural Resource Committee, Women and Social Development Committee, State Affairs and Good Governance Committee, Development and Technology Committee, Education and Health Committee in the House of Representative. The 2 committees in National Assembly headed by women are: National Concern and Coordination Committee and Sustainable Development and Good Governance Committee. Moreover, one joint committee for Monitoring and Evaluation of Implementation of the Directive Principles, Policies and Obligations of the State is also headed by a female parliamentarian.

<sup>101</sup> GoN, *Submission for Beijing+25*, pg 9

		<p>against specific groups of women (para 17(a-c)).</p> <p>- Adopt temporary special measures with clear timelines, in line with the constitutional provisions on “special opportunities”, to enhance access for women facing intersecting and multiple forms of discrimination, including indigenous, Dalit women, rural women, women with disabilities and widows in the Hindu community, as well as women affected by conflict and natural disasters, to health services, education, safe water and sanitation services, food, fertile land, natural resources, housing, credit and income-generating opportunities, including through the presidential programme to uplift women (para 41(c)).</p>				<p>scaling up the heights in the hierarchy. Currently, there are four (6.67 per cent) women Secretaries; 38 (6.77 per cent) women Joint Secretaries. The number of women applicants in civil service positions increased to 60.12 per cent in 2014/15 as compared to 44 per cent in 2010/11.<sup>102</sup></p> <p>- Nepal Police, Armed Police and Nepal Army have the provision of 20 per cent quota for women. Now women's representation in civil service, Nepal Police, Armed Police Force, and Nepal Army has gone up to 23.72 per cent, 9 per cent, 7 per cent and 5 per cent respectively.<sup>103</sup></p> <p><b>CSO Reports</b></p> <p>- Special legal provisions such as rebate in registration fee of land registered jointly in the name of husband and wife and rebate in registration of industry in</p>
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<sup>102</sup> *Ibid*

<sup>103</sup> *Ibid*

						<p>the name of woman can be taken as progressive step.<sup>104</sup></p> <ul style="list-style-type: none"> <li>- The Prime Minister Self Employment Program has adopted tax exemption policies to support women who have started small scale enterprises and institutions. Land wholly owned by a female is given 25 per cent tax exemption by the government.<sup>105</sup></li> <li>- Financial Act 2019 provides a rebate of 10 per cent in income tax for women.</li> </ul>
<b>Education</b>	<p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Continue its implementation of the national plan of action on the provision of education for all, including for economically disadvantaged social groups (United Arab Emirates, para 122.20);</li> <li>- Continue to increase spending on education in order to improve coverage and quality of education with the special</li> </ul>	<ul style="list-style-type: none"> <li>- Reinforce action to promote equality and inclusion in education, including by enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to “lower castes”, indigenous groups and religious and linguistic minority groups and girls with disabilities, by training</li> </ul>	<ul style="list-style-type: none"> <li>- Strengthen special measures to achieve full inclusion of all children belonging to indigenous peoples, Dalits and underrepresented castes, especially women, at all</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure access to inclusive education for all persons with disabilities at all levels of education, including adult education, throughout the country,</li> </ul>	<ul style="list-style-type: none"> <li>- Carry out awareness-raising activities with a view to eliminating patriarchal values, gender stereotypes and menstruation-related discrimination, which undermine the right of girls to</li> </ul>	<ul style="list-style-type: none"> <li>- Constitution of Nepal (2015) guarantees right of every citizen to have compulsory and free education up to the basic level (grade 8) and free education up to the secondary level (grade-12)<sup>106</sup>.</li> <li>- Compulsory and Free Education Act, 2018 was passed for the implementation of this constitutional guarantee.</li> <li>- School Sector Development Plan (2016-2023),</li> </ul>

<sup>104</sup> The Industry Policy 2010 provides a rebate of 35 per cent of the registration fee for industries registered in a name of a woman and a 20 per cent rebate for registration of an industrial property patent, design and trademark in a name of a woman. Financial Act 2019 provides a rebate of 10 per cent in income tax for women. In NNBN, Report on Beijing+25, pg 7-8

