

Nepal

Gender Equality and Social Inclusion (GESI) Profile For COVID-19 Responses and Preparedness (Updated 8 May 2020)

Developed by UN Women drawing inputs from Gender in Humanitarian Action Task Team (GiHA TT) meetings

I. Gendered and Social Impact of COVID-19

COVID-19

On 7 January 2020, the Chinese government confirmed the identification of a novel coronavirus from a cluster of pneumonia cases of unknown etiology in the city of Wuhan, Hubei province. The coronavirus disease 2019 (COVID-19) outbreak was declared a public health emergency of international concern on 30 January 2020. On 11 March 2020, the World Health Organization (WHO) declared the outbreak of COVID-19 a pandemic and called for a comprehensive, all-of-society strategy to prevent infections, save lives and minimize impact.

Measures to control initial cases and localised outbreaks of COVID-19 involve active surveillance, contact tracing, isolation, quarantine, and laboratory confirmation of each case. These control measures are intense and challenging to sustain over time, particularly in resource-limited settings, and are no longer practical if the virus has spread widely in the general community. In such situations authorities are instead required to focus resources on non-pharmaceutical interventions to reduce transmission and measures aimed at mitigating the impact on health care systems and societies.¹ The proposed interventions are aligned with the global WHO COVID-19 Strategic Preparedness and Response Plan, WHO's Action Plan for Response to COVID -19,² and relevant international principles and initiatives including the Sendai Framework for Disaster Risk Reduction 2015-2030. The WHO Action Plan outlines ten priority areas: 1. Incident management, planning, administration and coordination; 2. Strategic communication; 3. Community engagement; 4. Non-pharmaceutical public health measures; 5. Care pathways; 6. Health care delivery; 7. Surveillance and risk assessment; 8. Laboratory; 9. Operational logistics; 10. Health care costs and financial protection.

As of 7 May 2020, WHO reported:³

- More than 3.5 million confirmed cases globally; and
- 250,000 deaths due to COVID-19.

In Nepal, the Government confirmed a total of 99 cases as of 7 May 2020, including 22 persons who have recovered and been discharged from hospital. The treatment of 77 persons is ongoing.

As of 7 May, out of a total of 14,511 Polymerase Chain Reaction (PCR) and 54,093 Rapid Diagnostic Test (RDT) conducted. Currently, laboratory testing facilities for COVID-19 using PCR are functional in 16 institutions across the country with at least one laboratory in each province. As of 7 May, 17,372 people are in quarantine and 133 are in isolation.⁴ The Ministry of Health and Population (MoHP) SitRep #88 has included cases according to age group and gender. The latest situation updates on the COVID-19 outbreak are available at MoHP <https://heoc.mohp.gov.np/update-on-novel-corona-virus-covid-19/> and WHO Nepal's website: <https://www.who.int/nepal>

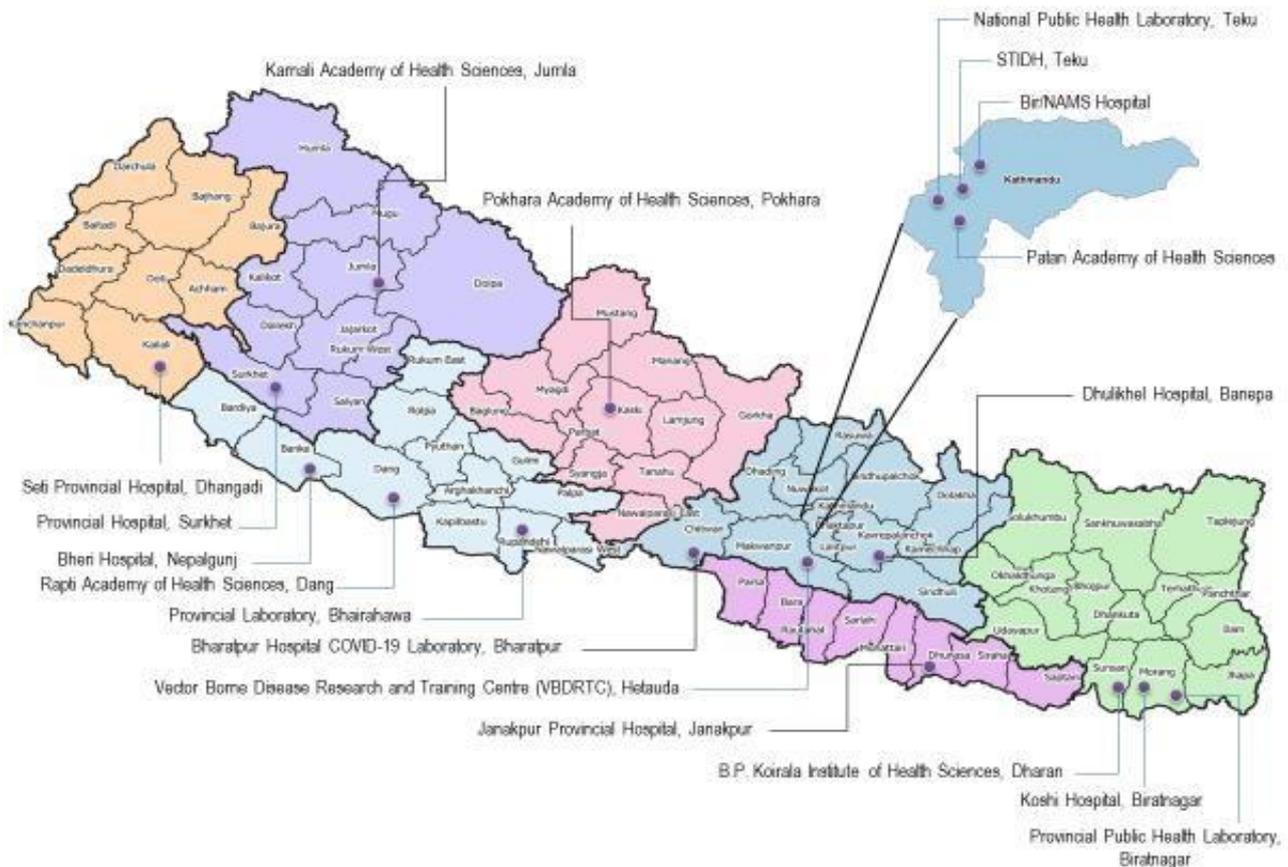
¹ Action Plan for Response to Large-Scale Community Outbreaks of COVID-19 Draft, 17 March 2020

² Ibid.

³ Currently, sex-disaggregated data is not included in the Situation Report (Available at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports/>)

⁴ Ministry of Health and Population, Government of Nepal, Situation Report_COVID-19 #88, available at <https://heoc.mohp.gov.np/update-on-novel-corona-virus-covid-19/>

Laboratory Service for COVID-19



Source: Ministry of Health and Population, Government of Nepal, Situation Report COVID-#88

This emergency comes at a time when Nepal is still struggling to recover from the 2015 earthquake and 2017 flood. The government imposed a complete nationwide lockdown from 24 March to 18 May 2020 to limit human interactions and control the possible COVID-19 outbreak in the country. The lockdown included business closures and restrictions on movement within the country. The government has suspended regular international and domestic flights until 31 May. With the halt in movement of people and trade, the pandemic will have a devastating impact on the economy of Nepal, which relies on remittances and tourism as two of its main sources of revenue. While COVID-19 spares no one, the socio-economic impact is uneven and vulnerable groups are disproportionately affected. To mitigate the immediate impact on livelihoods the government announced the provision of a relief package at the Cabinet meeting held on 29 March 2020.⁵ The relief package comprises of a 25 per cent discount on electricity for consumers who use more than 150 units every month, a 25 per cent discount on data and voice call packages by internet service providers, a 10 per cent discount on rice, flour, lentils, salt, sugar and oil supplies from the government-operated Nepal Food Corporation and Salt Trading Corporation, and an extension of deadlines for tax payment, amongst others. In order to secure the payment of salaries for workers and employees in the formal sector, the government will open employers' access to the Social Welfare Fund to make payments for the lockdown period. In addition, the relief package includes the provision of food and other essential supplies (e.g. oil, soap) at the local level to the destitute and to labourers in the unorganized sectors who are mainly wage workers.

Emerging gendered and social impacts of COVID-19

⁵ <https://www.nepalitimes.com/latest/nepal-covid-19-relief-package/>

The impacts and implications of COVID-19 are different for men, women, people with diverse gender identities and sexual orientations and those from marginalized and vulnerable groups.⁶ Gender norms and pre-existing inequalities disproportionately impact women, girls and marginalized populations in emergencies, including health emergencies. Gender, age, sexual orientation and identity, ethnicity, disability, education, employment, and geographical location may intersect and so further compound individual experiences in emergencies.⁷ This is due to the multi-dimensional pre-existing inequalities, discrimination and exclusion certain individuals face, including: dependency on the informal economy; lack of access to effective surveillance, early-warning systems and health care services; inadequate access to social services and political influence; the narrow asset base, capacities and opportunities to cope and adapt; and limited or no access to technologies.

Global evidence has shown that gender-based discrimination and violence are often reinforced, perpetuated and exacerbated by disasters and crises. Thus, the integration of a gender equality and social inclusion (GESI) approach in all stages of the COVID-19 response and recovery process, including preparedness, is critical. In particular, the effort should ensure equitable access to, and benefit from, relief, services and information. Women and girls, especially those from marginalised and vulnerable groups⁸ who are disproportionately impacted and in need of targeted support, should receive sufficient attention and support.

Local government units have been requested to pay special attention to providing care and targeted support for people from vulnerable groups such as pregnant women, people with disabilities and orphans. However, collecting data on those who are eligible and registering them at the local level in a timely manner is challenging. Female-headed households who often have limited access to information and services, and women and other minority groups without identification documents, may face additional barriers to availing relief support.

Information presented under this section is anecdotal. Data has been gathered from UN Women's series of virtual meetings and consultations with civil society organizations (CSOs)/network members, the Gender in Humanitarian Action Task Team (GiHA TT) and feminist economists during the lockdown which started on 24 March 2020. These CSOs/networks represent diverse socioeconomic groups ranging from single women, women migrant workers, home-based workers, Dalit women, LGBTIQ, disabled women, alliance of sex workers, Madhesi women, Muslim women and indigenous and elderly women. UN Women will continue bringing the voices of the excluded and vulnerable groups with the principle of leaving no one behind. The section on Emerging Gendered and Social Impact of Covid-19 of the GESI profile is therefore a living document, where data and analysis will be updated by UN Women as they emerge.

Impact on women health care workers

Women are making critical contributions to address the outbreak every day. In Nepal, women constitute 54 per cent of the workers in the health and social sectors, such as community and care workers, and are on the frontlines of the response. Two thirds of these workers are in informal employment.⁹ Women healthcare workers have called attention to their specific needs beyond personal protective equipment, including meeting menstrual hygiene needs. There is also a strong need for psychosocial support for frontline responders.

Increased burden of care

UN Women Nepal's discussion with women's networks on the socio-economic impact of COVID-19 in Nepal highlighted an increasing concern among women about the entrenched stereotypical gender division of responsibilities at home and in the community. Where healthcare systems are stretched by efforts to contain outbreaks, care responsibilities are frequently "downloaded" onto women and girls, who usually bear the responsibility for caring for ill family members and the elderly.¹⁰ The closure of schools further exacerbates the burden of unpaid care work on women and girls, who absorb the additional work of caring for children. Globally, women continue to be paid 16 per cent less than men on average, and the pay gap rises to 35 per cent in some countries. In times of crisis, women often face the unfair and sometimes impossible choice of giving up paid work to care for children at home.

Heightened risk of gender-based violence

⁶ Those who experience the highest degree of socio-economic marginalization include the elderly, adolescents, youth and children, persons with disabilities, indigenous populations, refugees, migrants, and minorities.

⁷ Inter-Agency Standing Committee (ISAC), Gender Alert for COVID-19 Outbreak, March 2020

⁸ Single women, female headed households, persons living with disabilities, pregnant and lactating women, adolescent girls, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) groups, older persons, children, and caste and ethnic minorities

⁹ Government of Nepal, National Planning Commission, Central Bureau of Statistics, with ILO (2019) 'Report on the Nepal Labour Force Survey 2017/18'

¹⁰ Harman, Sophie (2015). Ebola, gender and conspicuously invisible women in global health governance. *Third World Quarterly* 37(3).

In the context of family violence, when households are placed under strain and strategies for self-isolation and quarantine are employed, the risk of violence tends to increase. Other forms of GBV such as rape and sexual abuse, among others, are also exacerbated in crisis contexts. Confinement at home has compelled women survivors of violence to live with their abuser/perpetrator. This has resulted in lower levels of reporting of domestic violence to local authorities and CSO-led shelter homes. A few cases of rape and sexual violence have been reported to the police, however there was a reluctance expressed to take action during the lockdown scenario. CSOs have also received cases of marital rape and sexual abuse. The silencing of the sexual abuse of elderly women in families or in elderly care homes requires attention. Experience has demonstrated that where women are primarily responsible for procuring and cooking food for the family, increasing food insecurity as a result of crises may place them at heightened risk, of, for example, intimate partner and other forms of domestic violence due to heightened tensions in the household.¹¹

Impact on women's economic empowerment

The crisis also poses a serious threat to women's engagement in economic activities, especially in the informal sectors, and can increase gender gaps in livelihoods. Women work disproportionately in insecure informal sectors with wage employment and inadequate or no social security. In Nepal, 94.4 per cent of women in employment work either in the informal sector or in informal work, including wage labourers, home-based workers, domestic workers and sex workers, among others.¹² Home-based workers are among the most vulnerable in the current crisis as they have lost jobs and sources of income and are the lowest in the employment value chain. Many have had their orders cancelled or are stuck with middlemen and these daily wage earners have been left with no earnings. In Nepal, 31.6 per cent of households are female-headed households.¹³ The burden of unpaid care work increases tremendously in these households. Many single women are daily wage labourers who have experienced loss of wages, no savings and face the challenge of accessing foods, with rising food prices, and paying rent. This could, in turn, lead to more women facing additional pressure and violence including forced transactional sex work. If the lockdown continues, the situation will continue to deteriorate in terms of food security, safety and health. The Sex Workers Alliance reported that fifty-four thousand sex workers have been affected by the pandemic. Due to the lockdown, sex workers are unable to generate any income, face challenges in accessing health care, including access to ARVs, and are unable to find alternate livelihoods due to stigma and discrimination. Women migrant workers, who often use undocumented migration channels for labour migration, and those who contribute as family workers for family businesses or agricultural production also tend to be under-recognized and unprotected in times of emergency.

Remittance is one of the largest sources of revenue for Nepal, with 56 per cent of households in Nepal receiving remittance from foreign labour migrants. Women working as domestic workers in foreign countries have limited access to adequate information relating to COVID-19 safety and security. Many such women went abroad through informal channels and have poor social security protection in the destination countries. At a meeting organized by the International Labour Organization (ILO) on 10 April, the CSOs working on migration issues said migrant domestic workers reported high work burdens while entertaining employer's family members in lockdown situations and that employers were not willing to send them back to their home countries. Furthermore, undocumented female migrants are most vulnerable when accessing information or support, are often victims of sexual abuse and exploitation, and those migrant women who returned home right before the lockdown face stigmatization in their communities. Such women feel neglected by community members and sometimes by their own family members. UN Women's experience during the Nepal earthquake in 2015 has shown that humanitarian crises often leads to unsafe migration through informal channels which increases the risk of trafficking. Many migrant workers working in India are currently stranded along the border. The government has made an effort to set up quarantine sites, however the media has reported that these sites are not adequately equipped as per the WHO standard operating procedures. On 16 April, the single bench of Justice Sapana Malla issued an interim order to the government to ensure the safe return of Nepali migrant workers stranded at the border.

Targeted women's economic empowerment strategies that specifically **mitigate the short-term and long-term economic impact of the outbreak on women** and **build their resilience** are required to meet women's immediate need for income, facilitate early recovery of their livelihoods and prepare for future risks. This includes a focus on sectors where women are over-represented, such as daily wage earners, small business owners and those working in the informal sector.

¹¹ IASC (2015). Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Food Security and Agriculture.

¹² Government of Nepal, National Planning Commission, Central Bureau of Statistics, and the International Labour Organization (2019) Report on the Nepal Labour Force Survey 2017/18

¹³ Nepal Demographic Health Survey, 2016

Access to information

The current crisis poses challenges for women in accessing information. There is a need for information in multiple local languages, sign language and Braille. The majority of women also have limited understanding of concepts such as quarantine, social distancing and segregation and these need to be simplified and explained using illustrations. At the same time, it is important that social inequalities based on sex, caste, ethnicity, etc. are not reinforced through such messages. The majority of women also have limited understanding regarding the information on the Ministry of Health and Population (MoHP) hotline (1115), which needs to be clearly conveyed through different communications means. Information on where to seek help and medical services is not reaching some Dalit communities.

Challenges to coronavirus prevention

Social distancing poses a challenge to people from excluded and vulnerable communities who live in remote, unsafe and densely populated slum areas and communities. The majority of women from Dalit, indigenous and other marginalised groups are engaged in informal work and it is particularly difficult for them to follow social distancing as the majority of them rely on daily wage labour. Regular washing of hands is not possible in some Dalit communities as they do not have necessities such as soap and water readily available in their homes. Water is accessed from public water taps/well and, in some villages, they do not have access to these taps due to caste discrimination. Women with disabilities are facing lack of access to health services and supplies, including medical kits, urine bags, and medicine.

Limited access to sexual and reproductive health services

Evidence from past Zika and Ebola epidemics indicate that efforts to contain outbreaks often divert resources from routine health services including pre- and post-natal health care and contraceptives, and exacerbates barriers to already limited access to sexual and reproductive health (SRH) services. Some hospitals in Nepal are not admitting delivery cases in response to the COVID-19 emergency and pregnant women no longer have access to SRH services. Where these services are available, women are not accessing pre- and post-natal services due to fear of the virus. Quarantine sites along the border also house pregnant women and lactating mothers who require special support during their stay. Furthermore, a decrease in use of contraceptives during the lockdown is likely to result in more unwanted pregnancies.

Securing women's voice and participation

UN Women's lessons learnt from Ebola and Zika outbreaks indicate a clear need to understand and integrate a gender perspective into both risk and impact assessments and to use these to inform further policy making and response. It is also essential to engage with women when communicating about risks. It is critical to ensure an equal voice for women in decision making and recognize the critical role of women's networks and women's organizations in the response. For example, despite women constituting the majority of frontline healthcare workers, they continue to constitute a minority in national and local health leadership. Improved inclusion of women frontline workers in health and other sectors in all decision-making and policy spaces can improve health security surveillance, detection, and prevention mechanisms.¹⁴

In an effort to better inform crisis response interventions from a gender perspective, UN Women Nepal organized online meetings with a total of 22 representatives from the Women-Friendly Disaster Management Group (WFDM)¹, the Inter-generational Feminist Group (IFG)², and the Women Humanitarian and Disaster Risk Reduction Platform (WHDRRP)³ in March 2020 to share and discuss emerging issues and concerns about immediate, short and medium/long-term impacts of COVID-19 on women's lives. The provincial mapping of key gender equality issues, ongoing activities and organizations working in the provinces, which was developed on the basis of these online discussions, is available in UN Women Nepal's Gender Equality Update No. 14 on gender in the COVID-19 response.

Key advocacy messages of HCT

In the spirit of the "whole-of-society" and "Delivering as One" approach to fighting the COVID-19 crisis, the United Nations Nepal Humanitarian Country Team endorsed **key advocacy messages¹ on gender equality and social inclusion in COVID-19 emergency response in Nepal** on 25 March 2020. The messages were developed on the basis of the IASC Policy Statement on Gender Equality in Humanitarian Action (November 2017), and in light of lessons learned from Ebola and Zika outbreaks and emerging gender impacts of the COVID-19 pandemic. The purpose of the messages was to mobilize inter-agency support within the Nepal Humanitarian Country Team and ensure these principles are reflected in emergency response activities in support of the Government of Nepal.

¹⁴ Menham, Claire et al (2020). COVID-19: the gendered impacts of the outbreak. The Lancet. DOI [https://doi.org/10.1016/S0140-6736\(20\)30526-2](https://doi.org/10.1016/S0140-6736(20)30526-2)

Need for sex-disaggregated data

Past experiences and lessons learned from other outbreaks also demonstrate that robust gender analysis with a disaggregated dataset and an informed, gender-integrated response are vital in strengthening the access and acceptability of the humanitarian services needed to meet the distinct needs of women and girls, as well as men and boys.

Under the leadership of the Ministry of Women, Children and Senior Citizens (MoWCSC), a Rapid Gender Assessment (RGA) is being conducted. UN Women, Care Nepal and Save the Children are collaborating with the ministry on the RGA. The RGA will bring to the fore gender needs and concerns and inform crisis planning and interventions. RGA is a systematic attempt to identify key issues contributing to gender inequality and provides essential information about gender needs, roles and responsibilities, vulnerabilities and capacities, together with immediate action recommendations and programming.

Access to relief packages

The requirement of citizenship in the distribution of relief packages is excluding many single women/mothers, female-headed households, sex workers, elderly women and gender and sexual minorities and exacerbating the hardships they face during this difficult time. For gender and sexual minorities and sex workers, they also face the additional burden of social stigma and discrimination. In some instances, photographs are being taken during the distribution of relief packages and many Muslim women have returned empty-handed from these spaces because they felt exposed and unsafe. In rural areas, where marginalized and indigenous peoples rely almost entirely on farming, production has been insufficient. In Panchthar District of Province 1, a fishing community (Majhi) has not been able to receive relief and there were media reports warning that this could lead to starvation. Feminist economists are calling for longer-term sustainable empowerment packages so that excluded and vulnerable groups can earn their livelihood in a sustainable manner.