<sup>105</sup> Ibid

<sup>106</sup> Constitution of Nepal 2015, Article 31

	<p>attention to the right to education of the vulnerable groups, including poor students, girls and children with disabilities (China, para 122.98);</p> <ul style="list-style-type: none"> <li>- Continue its efforts to improve access to education for all, including by providing adequate resources (Indonesia, para 122.103);</li> <li>- Ensure equal educational opportunities for all children, including girls and Dalit children, in line with the observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights (Finland, para 122.104);</li> <li>- Continue to pursue policies that will increase enrolment in schools of school-going aged children, in particular girls, and children from indigenous communities and minorities (Singapore, para 122.105);</li> <li>- Continue strengthening successful social policies that promote access to education and health of the people, particularly for women and children (Bolivarian Republic of</li> </ul>	<p>teachers on inclusive schools and by monitoring the implementation of those measures in the framework of the State party's school sector reform plan;</p> <ul style="list-style-type: none"> <li>- Ensure that schools are girl- and disability-friendly, within a reasonable distance of communities and have supplies of safe drinking water and separate hygienic toilets for girls;</li> <li>- Address safety issues for girls in and out of school, effectively investigate and prosecute acts of corporal punishment, harassment, abuse or gender-based violence perpetrated against girls at school and endorse the Safe Schools Declaration;</li> <li>(d) Increase the proportion of female teachers at the primary through tertiary levels (CEDAW/C/NPL/CO/4-5, para. 28), including by increasing the enrolment of women in teacher training centres and colleges;</li> <li>- Accede to the United Nations Educational, Scientific and Cultural</li> </ul>	<p>levels of education and in teaching positions, including by providing the necessary human, technical and financial resources (para 26(a));</p> <ul style="list-style-type: none"> <li>- Enforce compulsory, free and good quality primary education throughout the country (para 36(c)).</li> </ul>	<p>and guaranteeing that the education model covers the most remote areas, incorporates a gender perspective and is ethnically and culturally relevant (para 36(b)).</p>	<p>education, and ensure the allocation of adequate resources for the provision of sufficient gender-separated toilets and menstrual hygiene items in schools (para 59(e)).</p>	<p>Consolidated Equity strategy, 2014, Inclusive Education Policy for Disabled Children, 2016, Higher Education Policy, 2017, Pro-poor targeted Scholarship Procedures, 2017, Comprehensive School Safety implementation Procedures, 2018, Policy Paper on Literate Nepal, 2019 are some of the main policy initiatives in the last 5 years.</p> <ul style="list-style-type: none"> <li>- Constitution of Nepal and Local Government Operation Act, 2017 have empowered the local governments to formulate laws and policies to monitor education up to secondary level, ensure school enrollment and free education in public school of children.</li> <li>- GoN has improved infrastructures, support systems, and introduced special provisions for girls of <i>Dalit</i>, indigenous and disadvantaged groups. Gender-responsive tools including school outreach program, flexible schooling program, and non-formal sessions are used along with</li> </ul>
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	<p>Venezuela, para122.106);</p> <ul style="list-style-type: none"> <li>- Amend current education policies to ensure an inclusive education system and implement concrete measures to increase the participation of children with disability (Norway, para 122.107);</li> <li>- Take measures to ensure compulsory and free primary and quality education for all (Maldives, para 122.108);</li> </ul>	<p>Organization Convention against Discrimination in Education (para 33(a-e)).</p>				<p>disability and gender-friendly infrastructures, provision of female teachers, and community learning centres to achieve the goal. The 100 per cent Girl's Scholarship Program has been the key intervention from GoN.</p> <ul style="list-style-type: none"> <li>- The net enrollment rate (NER) of girls at primary (grade 1-5) has reached 97.2 per cent and at basic level (grade 1-8) 92.3 per cent. The NER for secondary level (grade 9-12) has reached 43.9 per cent.<sup>107</sup></li> <li>- Gender Parity Index (GPI) in school level and higher education has reached 1:1.</li> <li>- During the period of 2014 to 2018 the ratio of female to male teachers at primary level increased from 41.9 per cent to 44.6 per cent. Gross Enrolment Rate (GER) of Girls in Early Childhood Development has increased from 77.3 per cent to 83.7 per cent.<sup>108</sup></li> </ul>
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<sup>107</sup> National Planning Commission (NPC), *Fifteenth Plan (Fiscal Year 2019/20-2013/24) Approach Paper*, Kathmandu, 2018, available at: [https://www.npc.gov.np/images/category/15th\\_Plan\\_Approach\\_Paper\\_Draft.pdf](https://www.npc.gov.np/images/category/15th_Plan_Approach_Paper_Draft.pdf)

<sup>108</sup> Department of Education (DoE), *Flash Report*, Ministry of Health and Population, Kathmandu, 2018

						<p>- The educational training policy is geared to achieving 'gender sensitive' and gender balanced workforce, behaviors and practices.<sup>109</sup></p> <p><b>CSO Reports</b></p> <p>- Literacy rate of women aged 15-24 years has increased from 87.4 per cent in 2015 to 90.5 per cent in 2019 and ratio of girls' enrolment in tertiary education (graduate level) also increased from 0.88 in 2015 to 0.91 in 2019.<sup>110</sup></p> <p>- The allocated budget for the education sector is only 9.91 per cent in the fiscal year 2018/19, in comparison to 17 per cent in 2010-11 of the government budget.<sup>111</sup></p> <p>- The government scholarship programs for girls are not effective due to lack of monitoring, follow up, learning and programs</p>
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<sup>109</sup> GoN, *Submission for Beijing+25*, pg 8

<sup>110</sup> National Planning Commission (NPC), *Nepal's Sustainable Development Goals Status and Roadmap: 2016-2030*, Kathmandu, 2017, available at: <http://sdg.npc.gov.np/resource/2659/>. In BBC, *Beijing+25 National Parallel Report*, pg.20

<sup>111</sup> NNBN, *Report on Beijing+25*, pg 13



						development mechanism. <sup>112</sup> - Majority of the school buildings are not gender and disabled-friendly, including classroom, library and toilets.
<b>Employee</b>	<p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Ensure equal opportunities for women in the labour market (South Africa, para 122.78);</li> <li>- Ensure equal remuneration for men and women workers for the same work or similar work and for the prevention of discrimination on grounds of sex (South Africa, para 122.81);</li> <li>- Collaborate with civil society, regional and global organisations to protect the rights of Nepalese migrant workers abroad (Australia, para 122.112);</li> </ul> <p><b>Recommendations which do not enjoy the support of Nepal and are noted:</b></p> <ul style="list-style-type: none"> <li>- Ratify the International</li> </ul>	<ul style="list-style-type: none"> <li>- Provide information, in its next report, on measures taken to address and eliminate horizontal and vertical segregation in the labour market.</li> <li>- Raise awareness among women employed in the formal and informal sectors, in particular among home-based workers, on their right to social protection and gather sufficient resources for the implementation of the protections provided for in the Contributions-based Social Security Act;</li> <li>- Raise awareness of employers and employees in the public and private sectors on the anti-sexual harassment code of conduct and the Sexual Harassment at the Workplace</li> </ul>		<ul style="list-style-type: none"> <li>- Consult with the representative organizations of women and girls with disabilities, to use those consultations as a basis to ensure policy changes, particularly on the family lives, education, health services and employment of women and girls with disabilities (para 12).</li> </ul>		<ul style="list-style-type: none"> <li>- Labour Act, 2017 was enacted repealing the Labour Act, 1992. It proscribes gender-based discrimination on wages.<sup>113</sup> The Act provides social security for the employees, which is also explicitly ensured in Contribution Based Social Security Act, 2017.</li> <li>- Labour Act, 2017 provides for the fourteen weeks of paid maternity leave, where the worker gets sixty days pay from the employer and rest thirty-eight days from Social Security Fund.</li> <li>- President Women's Upliftment Program was launched as one of the new flagship initiatives of GoN in 2016 to empower socially and economically marginalized women by development of skills,</li> </ul>

<sup>112</sup> *Ibid*

<sup>113</sup> Labour Act, 2017, Section 7

	<p>Convention on the Protection of the Rights of All Migrant Workers and Their Families (Timor-Leste/ Sierra Leone/ Philippines/ Egypt/ Indonesia, para 123.7, 123.8 and 123.9)</p> <p><b>Recommendations that did not enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Consider ratifying International Labour Organization Convention No. 189 [Domestic Workers Convention, 2011] (Philippines, para 124.4);</li> </ul>	<p>(Elimination) Act to break the culture of silence surrounding sexual harassment, establish a confidential and safe complaint mechanism and facilitate access to justice for victims of sexual harassment in the workplace;</p> <ul style="list-style-type: none"> <li>- Strengthen the quality and capacity of the national labour inspection system so that the working conditions of women in all fields covered by the National Labour Act, including in domestic work and the entertainment sector, are effectively monitored and enhance access to justice for women in the labour market (para 35(a-d)).</li> <li>- Guarantee all women equal access to employment within and outside the State party, including by repealing discriminatory restrictions imposed on women endeavouring to work</li> </ul>				<p>entrepreneurship, and enterprises (including cooperatives) as well as market facilitation. It runs livelihood programme in 30 districts ranking low in Human Development Index (HDI), where 1920 women are already benefited. GoN is expanding this programme in 55 districts in 2019.<sup>114</sup></p> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Labor Force Survey 2017/18 reported a higher unemployment rate of 13.1 per cent among the female work-force, which is 2.8 per cent higher compared to males. Similarly, the female Labor Force Participation Rate (LFPR) is less than half (26.3 per cent) compared to the male (53.8 per cent).<sup>115</sup></li> <li>- Women spend 11.87 hours per day in unpaid domestic work in Nepal on average. In spite of repeated national dialogues on the inclusion of the care economy in the</li> </ul>
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<sup>114</sup> GoN, *Submission for Beijing+25*, pg 13