The Women's Charter entitled 'Nepali Women Speak about COVID-19 — Hear their Requests' outlines:

Recommendations for a stimulus package:

- Provide economic security for women-led/owned micro, small and medium business owners (MSMEs) including tax exemptions, suspension of mortgages, and loans.
- Announce financial relief measures such as a 90-day grace period for filing income tax and provident funds, a moratorium on repaying personal bank loans and restructuring of easy monthly installments.
- Design support packages that take into account women's unpaid and care burden including emergency childcare provision to encourage the division of care roles and tasks between parents.
- Provide fortnightly/monthly payments to casual workers/informal sector workers (including domestic workers, home-based workers) for the next six months to enable them to cope with the longer-term impacts of the crisis. Such efforts should target women in more hidden/invisible forms of work including sex-work.
- Increase collateral free loans for women's groups/self-help groups.
- All non-essential service sector workers, including casuals, should be paid leave during periods of self-isolation, sickness and lockdown. Large businesses should bear the cost of temporary closure or reduced services, while small and medium businesses should be supported to ensure they can pay workers and meet other essential costs.
- All utility bills for slum dwellers, informal settlements and affected clusters should be waived for a period of two months initially, and be reviewed by the task force following this period.

Gendered and social impacts of the emergency and crisis – Lessons learned from past disasters

The Post Disaster Needs Assessment (PDNA)¹⁵ under the leadership of Nepal's National Planning Commission and Post Disaster Recovery Framework (PDRF),¹⁶ conducted under the leadership of the National Reconstruction Authority following the 2015 earthquakes in Nepal, recognised women and marginalised groups as among the most vulnerable of those affected by Nepal's earthquakes.¹⁷

¹⁵ Available at: http://www.npc.gov.np/images/category/PDNA_volume_BFinalVersion.pdf

¹⁶ http://www.np.undp.org/content/nepal/en/home/library/crisis_prevention_and_recovery/post-disaster-recovery-framework-pdf2016-2020.html

¹⁷ PDNA, p. 61.

- Access to relief, services and information:** The findings from the Community Feedback Project Survey Rounds¹⁸ throughout the humanitarian response period showed that more women than men, of all ages, reported not receiving information about relief and services, unequal access to relief services and that their problems were not being addressed. Women above the age of 55 gave the highest ratio of negative responses (87 per cent).¹⁹ As per the UNFPA joint perception survey with the Common Feedback Project,²⁰ 48 per cent of women respondents felt they had not received any support in staying safe following the earthquake, and 48 per cent of women responded that they had not been able to access services or information specific to their needs. Women reported that their main needs were: how to stay safe during pregnancy and keep children safe; proper sanitation practice and disposal of menstrual pads; news on government and NGO services and decisions; and shelter support. As per the Protection Thematic Report²¹ (30 July 2015), approximately 24 per cent of the population did not possess a citizenship certificate, which presented a barrier to accessing government relief services and benefits. Women, low-caste, and minority ethnic groups in particular faced challenges acquiring citizenship documents. Lack of livelihood alternatives for LGBTI populations after the earthquake drove many into sex work and due to the limited supply of contraception in the post-earthquake context, many LGBTI sex workers were put at enhanced risk of unsafe sexual practices.²² Many transgender populations either lacked the proof of identity needed to access relief or their proof of identity did not match with their gender identity, which created barriers to their equal access to relief services.²³ Furthermore, most of the emergency response efforts targeted families, which increased the risk of excluding LGBTI groups not living in traditional family groups.
- Risks in shelter and camp settings:** According to the post-earthquake Displacement Tracking Matrix Round 5²⁴ (published on 25 November 2015), in 83 per cent of the 140 sites assessed, there was either no or inadequate lighting available in communal areas such as around WASH facilities and in public spaces. In 79 per cent of the sites assessed, there were no gender segregated latrines, causing a major concern for women, girls and third-gender in particular. The majority of latrines/bathrooms had no lighting (85 per cent), and around half had no lock from inside (43 per cent). 86 per cent of sites did not have designated safe social places for women. Many landlords of LGBTI persons whose rented houses survived the earthquake either doubled the rental price or asked them to leave the house because of their LGBTI identity.²⁵
- Gender-based violence:** UN Women's joint perception surveys with the Common Feedback Project²⁶ showed that 52 per cent of women respondents felt there was an increase in tensions and risk of violence or harassment since the earthquakes, with community and family members the main perpetrators closely followed by strangers. According to the report "After the Earthquake: Nepal's Children Speak Out"²⁷ (27 July 2015), girls reported increased feelings of vulnerability to exploitation, sexual abuse and trafficking due to the inadequacy and insecurity of tents and other temporary shelters, amongst other reasons. Maintaining menstrual hygiene in a cramped, shared space was a major concern for adolescent girls. Girls described being embarrassed to change sanitary pads and having nowhere private to wash. People in Need safety assessments²⁸ highlighted that 65 per cent of women respondents reported feeling "unsafe" while changing their clothes and 81 per cent of women reported feeling "unsafe" when using the toilets because of a perceived increased risk of sexual and gender-based violence.
- Participation and Decision-Making:** The Protection Thematic Report²⁹ (30 July 2015) reported that female representation was lacking in relief coordination and decision-making committees at the community and site level.

¹⁸ <http://www.cfp.org.np/>

¹⁹ <http://www.cfp.org.np/>

²⁰ <http://www.cfp.org.np/>

²¹ UN OCHA Nepal Earthquake Assessment Unit:

https://www.humanitarianresponse.info/en/system/files/documents/files/150730_protection_thematic_report.pdf

²² Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

²³ Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

²⁴ <https://drive.google.com/file/d/0B-wBRZ4U5NszMThCM2pROF83eXM/view>

²⁵ Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

²⁶ <http://pub.lucidpress.com/CFPSeptember/> and <http://my.visme.co/projects/unfpa-perception-survey-5daf1f>.

²⁷ https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/150727_sc_pi_wv_unicef_children_consultation_final_lowres.pdf

²⁸ "Her Safety Assessment Report" (November 2015) and a "Assessment of Girls Attending School in Sindhupalchok" (November 2015).

²⁹ UN OCHA Nepal Earthquake Assessment Unit:

https://www.humanitarianresponse.info/en/system/files/documents/files/150730_protection_thematic_report.pdf

- **Economic and livelihoods impact:** The PDNA revealed that women's narrow asset base, burden of domestic work, limited access to economic resources and lack of alternate livelihoods meant that "recovery for women will take longer than for men."³⁰ The report on the joint assessment on food security, livelihoods and early recovery (November 2015)³¹ reported that more women were economically inactive (21.8 per cent) after the earthquake than men (8.3 per cent). Males aged 17-59 represent the bulk of labour market participation (with nearly 70 per cent of this group reportedly in employment), whilst only half (49.3 per cent) of women in the same age group were reported as participating in the labour market. Women respondents in the UN Women joint perception survey with the Common Feedback Project³² reported an increase in the care work time use burden, with 69 per cent of women reporting an increase in time spent on child and elderly care, 51 per cent reporting an increase in time spent on fetching water and 63 per cent reporting an increase in time spent on cooking and cleaning. On the other hand, 68 per cent of women reported a decrease in time spent on paid work and 72 per cent reported a decrease in time spent sleeping and resting.

The PDNA and PDRF drew the conclusion that women and marginalised groups have a unique capacity to drive resilience building of communities and that recovery and reconstruction programmes present an "opportunity to reduce the vulnerability of women and increase gender equality."³³ A "Common Charter of Demands for Gender Equality and Women's Empowerment in the Humanitarian Response"³⁴ was developed by the **Women Friendly Disaster Management (WFDM) CSO Network**, comprised of women's groups and gender equality advocates in Nepal, with technical support from UN Women. The Charter calls for ensuring women's leadership and participation in all aspects of the humanitarian response, gender sensitiveness in the work of all humanitarian clusters, and special programmes for women. It was submitted to the Minister of Foreign Affairs and the Chairperson of the Legislative Parliament Committee on Women, Children, Senior Citizens and Social Welfare. Furthermore, a subsequent Kathmandu Declaration³⁵ on Gender-Responsive Disaster Management, as well as a lobby document for gender-friendly legal frameworks relating to disasters in Nepal, and a position paper on gender-responsive disaster preparedness and disaster risk reduction³⁶ were launched by the WFDM following a National Women's Conference in March 2016.

Based on the lessons learnt and good practices on integrating gender equality into the humanitarian response to the 2015 earthquakes in Nepal through the work of the Inter-Cluster Gender Working Group (GWG), co-chaired by UN Women and UN OCHA, the GWG developed The **Gender Equality Resource Guide for the Nepal Emergency Response Preparedness (ERP) Plan**³⁷ consisting of two parts:

1. The Main Guidance document for "Mainstreaming Gender Equality in Preparedness and Response (for the ERP)" with Key Actions in 7 areas: Humanitarian Cluster Team (HCT), Inter-Cluster Coordination Group, Flash Appeal/Humanitarian Response Plans, Clusters, Information Management, Promoting Participation and Dignity of Affected Population, and Engaging Local Women Organisations in the Coordination of Humanitarian Action
2. Annexes with Templates/Tools by the GWG to support implementation of the Key Actions - you can access these via the following link to Google Drive:
<https://drive.google.com/open?id=0B7wF7RT4rYB7SszKMXJWbUZHzzQ>

The Resource Guide also responds to recommendations put forward in the HCT After Action Review (AAR) and the IASC's Senior Transformative Agenda Implementation Team (STAIT) Preparedness Learning Review in Nepal (30 November – 8 December 2015), which identified establishing a gender coordination architecture, through the GWG, to mainstream gender equality in the earthquake response in Nepal as one of the good practices, and advocated for its continuation across the humanitarian-development continuum. These resources guided the development of the UN Humanitarian Country Team Nepal's contingency plan³⁸ in response to the humanitarian emergency caused by the heavy monsoon in 2019. The contingency plan, which was launched by the UN Resident Coordinator's Office, incorporated gender equality and inclusion

³⁰ PDNA, p. XVII.

³¹ <http://reliefweb.int/report/nepal/nepal-earthquake-response-joint-assessment-food-security-livelihoods-and-early-recovery>

³² <http://www.cfp.org.np/>

³³ PDNA, p. 91.

³⁴ <https://www.humanitarianresponse.info/ru/operations/nepal/document/common-charter-demands-women%E2%80%99s-groups-nepal-gender-equality-and>

³⁵ <https://www.dropbox.com/s/cmbw7sh5jif8eut/Ktm-Declaration-2016.pdf?dl=0>

³⁶ <http://www.beyondbeijing.org/publication-reports/>

³⁷ <http://un.org.np/thematicareas/disasterpreparedness/erp>

³⁸ United Nations Nepal Humanitarian Country Team, "Nepal Contingency Plan 2019: Monsoon Floods," 2019, available at: http://un.org.np/sites/default/files/HCT%20Monsoon%20Season%20Emergency%20Response%20Preparedness%202019%20June_Final.pdf

perspectives in analyzing and identifying risks, needs and responses, with technical and coordination support from UN Women.