<sup>115</sup> Central Bureau of Statistics, *Report on the Nepal Labour Force Survey, 2017/18*. In *NNBN, Report on Beijing+25*, pg 35

		<p>abroad and by expediting the ongoing revision of the guidelines on women migrant domestic workers;</p> <ul style="list-style-type: none"> <li>- Include the standards provided for in the National Labour Act, including those for domestic work, in all bilateral agreements and enhance gender-sensitive pre-departure and post-arrival orientation services, to include legal awareness about foreign employment, the rights of migrant women in the country of destination and under the Foreign Employment Act and information on how to claim those rights (A/HRC/38/41/Add.1, para. 109);</li> <li>- Adopt a policy and enhance service provision for the social reintegration of Nepali migrant women who return to the State party (para 37(a-c)).</li> </ul>				<p>national Gross Development Product (GDP), it has not been implemented till date devaluing the contribution made by women.<sup>116</sup></p> <ul style="list-style-type: none"> <li>- The Foreign Employment Act prohibits women from seeking foreign employment and foreign domestic work without the permission of their guardian/spouse and the Government of Nepal. It is a restriction to their right to employment and their independent status.</li> <li>- Despite the provision under Labor Act, 2017 to formalize the informal work, the prevalence of decent work deficit and unequal pay is more in the informal sector, the majority of which is comprised of women.<sup>117</sup></li> </ul>
<b>Health</b>	<b>Recommendations that enjoy</b>	- Incorporate age-	- Increase	- Develop	- Adopt a	- The Public Health Service

<sup>116</sup> *Ibid*

<sup>117</sup> NNBN, *Report on Beijing+25*, pg 35

	<p><b>the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Continue to implement policy measures to ensure that quality healthcare is accessible to all, particularly women and children (Singapore, para 122.90);</li> <li>- Further accelerate the efforts aiming at decreasing the infant, child and maternal mortality rates and increasing average life expectancy (Sri Lanka, para 122.93);</li> <li>- Continue taking action to reduce maternal and infant mortality (Israel, para 122.94);</li> <li>- Continue to implement measures to ensure all women and girls have equal access to quality sexual and reproductive healthcare (New Zealand, para 122.95);</li> <li>- Continue strengthening successful social policies that promote access to education and health of the people, particularly for women and children (Bolivarian Republic of Venezuela, para 122.106);</li> </ul>	<p>appropriate and gender-sensitive comprehensive sexuality education curricula that include information on sexual and reproductive health and rights, responsible sexual behaviour and measures to prevent early pregnancy and sexually transmitted infections, at all levels of education, and train teachers to deliver those curricula;</p> <ul style="list-style-type: none"> <li>- Amend the Safe Motherhood and Reproductive Health Rights Act to fully decriminalize abortion in all cases, to legalize it at least in case of risk to the health of the mother, in addition to the cases for which it is already legalized, including in cases of rape, incest, severe fetal impairment and risk to the life of the mother, and allocate sufficient resources to raise awareness of safe abortion clinics and services;</li> </ul>	<p>access of Dalit women to skilled birth attendants and proper antenatal care and nutrition (para 36(f)).</p>	<p>measures to ensure comprehensive access to health services for persons with disabilities, particularly sexual and reproductive health services, maternal and child health centres and psychosocial services, and to strengthen the provision of comprehensive community-based rehabilitation services, including in rural and remote areas (para 38).</p>	<p>comprehensive sexual and reproductive health policy for adolescents and ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections (para 54).</p>	<p>Act, 2018 ensures right of every citizen to obtain quality health service and free basic health services.<sup>118</sup></p> <ul style="list-style-type: none"> <li>- The Safe Motherhood and Reproductive Health Right Act, 2018 has been enacted to protect the health rights of women, girls, adolescents and newborns and ensure access to quality healthcare services.</li> <li>- This Act legalizes conditional abortion and provides for free abortion service at all public health facilities. It makes abortion legal for all cases up to 12 weeks of gestation and up to 28 weeks' gestation in cases of rape or incest. Abortion is lawful at any time if the pregnancy poses a danger to the woman's life, or physical or mental health, or in case of fetal abnormality.<sup>119</sup></li> <li>- 98-day paid maternity leave for working women and unpaid leave up to one year on the recommendation of a</li> </ul>
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<sup>118</sup> Public Health Service Act, 2018, Section 3

<sup>119</sup> This is in line with the Criminal Code, 2017 which has provided criminal liability for illegal abortion over 12 weeks of gestation in normal condition.

		<ul style="list-style-type: none"> <li>- Reinforce measures and allocate adequate resources to ensure that all women and girls, including those in rural and remote areas, have access to high-quality and age-appropriate sexual and reproductive health care, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 122.95);</li> <li>- End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting (para 39(a-d)).</li> </ul>				<p>medical doctor has been guaranteed in the Act.<sup>120</sup></p> <ul style="list-style-type: none"> <li>- Maternal mortality ratio has decreased from 539 maternal deaths per 100,000 live births in 1996 to 275 in 2014 and 239 in 2016.<sup>121</sup></li> <li>- The Safe Motherhood Program has contributed to increased institutional delivery as well as improved antenatal/postnatal care and family planning services. During FY 2016/17, 52 per cent pregnant women completed 4 ANC visits (as per protocol). The institutional delivery has gone up to 57per cent.<sup>122</sup> Districts with Caesarean Section services were increased from 33 in 2006 to 72 in 2017. The number of health institutions with birthing facilities increased from 1134 in 2013 to 2020 in 2019.<sup>123</sup></li> <li>- GoN is implementing Multi-</li> </ul>
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<sup>120</sup> GoN, *Submission for Beijing+25*, pg 4

<sup>121</sup> Ministry of Health, New ERA and ICF, *Nepal Demographic and Health Survey 2016*, Kathmandu, 2017; Amrit Bastola, *The Current State of Maternal Health in Nepal*, Maternal Health Task Force, Harvard Chan School, 2017, available at: <https://www.mhtf.org/2017/12/29/the-current-state-of-maternal-health-in-nepal/>

<sup>122</sup> Department of Health Services (DoHS), *Annual Report 2016/17*, Ministry of Health and Population, Kathmandu, 2018. In GoN, *Submission for Beijing+25*

<sup>123</sup> *Ibid*, pg 11

						<p>Sector Nutritional Plan (MSNP II, 2018-22), targeting children, teen-aged girls, pregnant women and breast-feeding mothers in low income groups. GoN implemented HIV Investment Plan 2014-2016 to address Sexually Transmitted Diseases (STDs), HIV/AIDS and sexual and reproductive health issues.<sup>124</sup></p> <ul style="list-style-type: none"> <li>- More than 50,000 female community health volunteers (FCHVs) all over the country, esp., in rural areas facilitate pregnant women for safe motherhood and vaccination and community-based health promotion.<sup>125</sup></li> <li>- Public Health Insurance Plan is rolled out to 42 out of 77 districts in the country. Currently 1.65 million people are enrolled in the scheme out of which 53 per cent are women.<sup>126</sup></li> </ul> <p><b>CSO Reports</b></p>
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<sup>124</sup> Ibid, pg 11

<sup>125</sup> Ibid

<sup>126</sup> GoN, Submission for Beijing+25, pg 12

						<p>- Despite the adoption of the Safe Motherhood and Reproductive Rights Act and the Public Health Service Act in 2018, government inability to formulate timely regulation and necessary procedural guidelines has hindered the full and effective implementation of new laws.<sup>127</sup></p> <p>- The availability of contraceptive devices in the health facilities is still lacking with men's ownership in the contraceptive very low in comparison to women. Around 47 per cent of married women aged 15-19 years have an unmet need for family planning with only 15 per cent in this group to have used modern contraceptives. The unwanted pregnancy rate is 19 per cent.<sup>128</sup></p> <p>- 37 per cent of girls marry before age 18 in Nepal and 10 per cent before they turn 15, keeping them out of comprehensive sexuality</p>
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<sup>127</sup> NNBN, *Report on Beijing+25*, pg 17