II. Updated GESI Profile (as of April 2020)

Demographic Profile³⁹

Total population	Population growth rate ⁴¹	Sex ratio ⁴²	LGBTI population ⁴³	Persons with disabilities	Female life expectancy	Male life expectancy
29.14m 2020 est.	1.85% 2020 est.	0.84m/f 2020 est.	8-10% 2017	2% 2011	69.6 2011	67.3 2011
Maternal mortality rate	Total fertility rate ⁴⁴	Contraceptive prevalence rate ⁴⁵	HIV/AIDS - adult prevalence rate ⁴⁶	Dependency ratio	Female literacy rate	Male literacy rate
170 per 100,000 live births, 2011	2.3 2014	49.7 2014.	0.1% 2018 est.	67/100 2011	57.4% 2011	75.1% 2011

	Tarai caste (Madhesi) and Dalit-Hill	Janajati-Hill	Chhettri	Brahman-Hill	Others	Undefined and Foreigners
Population by ethnicity/caste	40.08% 2011	27.28% 2011	16.6% 2011	12.2% 2011	2.77% 2011	1.07% 2011

	Hindu	Buddhist	Muslim	Kirat	Christian	Prakriti, Bon, Janinism, Bahai, Sikhism
Population by religion	81.34% 2011	9.04% 2011	4.38% 2011	3.04% 2011	1.5% 2011	0.7% 2011

Key Facts and Figures on Women in the Provinces

³⁹ Government of Nepal, Central Bureau of Statistics, National Population and Housing Census 2011

⁴⁰ United Nations, Department of Economic and Social Affairs, World Population Prospects (2019 Revision) 2019

⁴¹ Ibid.

⁴² Ibid.

⁴³ As estimated by Nepal Federation for Sexual and Gender Minorities (FSGM)

⁴⁴ Nepal Multiple Indicator Cluster Survey (NMICS) 2014

⁴⁵ Ibid.

⁴⁶ Central Intelligence Agency, CIA World Fact Book, available at: <https://www.cia.gov/library/publications/the-world-factbook/>

	% of female headed households ⁴⁷	% of female population with disability ⁴⁸	% of female population aged 5 and above illiterate ⁴⁹	Limited access to media - % of women aged 15-49 accessing no media in a week ⁵⁰	Violence against women - % of women aged 15-49 with experience of physical violence ⁵¹
Province 1	26.6%	2.2%	34.1%	32.6%	18.9%
Province 2	13.2%	1.2%	57.7%	46.8%	34.2%
Province 3 (Bagmati Pradesh)	25.7%	1.7%	36.8%	23.2%	19.6%
Province 4 (Gandaki Pradesh)	36.8%	2.4%	32.8%	25.3%	12%
Province 5	31.7%	1.9%	38.4%	40.6%	22.6%
Province 6 (Karnali Pradesh)	17.1%	3.1%	49.1%	58.5%	15%
Province 7 (Sudurpachhim Pradesh)	25.8%	2.7%	48%	50.6%	17.4%

For more details of provincial profiles of women and their socio-economic and equality status, please refer to “**Provincial Factsheets on Women**”⁵² which were developed by UN Women in coordination with the Gender Theme Group of the United Nations Country Team (UNCT) in 2019.

Social Inclusion/Exclusion and Vulnerability in Nepal

Traditional socio-cultural practices have affected certain development efforts in Nepal, particularly related to the social and economic exclusion of women and other marginalized groups. The Government of Nepal has expressed its commitment in the constitution to the social and economic inclusion of marginalized groups, although the outcomes of efforts to eradicate long-standing systems and practices of exclusion will likely take time to become apparent. The **Preamble of the Constitution of Nepal states**: “Ending all forms of discrimination and oppression created by the feudalistic, autocratic, centralized, unitary system of governance, recognizing the multi-ethnic, multi-lingual, multi-religious, multi-cultural and diverse regional characteristics, resolving to build an egalitarian society founded on the proportional inclusive and participatory principles in order to ensure economic equality, prosperity and social justice, by eliminating discrimination based on class, caste, region, language, religion and gender and all forms of caste-based untouchability.”

The Fundamental Rights under Right to Equality states: “No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health,

⁴⁷ Government of Nepal, Central Bureau of Statistics, National Population and Housing Census 2011. The percentage was calculated against the total number of households in the province.

⁴⁸ Ibid. The percentage provided was calculated against the total female population aged 5 and above in the province.

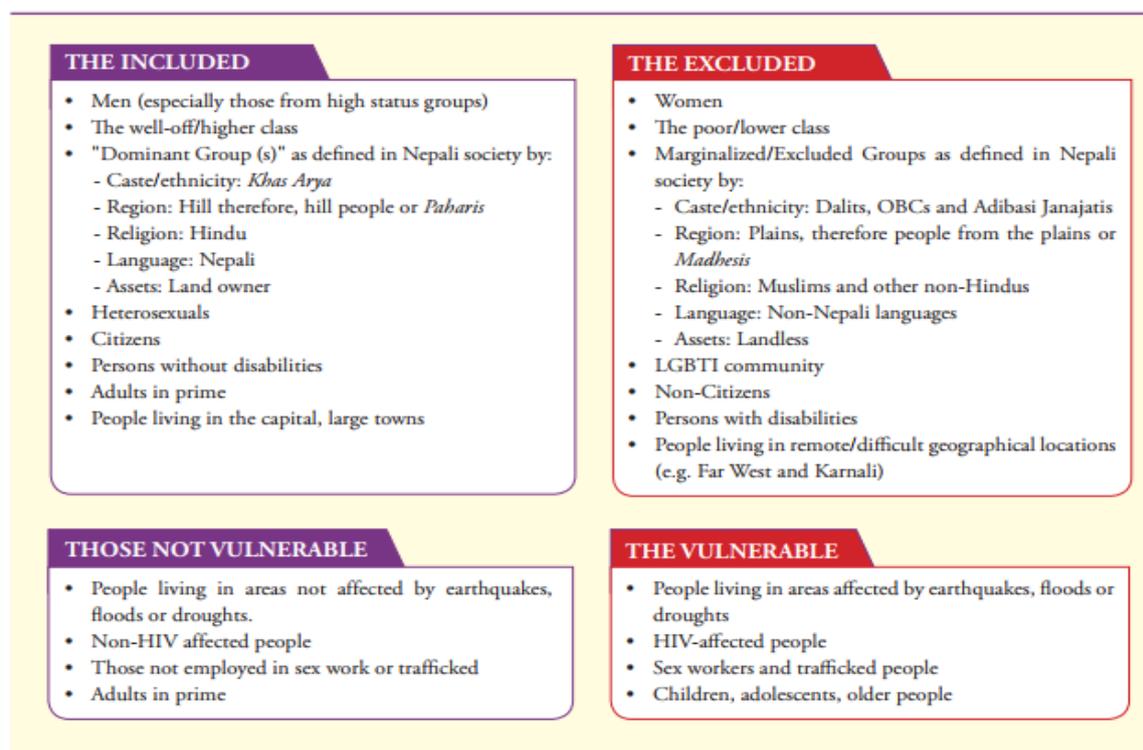
⁴⁹ Ibid. The percentage provided was calculated against the total female population in the province.

⁵⁰ Ministry of Health and Population, Nepal Demographic Health Survey 2016, 2017

⁵¹ Ibid.

⁵² UN Women Nepal Country Office, “Factsheet on Women,” available at: <http://un.info.np/Net/NeoDocs/View/10957>

marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds. (3) The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds.” **The Right to Equality and the Right to Social Justice under the Constitution** specifies the following population groups: the poor, socio-culturally backward women, Dalits, indigenous peoples (adibasi/Janajati), Madhesis, Tharus, Muslims, oppressed and backward classes, minorities, marginalised communities, farmers/peasants, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated and helpless people, people from backward regions, and poor *khas aarya*. In addition, figure 1 (below) provides a summary overview of key excluded and vulnerable groups in Nepal as per the **Common Gender Equality and Social Inclusion Framework for Nepal** (2017).⁵³



Source: Based on evidence provided by DPs for developing this framework and discussion with GoN and DPs

Figure 1: Key excluded and vulnerable groups in Nepal as per the Common Gender Equality and Social Inclusion Framework for Nepal (2017)

National Machinery for Gender Equality and Social Inclusion: Laws, Policies, Plans and Institutions

Laws, Policies and Plans

Nepal is signatory to 23 human rights treaties and international human rights instruments, with legal frameworks in Nepal largely supporting GESI, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPfA), the Child Rights Convention, the Convention on the Rights of Persons with Disabilities, the Sustainable Development Goals (SDGs), and UN Security Council Resolutions 1325 and 1820. Nepal was the first country in Asia to develop a National Action Plan on Women, Peace and Security in 2011 and women and girls' rights are protected in the Comprehensive Peace Accord.

In 2018, the **CEDAW Committee**⁵⁴ highlighted that Nepal's approach to addressing discrimination still does not provide sufficient protection for women and girls from multiple and intersecting forms of discrimination and

⁵³ A Common Framework for Gender Equality & Social Inclusion (2017) <http://asiapacific.unwomen.org/en/digital-library/publications/2017/04/gesi-framework>

⁵⁴ Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) Committee (2018) *Concluding observations of the Committee on the Elimination of Discrimination against Women*, available at:

does not explicitly cover direct and indirect forms of discrimination in the public and private spheres, although it welcomed the country's progress in undertaking various legislative reforms including the adoption of the new constitution in 2015. The CEDAW Committee also reiterated concern about the persistence of harmful traditional practices in the country, such as child marriage, the dowry system, son preference, polygamy, widows accused of witchcraft, and other harmful practices such as Chhaupadi, jhuma, deuki and dhan-khaane,⁵⁵ despite the country's recent efforts to criminalize some of these practices through legislation.

Nepal was reviewed by the **Universal Periodic Review (UPR)** at the 23rd session of the Human Rights Council in November 2015⁵⁶, with a total of 73 states participating in the dialogue (36 HRC members and 37 observers). States participating in the dialogue proposed a series of recommendations for Nepal, including the following: 1) to advance efforts to prohibit discrimination and violence against women and provide assistance to victims, 2) to increase efforts to protect women from violence and discrimination, 3) to ensure that police provide a safe and confidential environment for women and girls to reports incident of violence, 4) to bring rape laws in line with international standards and remove the 35-day limitation on lodging a complaint with the police, and 5) to ensure full and effective implementation of the Caste-based Discrimination and Untouchability Act (2011).

Nepal promulgated a new **constitution** on 20 September 2015. The constitution, the seventh in the constitutional history of the country and the first to have been promulgated by the Constituent Assembly through public consultation, contains many positive provisions that seek to advance gender equality, social inclusion and women's empowerment (see above). The constitution guarantees non-discrimination in the application of general laws on various grounds, including sex, physical condition, health condition, marital status, pregnancy, and economic conditions, and allows for special provisions by law for the protection, empowerment or advancement of women.⁵⁷ The constitution reinforces positive discrimination in education, health, employment and social security to create special opportunities for women, and guarantees proportional representation of women in all state organs.⁵⁸ Women's representation in various government structures and at the leadership level has been guaranteed to a significant extent and the constitution ensures the fundamental right of women to participate in all organs of the state on the basis of the principle of proportional inclusion. Moreover, the constitution guarantees the right of women to protection against physical, mental, sexual, and psychological or any other forms of violence as a fundamental right with penalties for perpetrators and entitlement of compensation for victims. Furthermore, it prohibits oppression against women based on religious, social, cultural, or traditional practices, with offenders liable not only for punishment, but also compensation to victims.⁵⁹

The constitution also prohibits human trafficking and bonded labour with penalties for perpetrators and compensation for the victims from the perpetrator⁶⁰ and guarantees the right of every woman to safe motherhood and reproductive health as fundamental rights.⁶¹ For the first time in the constitutional history of Nepal, the constitution establishes the right to lineage for every woman, without any gender discrimination as a fundamental right,⁶² guarantees equal rights to property and family matters between legal spouses⁶³ and provides for the right to social security for single women, economically poor, physically incapacitated and helpless persons and children.⁶⁴ The constitution recognizes the "sexual and gender minority" community and guarantees their rights to equality, social justice and citizenship by their identity for the first time in the constitutional history of Nepal and establishes the following eight constitutional bodies as National Human Rights Institutions entrusted with the protection and promotion of human rights: National Human Rights Commission, National Women's Commission, Nepal Dalit Commission, Nepal Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission and Muslim Commission.

However, certain aspects of the constitution remain inconsistent with Nepal's international treaty obligations under such human rights instruments as the Universal Declaration of Human Rights, and CEDAW. Although

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en, Paragraphs 2 and 4.

⁵⁵ Chhaupadi is a practice where girls/women are not allowed to enter inside the house or touch water and milk for four to seven days during menstruation. They must live, sleep and stay in a hut outside the house identified as a Chhaupadi hut or in a Chhaupadi goth). Deuki is the offering of young girls to temples for ceremonial purposes. Jhuma is enforced nunhood. Dhan-khaane is a form of bonded labour, practiced in the far-west where food is provided as wage instead of money.

⁵⁶ <http://www.upr-info.org/en/review/Nepal?gclid=CPqa5NXOgskCFYcojgodX28MFg>

⁵⁷ Article 18(2) and Article 18(3), Constitution of Nepal 2015.

⁵⁸ Article 38, Ibid.

⁵⁹ Article 38(3), Ibid.

⁶⁰ Article 29(3), Ibid.

⁶¹ Article 38(2), Ibid.

⁶² Article 38(1), Ibid.

⁶³ Article 38(6), Ibid.

⁶⁴ Article 43, Ibid.

the constitution recognizes the equal right of women to lineage without any gender discrimination,⁶⁵ it does not guarantee equal and independent citizenship rights to all people of Nepal and discriminates against women. Despite a clause stating that a person can obtain Nepali citizenship through either father or mother⁶⁶, subsequent clauses restrict the right of women to pass on Nepali citizenship independently.⁶⁷ These provisions create a real risk of statelessness for children born to Nepali mothers whose fathers are unknown, unresponsive or deceased.

In its **15th Three Year Plan** (2019/20-2023/24) which was endorsed in March 2020, the government aims for economic prosperity with social justice by enhancing Nepal's production base and boosting employment generation. The plan highlights several progressive provisions for advancing gender equality and women's empowerment (GEWE), including the government's commitment to ending all forms of gender-based violence and harmful practices such as Chhaupadi and child marriage. It also includes provisions to count all domestic work as labour and to provide entrepreneurship support to women from excluded groups, and a commitment to the institutionalisation of gender-responsive budgeting at all levels of governments. The 15th Three Year Plan has envisioned reducing the country's poverty rate from 18.7 per cent to 9 per cent and increasing the literacy rate from around 70 per cent to 99 per cent in the next five years. However, in the current emergency context, the magnitude of the negative impact which will be caused by the ongoing COVID-19 outbreak on the country's growth prospect is yet to be analyzed.

The country has adopted a number of **policies, programmes and plans** of action to promote gender equality and the empowerment of women. It has made notable progress on legal and policy reforms concerning discrimination against women and gender equality, with many discriminatory laws recently amended and gender equality laws adopted. The government's extensive normative and legal commitments to GEWE include adopting the Human Trafficking and Transportation (Control) Act (2007), the Domestic Violence (Crime and Punishment) Act (2009), the Sexual Harassment at Workplace (Elimination) Act (2015), Directives to Regulate Domestic Workers to Work in Gulf Countries, National Action Plan on Foreign Employment, Witchcraft related Accusation (Crime and Punishment) Act (2015), the five-year National Strategy and Action Plan on Gender Empowerment and Ending Gender-based Violence (2013-2017), criminalising Chhaupadi, included in the Criminal Code (2017), and Safe Motherhood and Reproductive Health Rights Act (2018). In 2015, the Act on Amending Some Nepal Acts relating to Gender Equality and Ending Gender Violence was adopted which amended 32 discriminatory Acts, including the Domestic Violence (Crime and Punishment Act), 2009; Human Trafficking and Transportation (Control) Act, 2007 and the legal code (Muluku Ain) regarding rape chapter 14. Among the various amendments, the 35-day statutory limitation period on reporting rape has been increased to 180 days. The Election Act (2007) provides a substantive quota for women (33 per cent) to be represented in the Constituent Assembly (CA) and the new Labour Act (2017) introduces legislative provisions to ensure equal pay for work of equal value, prohibit discrimination on the basis of sex and provide for minimum remuneration and for public and weekly holidays for domestic workers. It is notable that some of labour rights of domestic worker have been recognised under the new Labour Act for the first time and the scope of citizens entitled to social security has been widened with the Contribution-Based Social Security Act (2017), which now encompasses informal sectors and self-employment. Furthermore, the government approved the new National Climate Change Policy in 2019⁶⁸ which includes a working policy on gender equality and social inclusion. The Agriculture Development Strategy (2015), developed with support from UN Women Nepal Country Office, provides a framework for continued efforts to integrate rural women in agricultural planning and production activities for improved livelihood, and food and nutrition security and the National Employment Policy (2015) has strategically focused on ensuring that women's employment is safe and formalised.

However, as many civil society organizations have noted, gender equality is often limited to laws and policy and is not translated into reality for women⁶⁹ and **implementation of the often-progressive legal provisions remains a challenge**. Moreover, many of these laws and policies do not explicitly recognise the multiple forms of discrimination which women from excluded groups are subjected to and large numbers of women, especially in rural areas, are also unaware of laws to protect them. Dalit women and other marginalized groups also face major hurdles in accessing justice and social services due to a lack of legal identity.⁷⁰ While the Government of Nepal recognizes the third-gender category, many LGBTI individuals continue to experience discrimination and violence in employment, family, healthcare and education (UNDP/USAID 2014).

⁶⁵ Article 38(1), Ibid.

⁶⁶ Article 11 (2), Ibid.

⁶⁷ Article 11(5) and 11(7), Ibid.

⁶⁸ The Climate Change Policy 2019 was approved by the Cabinet in August 2019. The final policy document is yet to be shared publicly as of September 2019.

⁶⁹ Government of Nepal and UN Country Team Nepal, MDG Progress Report 2013

⁷⁰ "How a Legal Identity leads to a Better Life", Open Society Foundations (22 January 2015), available online at: <http://www.opensocietyfoundations.org/voices/how-legal-identity-leads-better-life>

The new constitution (2015) provides strong guarantees for the rights of persons living with disabilities (PWD), as does the overall legal and policy framework, including the Disabled Protection and Welfare Act (1982), the National Policy and the Plan of Action on Disability (2006), and the Nepal Disabled Protection and Welfare Regulation. The Disability Bill is being drafted and will substitute the Act of 1982. However, despite existing legislation and policies, most services are out of reach for PWDs. Livelihood options for PWD are limited by inaccessible workplaces, shortage of training opportunities and negative stereotyping and the unemployment rate is three times higher among PWD. Research⁷¹ confirms that there are important gendered differences in the way disability is experienced by women and men. In Nepal, 84 per cent of women with disabilities reported not being able to lead a dignified life.

Institutions

Nepal established the Ministry of Women, Children and Social Welfare in 1995. The Ministry was renamed the **Ministry of Women, Children and Senior Citizens** (MoWCSC) in 2017 during the process of the restructuring of the federal line ministries. At the national level, the MoWCSC, which hosts the Department of Women and Children (DWC), is responsible for formulating policies, plans, strategies and programs for gender equality and women's empowerment at the federal level. It is also responsible for ensuring that other ministries and sectors are also mainstreaming gender in their respective sector policies, plans, and programs. At the provincial level, the provincial ministries of social development work as the focal agency for women and children. Due to the abolishment of District Women and Children Offices, which were the focal agency for addressing issues concerning women, children, senior citizens and persons with disabilities at the local level under the supervision and technical support of the Ministry under the old system, local government units are now expected to organize gender units on their own in the new federal system.

The **National Women's Commission** (NWC) was established in 2002 to protect, promote and safeguard the interests and rights of women and uphold justice through the overall development of women and has been established as a constitutional body by the new constitution promulgated in 2015. The **National Planning Commission** (NPC), responsible for coordinating the formulation of plans and policies, has a Gender Equality and Environment Section under the Social Development Division which works to mainstream gender equality and women's empowerment into sectorial ministries. All ministries and their departments also have Gender Equality and Social Inclusion Focal Points (GFPs). The **National Human Rights Commission** (NHRC) was established as an independent statutory body in 2000 and became a constitutional body in 2007. NHRC is responsible for monitoring and investigation of cases of human rights violations and respects, protects and promotes human rights and ensures effective enforcement.

Similarly, the **Ministry of Finance** (MoF) chairs a Gender Responsive Budgeting Committee (GRBC) responsible for gender issues in development programmes, budgeting and implementation. The GRBC under the MoF has been strengthening the Gender Responsive Budget (GRB) system in the public financing system since 2007/08 at the national and local level. The government has taken significant steps to enhance budgetary accountability for gender equality by increasing allocations to directly gender-responsive actions from 11.3 per cent in fiscal year (FY) 2007/8 to 37 per cent in FY 2017/18, and by allocating targeted budgets to selected communities, including a 10 per cent allocation for women's leadership at the community level.⁷² In the new context of devolution and federalism, the government intends to localize the GRB initiative along with the localization of SDGs.⁷³ The 15th Plan recommends to institutionalize gender responsive planning in all agencies by developing sectoral policies and guidelines and pledges to institutionalize GRB along with gender equality and women's empowerment agenda at the provincial and local levels. The government also intends to build the capacity of the seven provincial governments and 753 local governments on GRB and gender responsive planning.

The **Women, Children and Senior Citizen Service Directorate** was established by Nepal Police to provide accessibility to justice for women and children, through ensuring widely available, fair and specialized police services for women, children, senior citizens and other vulnerable populations. The Directorate extends its services to all 77 districts through 240 Women and Children Service Centres. Additionally, the District Coordination Committees (DCC), which are extensions of the Ministry of Federal Affairs and Local Development (MoFALD), have a mandate to coordinate on addressing GESI issues. Women's participation

⁷¹ "Women and Disability Don't mix! Double Discrimination and Disabled Women's Rights" Lina Abu Habib, gender and Development vol 3, No 2 June 1995, pp 49-53, quoted in OHCHR: Thematic Study on the issue of violence against women and girls and disability", 2012

⁷² CEDAW Committee (2017) *Sixth Periodic Report of States parties due in 2015, Nepal*

⁷³ Review report for the Twenty-fifth Anniversary of the Fourth World Conference on Women and Adoption of Beijing Declaration and Platform for Action, Government of Nepal, 2019.

has been made mandatory in local level planning and programme execution and a recent provision also requires Community Forest User Committees to have 50 per cent women members.⁷⁴

Representation and Leadership

The new constitution (2015) and the Local Election Act (2017) provisioned that at least 13,360 women have to be elected in local elections. As a result, **women now comprise 41 per cent⁷⁵ (14,353) of elected representatives in the local government bodies and out of the total, 6,567 are Dalit women.** The current representation of women in provincial and federal parliaments constitutes 34.5 per cent (190) and 33.5 per cent (112), respectively. This was a historical breakthrough in Nepal's efforts to advance women's political representation and participation. While noting this remarkable progress, the CEDAW Committee also shared concerns about the underrepresentation of women in the judiciary, law enforcement and the foreign service; the insufficient enforcement of electoral quotas; the constitutional provisions on proportional inclusion, in particular regarding Dalit women; and the overrepresentation of women, in particular Dalit and indigenous women, in lower positions, such as vice-speaker at the federal level and deputy mayor or vice-president at the local level.⁷⁶ The Committee also pointed to the failure to consult women who have been elected at the local level, in particular Dalit and indigenous women, in decision-making processes and insufficient efforts to strengthen their capacities to fulfil their mandates efficiently. The persistent gap in supporting women to meaningfully exercise their rights to political participation and leadership, stems from discriminatory social norms that limit women's voice and agency, women's limited access to information on the provisions of the constitution and election related laws, resource constraints and inadequate support systems and mentoring support. The current Council of Ministers consists of one prime minister, one deputy prime minister, 18 ministers and 3 state ministers. Out of the total 23 posts, only three ministers (1.3 per cent) are female.⁷⁷ Three (15 per cent), out of 20, judges in the Supreme Court are women.⁷⁸ As per the National Review of the SDGs (2017)⁷⁹, women's participation in decision-making in the private sector is 25 per cent and 50 per cent in the cooperative sector.