<sup>128</sup> Ministry of Health, New ERA and ICF, *Nepal Demographic and Health Survey 2016*, Kathmandu, 2017, pg 115 to 121. In *Ibid*, pg 18

						education lessons taught at school, and making them vulnerable to multiple sexual and reproductive health problems, ranging from early and unwanted pregnancies, adolescent childbearing, sexually transmitted infections and maternal mortality. <sup>129</sup>
<b>Women Peace and Security (Women and armed conflict)</b>	<p><b>Recommendations that enjoy the support of Nepal:</b></p> <ul style="list-style-type: none"> <li>- Bring the 2014 Act on the Commission on Investigation of Enforced Disappeared Persons, Truth and Reconciliation into compliance with international norms, particularly with regard to the definition of amnesty, witness protection and the delays in processing complaints (Belgium, para 122.5);</li> <li>- Investigate and prosecute those who committed human rights violations on both sides of the country's civil war and provide reparations to victims in line with international standards under the newly-formed Truth and</li> </ul>	<ul style="list-style-type: none"> <li>- Remove the statute of limitations for filing cases relating to sexual violence perpetrated during the conflict, bring the Truth and Reconciliation Commission Act into line with its obligations under international law, in consultation with civil society and victims, taking into account the ruling of the Supreme Court of 26 February 2015 ordering the amendment of the amnesty provisions of the Act, and guarantee the integration of a gender perspective into the Act;</li> <li>- Take appropriate measures to ensure the</li> </ul>			<ul style="list-style-type: none"> <li>- Establish mechanisms with adequate funding allocations to provide reparations for victims of sexual violence during the Nepalese civil war (para 35(d)).</li> </ul>	<ul style="list-style-type: none"> <li>- The Truth and Reconciliation Commission (TRC) and the Commission on the Investigation of Enforced Disappeared Persons (CIEDP) established on 2015 have received more than 63,000 complaints of human rights violations and more than 3,000 complaints of enforced disappearance respectively. Of these, approximately 300 cases are reports of conflict-related sexual violence (CRSV) perpetrated both by security forces and the then Maoists rebel, indicating that many victims and survivors have not been able to register complaints, one of the reasons being fear of</li> </ul>

<sup>129</sup> Ibid



	<p>Reconciliation Commission (New Zealand, para 122.61);</p> <ul style="list-style-type: none"> <li>- Make necessary efforts to investigate crimes under international law or human rights violations that have occurred, protecting victims of such violations and guaranteeing them access to justice and full and effective reparations (Uruguay, para 122.62);</li> <li>- Adopt measures to ensure the participation of women in the peace process, including the truth commissions (Costa Rica, para 122.65);</li> </ul> <p><b>Recommendations which do not enjoy the support of Nepal and are noted:</b></p> <ul style="list-style-type: none"> <li>- Accede to the Rome Statute of the International Criminal Court and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay, para</li> </ul>	<p>independence and impartiality of the Commissioners and allocate adequate human, technical and financial resources for the operation of the two Commissions;</p> <ul style="list-style-type: none"> <li>- Guarantee access for women and girls who are victims of the armed conflict to interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence;</li> <li>- Expedite the adoption of the second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, to ensure durable peace in the State party (para 23(a-d)).</li> </ul>				<p>repercussions.<sup>130</sup></p> <ul style="list-style-type: none"> <li>- Women and girls who are victims of torture, rape and other forms of sexual violence from the armed conflict were not entitled to claim compensation as the Interim Relief Programme (IRP) only covered individuals killed, forcibly disappeared, injured or disabled as a result of the armed conflict.<sup>131</sup></li> <li>- GoN implemented the National Action Plan (NAP I) on United Nations Security Council Resolutions 1325 and 1820 for the period 2011-2016. GoN has drafted three years NAP II, building on the lessons learned from the first phase.<sup>132</sup></li> <li>- The transitional justice mechanisms have failed to effectively function, including in addressing the situation of women affected by the conflict and the survivors of conflict-related sexual violence<sup>133</sup> due to number of</li> </ul>
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<sup>130</sup> UN Human Rights Council (HRC), *Visit of Nepal: Report of the Special Rapporteur on violence against women, its causes and consequences*, 19 June 2019, A/HRC/41/42/Add.2, para 58

<sup>131</sup> *Ibid*, para 60

<sup>132</sup> GoN, *Submission for Beijing+25*, pg 46

<sup>133</sup> UN Women, *A review of Good Practices and Lessons learned of UN Women Projects on Gender Sensitive Transitional Justice*, 2018