Poverty/Development

As per the **National Review of the Sustainable Development Goals** (2017)⁸⁰, Nepal has made significant progress in poverty reduction and human development over the last two decades. The percentage of people living below the national poverty line dropped from 38 per cent in 2000 to 21.6 per cent in 2015. Nepal started implementing the SDGs in 2016 to achieve national goals with the aspiration that "no one is left behind while eradicating poverty and promoting prosperity." The national review notes that Nepal made significant progress in achieving the MDGs, including by halving extreme poverty and hunger within two and a half decades (MDG 1), nearing the achievement of MDG 2 of universal primary education for all by 2015 (primary school enrolment rate reached to 96.6 per cent and the literacy rate of 15-24 years increased to 88.6 per cent), reaching gender parity at all levels of education (MDG 3) and reducing maternal, infant and under-5 mortality rates (MDG 4 and 5). However, it was emphasized that significant MDG agendas remain unfinished and are in need of further strengthening to ensure the successful implementation of the SDGs, including SDG 5 on gender equality and the empowerment of women and girls and the integration of GESI aspects across all SDGs. The report particularly noted the gap in 1) reducing wide gaps between the level of poverty across all regions, social groups, age, sex, and by disability status and 2) increasing the grade promotion rates of girls in secondary schools and the enrolment of women in technical and vocational education and training.

Nepal has set itself the goal of graduating from least developed country (LDC) status by 2022. The focus on broad-based economic growth and poverty alleviation has produced encouraging results. However, inclusive growth is a persistent challenge, with development progress continuing to be uneven across ethnic, caste, gender, and other categories, and vulnerabilities and inequalities being further exacerbated by geographical and environmental factors. The UN-led country analysis highlights the persistent discrimination emanating

⁷⁴ The above discussion on the components of the national women's machinery is from the Government of Nepal, Ministry of Women, Children and Social Welfare (MoWCSW), March 2014, National Review on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

⁷⁵ International Foundation for Electoral Support, Election Update -14 July 2017.

⁷⁶ CEDAW Committee Concluding Observations on the Sixth Periodic Report, 2018

⁷⁷ Office of the Prime Minister and Council of Ministers, 2020, available at <https://www.opmcm.gov.np/en/cabinet/>

⁷⁸ Judicial Council, December 2019, available at: <http://www.jcs.gov.np/supjustices>

⁷⁹ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

⁸⁰ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

from socio-cultural traditions, norms and practices.⁸¹ As in other countries, poverty, discrimination, violence, gender inequality and social exclusion persist because of structural inequalities, the result of structural barriers and discrimination in the economic, social, environmental and political domains.⁸² Nepal ranks 144th out of 188 countries in the **Human Development Index** (HDI), marking its rise from low to medium human development.⁸³ As noted in the 2016 Human Development Report⁸⁴, there are group-based disadvantages and wide variations in HDI values across population groups - the Newar people have the highest HDI value (0.565), closely followed by Brahmans and Chhetris (0.538), followed by Janajatis (0.482), Dalits (0.434) and Muslims (0.422). The greatest inequalities are in education, with pronounced long-lasting effects on capabilities. Dalits comprise the poorest community in Nepal by all poverty-related measures, including income, human development and land ownership. 42 per cent of Dalits fall below the poverty line, as compared to the national average of 25 per cent and Dalits have the lowest HDI values among all groups in Nepal: 0.446 for Hill Dalits and 0.400 for Tarai Dalits (NPC/UNDP 2014, 17).

Nepal's human development outcomes have been, and continue to be, slowed by gender, social and geographical exclusion and inequalities.⁸⁵ Gender inequality remains high, as indicated by the **Gender Inequality Index** (GII) of 0.476 in 2018.⁸⁶ According to the 2018 GII figures, the maternal mortality ratio is 258,⁸⁷ the adolescent birth rate 65.1, and female population with at least some secondary school education 29 per cent. The 2018 Gender Development Index (GDI) ranks the country in 147th place (with a value of 0.897). According to the GDI, women's life expectancy at birth is 71.9 years (2018), women's mean years of schooling 3.6 (2018), expected years of schooling 12.7 (2018), and their estimated gross national income per capita USD 2,113 (2018 with 2011 PPP\$).⁸⁸ Nepal's national GDI, capturing inequality in terms of the same dimensions as the HDI⁸⁹, is 0.579.

The inequalities vary between Nepal's urban and rural areas and between different regions and population groups⁹⁰. Many women and other socially excluded groups face multiple forms of discrimination besides gender, including class, caste, region, language, religion, and sexual orientation. Individuals considered of lower caste continue to be excluded from certain jobs and services, and Dalits earn considerably less than non-Dalits. Discriminatory treatment of persons with disabilities is widespread.⁹¹ While the constitution provides rights to sexual and gender minority citizens, political advances have not fully translated to implementation, and LGBTI individuals experience discrimination and violence in all aspects of their life.⁹² Young women in particular are underrepresented in the work force⁹³ and women's mobility, especially during the formative adolescent and youth years, is restricted –at exactly the time when boys develop their political and leadership skills.⁹⁴ Therefore, achieving the inclusive vision of the constitution and following the principle of leaving no one behind requires going beyond gender equality, and addressing the intersectionality between gender discriminations and other forms of exclusion and marginalization.

⁸¹ United Nations Country Team in Nepal, 2011, A Country Analysis with a Human Face, available at http://un.org.np/sites/default/files/Nepal_CountryAnalysis_2011_Feb2013.pdf

⁸² The Right to Equality in Post-2015 – Speech by UN Women Deputy Executive Director, Assistant Secretary General John Hendra, in Oslo, 13 June 2013, available at <http://www.unwomen.org/en/news/stories/2013/6/the-right-to-equality-in-post2015-a-speech-by-john-hendra-in-oslo#sthash.DVohIBPR.dpuf>

⁸³ United Nations Development Programme (2017) Human Development Report 2016 http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

⁸⁴ http://www.np.undp.org/content/nepal/en/home/library/human_development/human-development-report-2016.html

⁸⁵ International Development Partners Group – Gender Equality and Social Inclusion Working Group (IDPG GESI WG) (2017) *A Common Framework for Gender Equality and Social Inclusion*

⁸⁶ United Nations Development Programme (UNDP), *Human Development Reports, Gender Inequality Index, 2018 Values*, available at: <http://hdr.undp.org/en/indicators/68606>, accessed on 15 July 2019.

⁸⁷ UN Maternal Mortality Estimation Group 2017. Maternal mortality data. <http://data.unicef.org/topic/maternal-health/maternal-mortality/>. Accessed 15 July 2019.

⁸⁸ The above data are from the United Nations Development Programme, Human Development Report 2014. *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience*

⁸⁹ Long and healthy life measured by life expectancy at birth, knowledge measured by adult literacy and mean years of schooling and a decent standard of living measured by GNI per capita in PPP \$.

⁹⁰ United Nations Development Programme (UNDP) (2017) *Human Development Report 2016: Human Development for Everyone*, available at: http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf The Mid and Far-Western Regions have the lowest rankings in the country on both the Gender Empowerment Measure as well as on the Gender-related Development Index (GDI). The Newar people have the highest HDI value (0.565), followed by the Brahmans and Chhetris (0.538), followed by Janajatis (0.482), Dalits (0.434) and Muslims (0.422).

⁹¹ Ibid.

⁹² USAID, UNICEF, UNDP (2014) *Being LGBT in Asia: Nepal Country Report: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society*, available at: https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

⁹³ British Council, Association of Youth Organisations Nepal (2011) *Youth Survey of Nepal*, available at: http://www.youthpolicy.org/national/Nepal_2011_Youth_Survey.pdf

⁹⁴ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organizations with support from UN Women Nepal (2015) *Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable*, available at: http://un.org.np/sites/default/files/Progress%20Of%20Women%20In%20Nepal%20-%20Low-res_1.pdf

Nepal's **female labour force participation rate is less than half that of the male rate** (26.3 and 53.8 per cent respectively), and less than one in seven managers in the country are women.⁹⁵ The **gender pay gap** (wage inequality between men and women) remains high, with female median monthly earnings only two thirds of the earnings of males among those who are employed.⁹⁶ Women are also disproportionately involved in production of goods (65.7 per cent of women involved in at least one activity, compared to 51.4 per cent of men) and services (90.7 per cent of women involved, compared to 47.2 per cent men) for own final use.⁹⁷ Women's contribution to **unpaid domestic and care work is yet to be recognised and valued** in the national economy.⁹⁸ In its 2018 Concluding Observations, the CEDAW Committee expressed a concern about **horizontal and vertical segregation in the labour market**, insufficient provision of information to women (both in the formal and informal sectors) about their rights to social protection, and under-reporting of sexual harassment in the workplace.⁹⁹

Poverty and lack of employment opportunities and necessary skills for employment in rural settings are fueling **women's unsafe internal and external migration and the trafficking of women and girls**. Restrictions on freedom of movement and limited pre-departure training programmes leave women migrants exposed to discriminatory practices, including physical abuse and sexual assault, forced labour and unequal pay.¹⁰⁰ Women from excluded groups are often forced to make use of irregular or illegal channels of migration, further adding to their vulnerability.¹⁰¹ With rapid urbanisation, the intensity of female workers migrating internally from villages to cities is also increasing. The agricultural sector accounts for 27.6 per cent of Nepal's GDP and engages around 68 per cent of the country's population,¹⁰² however more than 40 per cent of the population do not consume enough food.¹⁰³ Nepal is also **one of the most disaster-prone countries in the world**, ranking among the top 20 countries prone to multi-hazard risks, including earthquakes, floods, landslides, and droughts. While the entire population is at risk from natural hazards and the impacts of climate change, women and people from vulnerable groups are more at risk to loss of lives and livelihoods due to a narrow asset base, lack of access to resources, limited decision-making power and the burden of domestic work. With the majority of Nepali women (84.3 per cent) engaged in the agricultural sector, where they are often **concentrated in the lower part of value chains**, the impact of climate change and disasters significantly affects their ability to generate income, and to secure nutritious food for themselves and their families.