	<p>123.19);  - Strengthen the rule of law by establishing an independent complaints commission capable of investigating and prosecuting complaints against the security forces (United Kingdom of Great Britain and Northern Ireland, para 124.15);</p>					<p>reasons including delay in appointment of the Commissioners since 2018, lack of independence and insufficient resource allocation.<sup>134</sup></p> <p><b>CSO Reports</b></p> <ul style="list-style-type: none"> <li>- Despite persistent calls by civil society and the international community, and a decision by the Supreme Court of Nepal<sup>135</sup>, the Government has failed to take necessary steps to amend the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act, 2014 (TRC Act).<sup>136</sup></li> <li>- The new Criminal Code, 2017 criminalizes torture, enforced disappearance and genocide, but it does not address violations committed during the conflict.</li> <li>- The short statute of limitation of one year for cases of rape and other</li> </ul>
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<sup>134</sup> NNBN, *Report on Beijing+25*, pg 30

<sup>135</sup> *Suman Adhikari et al v. Prime Minister and Council of Ministers*. In Supreme Court, *Nepal Law Journal*, volume 12, 2015

<sup>136</sup> International Commission of Jurists (ICJ), *Universal Periodic Review Mid - Term Report on Nepal's UPR Second Cycle*, May 2018, pg 2-5

						<p>sexual violence presents an insurmountable legal obstacle to victims of rape during the conflict seeking redress.<sup>137</sup></p> <p>- Authenticated data on conflict-affected women and CRSV victims remain unavailable on a national level, with differences in the data held by government and national and international nongovernmental organizations, human rights organizations and the media.<sup>138</sup></p>
<b>Women and Poverty</b>	<p><b>Recommendations enjoy the support of Nepal:</b></p> <p>- Continue to implement policies for women development under SDGs (Pakistan, para 122.115).</p>		<p>- Reduce poverty among Dalits, including by providing income-generating skills and training to Dalit youths (para 36(e)).</p>	<p>- Provide updated data in its next periodic report on the number and percentage of persons with disabilities who have benefited from social protection floors from</p>		<p>- As new flagship initiative, GoN initiated President Women's Upliftment Program in 2016 to empower socially and economically marginalized women by development of skills, entrepreneurship, enterprises (including cooperatives) and market facilitation. It runs livelihood programme in 30 districts ranking low in Human Development Index (HDI).<sup>139</sup></p>

<sup>137</sup> Ibid, pg 2-5

<sup>138</sup> NNBN, *Report on Beijing+25*, pg 31

<sup>139</sup> GoN, *Submission for Beijing+25*, pg 13

			<p>the Government, disaggregated by sex, age and ethnicity, in particular for persons with intellectual and/or psychosocial disabilities, hearing or visual disabilities and multiple disabilities (para 42).</p> <p>- Pay attention to the links between article 31 of the Convention and target 17.18 of Sustainable Development Goals in order</p>	<p>- GoN has been making efforts to encourage entrepreneurship among women. The provision of skill and entrepreneurship training, loan for rural women, establishment of rural development bank, institutionalization of poverty alleviation funds, have been instrumental in creating employment for rural women. The burgeoning cooperative sector is one of the largest sectors employing women. Cooperatives are managed by 6.3 million people and over half of them (approximately 52 per cent) are women.<sup>140</sup></p> <p><b>CSO Reports</b></p> <p>- Nepal ranked at 112<sup>th</sup> position in Women's Economic Participation and opportunity index in 2014 among 142 countries, which improved positioning of Nepal at 110<sup>th</sup> rank among 149 countries in 2018.<sup>141</sup></p>
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<sup>140</sup> Ibid, pg 18

<sup>141</sup> World Economic Forum, *Global Gender Gap Report, 2014 and Global Gender Gap Report, 2018*. In BBC, *Beijing+25 National Parallel Report*, pg 22

				<p>to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, and to analyse the data to provide tailored services for persons with disabilities</p>	<ul style="list-style-type: none"> <li>- The female-headed household in 2018 was 23.8 per cent, which increased from 19.6 per cent in 2003-4.<sup>142</sup></li> <li>- Women's involvement in cooperatives has increased significantly from 2014 to 2019. Women cooperative members stood at 44 per cent of total membership in 2014 which increased to 51 per cent in 2019.<sup>143</sup></li> <li>- The estimated gross national income per capita of female population (2011 PPP \$) was 2057\$ in 2014, which raised to 2219\$ in 2019.<sup>144</sup></li> <li>- Realizing the importance of a GRB and inclusive governance within the economy, Nepal started the process of gender mainstreaming in macro-policies during the 8th Five Year Plan (1992-1997). GRB, introduced officially by the MoF in the FY 2007-08 with 11.30 percent of the budget</li> </ul>
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<sup>142</sup> Poverty Alleviation Fund Nepal, *Comprehensive Impact Evaluation of Poverty Alleviation Fund Nepal*, 2018. In NNBN, *Report on Beijing+25*, pg 8

<sup>143</sup> Ministry of Finance, *Economic Survey 2018/19*, Kathmandu, 2019. In BBC, *Beijing+25 National Parallel Report*, pg 20

<sup>144</sup> United Nations Development Programme (UNDP), *Human Development Report*, 2018, available at: [www.hdr.undp.org/en/indicators/101706](http://www.hdr.undp.org/en/indicators/101706). In BBC, *Beijing+25 National Parallel Report*, pg 20

				(para 46).		<p>calculated as gender-responsive that year, has reached 38.17 percent in the FY 2019/2020.<sup>145</sup></p> <p>- Although there has been gradual reduction in the level of poverty (from 25.2 per cent in 2011 to 21.6 per cent in 2018), there continues to be disparity not only between gender but also among women themselves, which is a cause of poverty among women.<sup>146</sup></p> <p>- Many programs implemented for financial empowerment of women have failed to meet the intended goals, creating challenges for women with regards to access and usage of resources such as provided by the Youth Self-Employment Program launched by the government.<sup>147</sup></p>
<b>Women in Disaster Relief</b>	<b>Recommendations agreed to by the Government of Nepal:</b> - Increase efforts to protect				- Undertake an assessment of the impact of	- As part of recovery work following 2015 earthquake, women and children going

<sup>145</sup> BBC, *Beijing+25 National Parallel Report*, pg 25

<sup>146</sup> NNBN, *Report on Beijing+25*, pg 9

<sup>147</sup> *Ibid*

	<p>women from violence and discrimination, in particular in areas affected by the earthquakes (Norway, para 121.19);</p> <p><b>Recommendations that enjoy the support of Nepal:</b></p> <p>- Develop a redress mechanism to address all forms of discrimination and human rights violations in post-earthquake reconstruction efforts (Australia, para 122.56);</p>				<p>the 2015 earthquake on girls' vulnerability to child marriage and apply those findings to guide the implementation of measures to address the increased risk of child marriage (para 40(d)).</p> <p>- Take immediate measures to prevent all forms of violence against displaced children<sup>148</sup>, including by ensuring that women and girls have access to separate lockable latrines and safe houses, as well as by</p>	<p>through traumatic experiences were provided psychosocial counseling. They were cautioned against any unwanted sexual advances of predators and provided information on available support services and means to escape such eventuality.</p> <p>- Awareness programs were launched and surveillance was enhanced in view of the possibility of trafficking and sexual violence. They were provided with other essential supplies like clothes, sanitary pads, and nutritional kits for pregnant women. Schools were run in makeshift classrooms. Under the health cluster, reproductive health (RH) cluster was formed restoring birthing centre and RH services at health facilities in 14 worst hit districts. One stop Crisis Management Centres were mobilized in 45 districts and referral link to treatment and support services established. Old age</p>
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<sup>148</sup> CRC Committee raised concern about the children displaced by the 2015 earthquake living in IDP camps or informal settlements without adequate access to food, safe drinking water, sanitation, health care and education in its 2016 Concluding observation of Nepal, para 62.

					<p>increasing police controls and providing functioning illumination in internally displaced person camps and informal settlements, para 63 (b).</p>	<p>and women headed households were given priority in service delivery. The reconstruction work and rehabilitation of services are still in progress.<sup>149</sup></p> <p>- Post-disaster need assessment has identified the need for gender priority in disaster risk reduction.<sup>150</sup></p>
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<sup>149</sup> GoN, *Submission for Beijing+25*, pg 14

<sup>150</sup> National Planning Commission (NPC), *Post-Disaster Need Assessment*, 2015



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**Speech**

Speech delivered by Justice Anup Raj Sharma, Hon. Chairperson, National Human Rights Commission (NHRC), Nepal as a Co Speaker for "*Gender Equality: Bridging the Gap*" in Regional Conference organized by Honorary Consular Corps Nepal and World Federation of Consuls (HCCN – FICAC), Kathmandu, 13 November 2019