According to the UNFPA Population Situation Analysis of Nepal (2017),¹⁰⁴ although among the working age population (15-64 years) the share of females is more than half (53 per cent), their employment in the formal sector is low, while in the informal and private sectors their employment is high but the wages are lower for the same type of job compared to their male counterparts. Although a large number of women join the teaching profession at the primary level, their representation decreases at secondary and tertiary levels. Many women also have difficulties accessing credit and face discrimination at the workplace and societal norms and lack of access to economic resources also hold women back from participating in politics and other professional fields.

However, as noted in the Nepal MDG Status Report (2016)¹⁰⁵, several milestones have been passed recently on the representation of women. In the civil service, the representation of women has doubled in the last decade due to affirmative action. Women are increasingly opting for non-traditional sectors such as overseas employment and jobs in the police and army, however, the presence of women in positions of high authority is still limited. According to the 2011 Census,¹⁰⁶ 19.71 per cent of households reported ownership of land or house or both in the name of female members of the household, an increase from 11 per cent in 2001 and the proportion of currently married women who earn cash for their work and decide independently on the use of their cash earnings also increased from 31 per cent in 2006 to 53 per cent in 2011. It is also worth noting that while the proportion of economically active women involved in agriculture declined between 1991 and 2001 (from 90.5 to 72.8 per cent), there has again been an increase since 2001. Agriculture is becoming feminized

⁹⁵ Government of Nepal, National Planning Commission, Central Bureau of Statistics, and the International Labour Organization (2019) Report on the Nepal Labour Force Survey 2017/18

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Statement by the Government of Nepal at the 61st session of the Commission of the Status of Women, 15 March 2017.

⁹⁹ CEDAW Committee Concluding observations on the sixth periodic report of Nepal, CEDAW/C/NPL/CO/6, 2018

¹⁰⁰ CEDAW Committee Concluding observations on the sixth periodic report of Nepal, CEDAW/C/NPL/CO/6, 2018

¹⁰¹ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organisations with support from UN Women NCO (2015) *Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable*, available at:

http://un.org.np/sites/default/files/Progress%20Of%20Women%20In%20Nepal%20-%20Low-res_1.pdf

¹⁰² Government of Nepal, Ministry of Finance (2018), Economic Survey 2017/2018, Singha Durbar, Kathmandu

¹⁰³ Government of Nepal, National Planning Commission (2017), 14th Development (Periodic) Plan, Singha Durbar, Kathmandu

¹⁰⁴ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹⁰⁵ http://www.npc.gov.np/images/category/MDG-Status-Report-2016_.pdf

¹⁰⁶ Government of Nepal, Ministry of Health and Population et al., *Nepal Demographic and Health Survey, 2011*.

in Nepal due to factors such as the widespread out-migration of men and the closure of many carpet and garment factories.¹⁰⁷

Education and Health

The educational attainment of females is lower than that of males, despite the gender gap narrowing in recent years. In the 15-49 age group, over 40 per cent of women versus 14 per cent of men have never been to school. The ratio of girls to boys in primary school (grades one to five) has improved significantly since 1990, and the target set for 2015 was achieved by 2013. The ratio of girls to boys in primary education increased from 0.79 in 2000 to 1.09 in 2015, with gender parity achieved in primary education in both the gross enrolment ratio (GER) (1.09) and net enrolment ratio (NER) (0.99) in 2015.¹⁰⁸ Primary education completion also improved with 86.9 per cent of girls and 86.4 per cent of boys completing education in 2015, compared to 59 per cent of girls and 79 per cent of boys in 2000 (DoE 2015). Secondary education completion rates also increased, with 90.4 per cent of girls and 89.7 per cent of boys completing secondary education in 2015, compared to 35.5 per cent of girls and 51.9 per cent of boys in 2000 (DoE 2015).

The situation for high school (0.91) and tertiary level (0.71) education is further from gender parity however, and targets are unlikely to be achieved by 2015. The national literacy rate average of youths (15-24 years) is 85.11 per cent, with 92.97 per cent of male youths literate. In a recent national survey,¹⁰⁹ it was reported that 84 per cent of young women in Nepal aged 15-24 years are able to read a short simple statement about everyday life or have attended secondary or higher education. There is a notable gap between the literacy levels of urban and rural youths, and particularly among females. In urban areas, 96.30 per cent of males and 91.05 per cent of females are literate, whereas in rural areas the rates are 91.89 per cent and 76.26 per cent respectively.¹¹⁰ The GPI at both primary and secondary school level is equal to 1, meaning that reportedly the net attendance rate for girls is equal to that of boys.¹¹¹ The ratio of women to men in tertiary education increased from 0.28 women to every man in 2000 to 1:1.05 in 2015. However, there is a wide gap in master's degree education with a GPI of 0.82¹¹². The GPI is also low in most tertiary technical and vocational subjects, at 0.3 in science and technology, 0.12 in engineering and 0.84 in medicine, although it is 1.67 for education (UGC 2015). A recent report by the National Planning Commission (NPC)¹¹³ on the demographic dividend in Nepal noted that as Nepal is moving towards an "ageing society" with lower mortality and fertility rates, and as schooling becomes universal and the demands of the workforce and the economy change, Nepal will need to use its "demographic window of opportunity" to invest in early childhood, primary and secondary education, especially for women and girls. As stated in the report, this would include a focus on addressing gender and social barriers by preventing early school dropout, delaying marriage and expanding educational and work opportunities for young people, especially women.

Despite a narrowing of the gender gap in education, some significant disparities by social group and geographic location remain: the gross enrolment rate for Dalits (1.03) was slightly lower than that for Janajati (1.02) and the national average. Literacy rates among Dalits are much lower than the national average, with 51.8 per cent of Hill Dalits and 23.1 per cent of Tarai Dalits literate, as compared to a national average of 59.6 per cent (CDoS/A 2014, 10). Dalits comprise only 1.8 per cent of those who have completed an School Leaving Certificate (SLC) degree and 0.8 per cent of those with a bachelor's degree (CDoS/A 2012). Literacy rates are particularly low among women from Tarai Dalit castes.

The maternal mortality rate declined substantially from 539 per 100,000 live births in 1996 to 170 in 2013 (MoHP 2015, 270), however it again increased to 258 in 2018.¹¹⁴ Women's life expectancy increased from 55.5 to 71.9 years between 1996 and 2018, the proportion of contraceptive users increased from 29 to 45 per

¹⁰⁷ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organisations with support from UN Women NCO (2015) Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable

¹⁰⁸ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

¹⁰⁹ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

¹¹⁰ Government of Nepal and UN Country Team Nepal, Nepal Millennium Development Goals Progress Report 2013, September 2013

¹¹¹ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

¹¹² National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal:

<http://www.npc.gov.np/images/category/reviewSDG.pdf>

¹¹³ "DEMOGRAPHIC CHANGES OF NEPAL: Trends and Policy Implications" (2017), National Planning Commission, Government of Nepal, http://www.npc.gov.np/images/category/Demographic_Dividend_Report_May_2017_final_for_circulation1.pdf

¹¹⁴ UN Maternal Mortality Estimation Group 2017. Maternal mortality data. <http://data.unicef.org/topic/maternal-health/maternal-mortality/>. Accessed 15 July 2019.

cent and the total fertility rate (TFR) declined from 4.6 to 2.6 from 1996 to 2013.¹¹⁵ Dalits often face discrimination in access to health services, with 43 per cent of Tarai Dalits and 14.6 per cent of Hill Dalits reporting experiencing discrimination when receiving medical treatment at local health centres. Dalit women suffer even greater discrimination than men, with 79 per cent and 85 per cent of Hill and Tarai Dalit women respectively reporting facing discrimination while accessing health services.¹¹⁶ Awareness of and access to health services for persons living with disabilities is low in Nepal – a study in 2016¹¹⁷ revealed that only 1.5 per cent of persons with disabilities interviewed have benefited from public health services for general ailments due to lack of knowledge about the location of the facility (9 per cent), expensive services (11 per cent) and distance to be travelled (18 per cent).

Harmful Cultural Practices

Harmful practices can be defined as persistent behaviors that discriminate on the basis of sex, gender, age, caste/ethnicity, language, religion, and more.¹¹⁸ They leave women and people from excluded groups at risk of violence, poorer physical and psychological health, educational and economic outcomes, injury, and even death. Notably, harmful practices are not isolated or random; they stem from deeply-rooted patriarchal, social, cultural and religious norms perpetuated throughout centuries that view women, as well as lower caste groups, as inferior.

Although gender discrimination is formally prohibited under Nepal's constitution,¹¹⁹ and in 2018, the Caste Based Discrimination and Untouchability Act criminalized untouchability, exclusion, and restriction on the basis of caste, discriminatory social norms and cultural practices continue in many parts of Nepal. In a perception study on harmful practices published by the United Nations in Nepal in 2020, 97 per cent of respondents stated that caste-based discrimination occurred in their communities.¹²⁰ There are gender differences in different communities and regions of Nepal. For example, in the more traditional Hindu communities in the Tarai, women's roles tend to be limited to domestic duties and subsistence farming, while in Tibeto-Burmese communities women tend to be more economically active. In matriarchal Tharu communities, gender roles and relations may be reversed with women as the leaders and men in a submissive or even abused role. Marriage plays a decisive role in all women's life choices and socio-economic position.¹²¹ **Dalit women face a high degree of exclusion and traditional harmful practices such as Badi, Chaupadi, Kamlari and Deuki, as well as child marriage persist** in many parts of Nepal, despite being formally prohibited. They were also highlighted by the Concluding Observations of the CEDAW Committee (2018) as having serious negative impacts on women and girls in Nepal (please refer to summary box below for brief descriptions of these harmful practices).¹²² Women also face violence related to accusations of witchcraft and other traditional practices such as son-preference, stigmatization of widows, seclusion of women (purdah), family violence, and polygamy. Third-gender face a separate and specific set of gender inequality issues and boys are more likely to be educated in Nepal as they are seen as the future family breadwinner, while girls leave home to live with their in-laws.

Although the prevalence of **child, early and forced marriage** has dropped dramatically, it still exists, particularly in remote rural areas. This is related to extreme poverty, the low status of women and community vulnerability, as well as socio-cultural norms.¹²³ The Civil (Code) Act (2017) outlines that parties must be 20 years of age to solemnize a marriage, and eliminates the clause that enabled girls to marry younger if their parents consented.¹²⁴ However, the scale of the issue is evident from the Nepal Multiple Indicator Cluster Survey (MICS) 2014 data, with a sample of 12,405 women across all 75 district of Nepal indicating that 15.5 per cent of women aged 15-49 years were married for the first time before the age of 15 and 48.5 per cent of women aged 20-49 had their first marriage before the age of 18.¹²⁵ Furthermore, the survey showed that 25.5 per cent of women participants aged 15-19 are currently married. Dowry has also been predicated as a key

¹¹⁵ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organisations with support from UN Women NCO (2015) Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable

¹¹⁶ Ibid.

¹¹⁷ Kathmandu University, 2016

¹¹⁸ CEDAW, "Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and general comment No. 18 of the Committee on the Rights of the Child on harmful practices," 2014.

¹¹⁹ Constitution of Nepal, 2015

¹²⁰ Harmful Practices Working Group, United Nations Country Team Nepal, "*Harmful Practices in Nepal: report on Community Perceptions*," January 2020.

¹²¹ CARE Nepal Women Empowerment Program Framework 2010

¹²² Nepal MDG Progress Report p. 35; Amnesty International, Nepal Submission to the United Nations Human Rights Committee, 2014

¹²³ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹²⁴ S. Cousins, "Nepal hopes anti-child-marriage plan will make a difference," *Lancet*, vol. 387, 2016.

¹²⁵ Central Bureau of Statistics, "Nepal Multiple Indicator Cluster Survey: 2014 Final Report," Kathmandu, Nepal, 2015.

contributor to domestic violence¹²⁶ and linked to perpetuating the practice of child marriage in Nepal as younger girls require lower dowries, which incentivizes early marriage. Although the government strengthened the laws against dowry payments for marriage in the Criminal Code (Act) 2017, it is still practiced across some socio-economic groups and is most prevalent in the eastern Tarai, especially among Hindu and Muslim communities.¹²⁷ Growing evidence also points to a developing type of child marriage, which is self-initiated marriage, or elopement.

The MICS (2014) also reported that 71 per cent of women aged 15-19 years are mothers and 16 per cent of women aged 20-14 years gave birth at least once before the age of 18. In Nepal, more than 227,000 girls aged 15 to 19 years give birth every year¹²⁸. Early pregnancies occur primarily due to early marriage and many girls who become pregnant drop out of school, drastically limiting both their future opportunities and earnings, and risking both their own health and the health of their children. Those who experience child marriage are often girls from lower socio-economic groups, uneducated, from families that practice dowry, Madheshi, or low caste, follow Hindu or Muslim religions, live in rural areas, and are concentrated in the western mountains, mid-western hills, or central Tarai.¹²⁹

In Nepal, **gender-biased sex selection and son preference** are topics that need to be explored extensively. Strong empirical evidence on the practice of sex selection, the pursuing of son preference and the factors that influence the sex ratio at birth remains limited. However, some sources of data show an unnatural rise in sex ratio at birth in certain areas of Nepal which indicates discrimination against girls and may have significant implications for future population dynamics in the country.¹³⁰

Harmful Cultural Practices in Nepal

The **Badi** were originally an entertainment caste. Political, cultural and economic changes have contributed to and produced the development and practice of prostitution as a strategy of survival for many in the Badi community. Subsequently, it has been said that prostitution is the "traditional caste occupation" of the Badi and it has often been defined thus as a part of the caste system.

Chhaupadi¹³¹ is a practice where girls/women are not allowed to enter inside the house and touch water and milk or prepare food for 4 to 7 days during their menstruation period. They must live, sleep and stay in a hut outside identified as a Chhaupadi hut or a Chhaupadi goth. Chhaupadi was criminalized and included in the Criminal Code in 2017.

Kamlari is a traditional system of bonded labour practiced in southern Nepal, in which socially and economically disadvantaged parents (mostly indigenous southerners and Dalits) would sell their daughter to domestic service for a contracted period to wealthier landowner buyers.

Deuki is an old custom practiced in far western regions of Nepal in which parents offer their young daughter to a local temple to gain protection, religious merit and/or approval and higher status from communities for the sacrifice they have made.

Although there has been an improvement in women's overall status, including increases in the literacy rate, many challenges remain. Suicide is the single leading cause of death among women of reproductive age. According to the Amnesty International 2014 report *Unnecessary Burden*, it is estimated that more than 600,000 women suffer from conditions related to uterine prolapse due to early marriage, early pregnancy, overwork and neglect. According to ILO, 12,000 women and children are trafficked to the Middle East and India every year, mainly for exploitation in brothels or as forced labour.

Gender Based Violence

¹²⁶ Harmful Practices Working Group, United Nations Country Team Nepal, "Literature Review on Harmful Practices in Nepal," January 2020.

¹²⁷ Ibid.

¹²⁸ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹²⁹ Ibid.

¹³⁰ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹³¹ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

The prevalence of **violence against women and girls** in Nepal remains high, although significant efforts have been made to combat violence against women, including the introduction of Nepal's Domestic Violence Act and National Strategy and Plan of Action on Violence Against Women.¹³² The National Demographic Health Survey (NDHS) (2016) showed that, among women age 15-49, 22 per cent had experienced physical violence and 7 per cent had experienced sexual violence at least once since the age 15. Among married women, more than one-quarter (26 per cent) of ever-married women had experienced emotional, physical and sexual violence from their spouse and 14 per cent had experienced it within the 12 months immediately prior to the survey. While the most commonly reported perpetrator of violence among married women is a current husband (84 per cent for physical violence and 80 per cent for sexual violence), women who are divorced/separated/widowed (48 per cent) are nearly twice as likely to have experienced spousal violence than currently married women (26 per cent). Prevalence of spousal violence does not vary significantly by rural-urban location, but does by ecological zone. Almost one-third of women in Tarai (32 per cent) report experiencing spousal physical, sexual, or emotional violence, compared with less than one-fifth of women in hill (20 per cent) and mountain (19 per cent) zones. An analysis of the previous NDHS in 2011 also showed that factors such as women's age, caste/ethnicity, wealth status, physical ability status, geographical zone, region and number of living children can all impact the degree to which they may experience spousal violence, with Muslim women generally experiencing the highest level (55 per cent).¹³³ NDHS (2016) also reported that 30 per cent of women and 23 per cent of men agree that a husband is justified in beating his wife for at least one of the following reasons: if she burns the food, argues with him, goes out without telling him, neglects the children, or refuses to have sex with him. Both women and men are most likely to agree that wife beating is justified if the wife neglects the children (24 per cent and 19 per cent, respectively). Domestic violence, marital rape, dowry-related violence and trafficking of women and girls for sexual exploitation are particular problems. Survivors of conflict-related sexual violence in Nepal are especially lacking in redress and services and there has been a failure by the authorities to prosecute such cases.¹³⁴ A study conducted in 2013 identified the key challenges to combating violence as gaps in legislation and weak implementation of laws.¹³⁵ One of the major legal barriers to obtaining justice for rape survivors historically has been Nepal's 35-day statutory limitation for filing reports of rape, however this was increased to one year by the government in 2017 with the endorsement of the Criminal Code (2017). Weak penalties for rape, women's lack of awareness of their rights and the social stigma that discourages women from reporting violence and seeking redress also impede women's access to justice.

The dominant heterosexual cultural norms in Nepal create a basis for stigma and attendant prejudice, discrimination, and violence, which underlie society's general lack of attention to the health, education and overall challenges of LGBTI people. Nepal currently lacks anti-discrimination laws or hate crime legislation to protect people from **violence, harassment, or discrimination based on their sexual orientation or gender identity**.¹³⁶ As a result of numerous social and structural constraints, lesbians often find themselves in a position that one report, which included research on sexual violence against lesbians, characterized as "a three-layered oppression: for being women, for being a minority, and for being subordinates."¹³⁷

Poverty and lack of employment opportunities and necessary skills for employment in rural settings are fueling unsafe internal and external **migration and trafficking**.¹³⁸ With large scale urbanization, the levels of female workers migrating from villages to cities is increasing. Women going through irregular or illegal channels of migration are mostly from marginalized and disadvantaged communities and indigenous groups.¹³⁹ Lack of adequate information, skills training and institutional support has added to the vulnerability of women migrant workers, increasing their risk of being trafficked.¹⁴⁰ It is difficult to estimate the magnitude of trafficking in persons due to the lack of representative household survey in Nepal. Precise estimates cannot be obtained from NGOs or government interventions due to the possibility of cases being reported by more than one organization, and due to the lack of a unified and integrated counter-trafficking database system in the

¹³² National Strategy and Plan of Action related to Gender Empowerment and Ending Gender Based Violence 2012-2017

¹³³ Tuladhar, S., et al. 2013.1 Women's Empowerment and Spousal Violence in relation to Health Outcome in Nepal. Further analysis of the 2011 Nepal Demographic and Health Survey.

¹³⁴ TRIAL et al, Written Information for the Consideration of Nepal's Second Periodic Report by the Human Rights Committee, February 2014

¹³⁵ UNFPA, UN Women, UK Aid, UCL, CRHEPA 2013 GBV tracking study

¹³⁶ UNICEF, UNDP, USAID (2016) "Being LGBT in Asia: Nepal Country Report":

https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

¹³⁷ Ibid.

¹³⁸ CEDAW Committee (2017) *Sixth Periodic Report of States parties due in 2015, Nepal*

¹³⁹ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organizations with support from UN Women Nepal (2015) *Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable*, available at:

http://un.org.np/sites/default/files/Progress%20Of%20Women%20In%20Nepal%20-%20Low-res_1.pdf

¹⁴⁰ CEDAW Committee (2011) *Concluding Observations of the Committee on the Elimination of Discrimination against Women*, paragraphs 33-34; MDG Report 2013, p.33

country.¹⁴¹ The CEDAW Committee (2018) expressed concern about: (a) the Foreign Employment Act provisions restricting women's foreign employment opportunities, which compels women migrant workers to choose irregular undocumented migration routes with high risk of human trafficking; (b) lack of early identification and referral system for women and girls who are victims of trafficking; (c) underreporting of trafficking crimes committed against women and girls; (d) the restrictive definition of trafficking in the Human Trafficking and Transportation (Control) Act; (e) low conviction rates and application of lenient sentences for trafficking crimes committed against women and girls; and (f) insufficient resources for shelters for women and girls who are victims of trafficking. These issues were also repeatedly highlighted by two special rapporteurs who visited Nepal in 2018, namely: (a) *UN Special Rapporteur on the Human Rights of Migrants*, Mr. Felipe González Morales¹⁴² and (b) the *Special Rapporteur on Violence against Women, its Causes and Consequences*, Ms. Dubravka Šimonović.¹⁴³

The Trafficking in Persons (TIP) Report 2019¹⁴⁴ published by the Department of State of the United States of America categorised Nepal as a tier-two country. According to the TIP Report, tier-two countries are those whose governments do not fully meet the Trafficking Victims Protection Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Responding to the recommendations of the CEDAW Committee, the federal Parliament has approved the Palermo Protocol on 12 March 2020. The Protocol provides a wider definition of trafficking beyond the sex trade, and the ratification of the Protocol will ensure Nepal's definition of trafficking is comprehensive.

Useful Links

- [The COVID-19 outbreak and gender: Key advocacy points from Asia and the Pacific](#)
- [COVID-19: How to include marginalized and vulnerable people in risk communication and community engagement](#)
- [Coronavirus disease \(COVID-2019\) situation reports](#)
- [COVID-19, Gender and Data: Resources and Reporting](#)
- [GBViE Minimum Standards Poster](#)
- [Impact of COVID-19 Pandemic on Violence against Women and Girls](#)
- [IASC Gender Handbook for Humanitarian Action](#)
- [National Women Commission's helpline \(1145\) to report gender-based violence](#)

¹⁴¹ National Human Rights Commission (2018) *Trafficking in Person, National Report*, available at: http://www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_National_Report_TIP_in_Nepal_September_2018.pdf

¹⁴² <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22632&LangID=E>

¹⁴³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23948&LangID=E>

¹⁴⁴ Department of State, United States of America, *Trafficking In Persons Report*, June 2019. Available at <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>