

Mapping Progress on Women's Rights in Nepal



December 2014

List of Abbreviations

APT	-	Association for the Prevention of Torture
BBC	-	Beyond Beijing Committee
CEDAW	-	Convention on the Elimination of All Forms of Discrimination against Women
CSO	-	Civil Society Organization
ECED	-	Early Childhood Education and Development
FWLD	-	Forum for Women Law and Development
GBV	-	Gender Based Violence
GBVIMS	-	Gender-Based Violence Information Management System
GESI	-	Gender Equality and Social Inclusion
GoN	-	Government of Nepal
GRB	-	Gender Responsive Budgeting
HRC	-	Human Rights Committee
HRTMCC	-	Human Rights Treaty Monitoring Coordination Center
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ILO	-	International Labor Organization
LGBTI	-	Lesbian, gay, bisexual, transgender and intersex
LGCDP	-	Local Governance and Community Development Programme
MDG	-	Millennium Development Goal
MoFALD	-	Ministry of Federal Affairs and Local Development
MoLJCAPA	-	Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs
MoPH	-	Ministry of Population and Health
MoPR	-	Ministry of Peace and Reconstruction
MoWCSW	-	Ministry of Women, Children and Social Welfare
NFEC	-	Non-Formal Education Center
NGO	-	Non-Governmental Organization
NHRC	-	National Human Rights Commission- Nepal
NHSP-IP	-	Nepal Health Sector Plan - Implementation Plan
NMS	-	National Minimum Standards
NNBN	-	National Network for Beijing-review Nepal
NWC	-	National Women Commission
OPMCM	-	Office of Prime Minister and Council Minister
SAARC	-	South Asian Association for Regional Cooperation
SGIB	-	SAARC Gender Info Base
SMNHLTP	-	Safe Motherhood and Neonatal Health Long Term Plan
SOP	-	Standard Operating Procedure

- SSRP - School Sector Reform Plan
- UN - United Nations
- UNCT - United Nations Country Team
- UNDP - United Nations Development Programme
- UPR - Universal Periodic Review
- VDC - Village Development Committee

Preamble

Over the past two decades, legal reforms have transformed the landscape for gender equality in Nepal, ensuring greater economic security for women, increased legal protection from violence, improved safeguarding of their sexual and reproductive rights and amplification of their voices in decision-making.¹ Many challenges, however, still remain and the translation of legal equality into substantive equality for all women and girls in Nepal is yet to be realized.

Despite the gaps in realizing gender equality, gender justice and women's empowerment, Nepal is making some progress towards it. The Gender Inequality Index² depicts the positive shift of Nepal's position in the global scenario, with Nepal's rank in the index at 98th position in 2013³, compared to the rank of 102nd in 2012^{4, 5}.

Nepal has undertaken a number of international commitments in relation to non-discrimination, gender equality and social justice. Nepal became party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 22 April 1991, and ratified International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) both on 14 May 1991 without any reservations, demonstrating its commitment to eliminate all forms of discrimination against women. Nepal, being a State party to CEDAW, must fulfill all aspects of its legal obligations under the provisions of the Convention including to respect, protect and fulfill women's right to non-discrimination and the enjoyment of equality.⁶ The scope of Nepal's obligations is also to be construed in the light of the general recommendations and concluding observations of the CEDAW Committee.⁷ Article 2 of ICCPR also obligates Nepal to fulfill, respect and protect the rights provided under the Covenant; its obligation under the Covenant are not confined only to the respect of human rights, but extend to the obligation to undertake to ensure the enjoyment of these rights to all individuals through the implementation of specific activities.⁸ The Universal Periodic Review (UPR), established on 2006 by the UN General Assembly Resolution 60/251, also mandates the UN Human Rights Council to undertake a universal periodic review of the fulfillment by each State (including Nepal) of its human rights obligations and commitments. As part of the UPR process, Nepal must report to the UN Human Rights Council concerning the extent to which it has fulfilled its human rights obligations and the steps it is taking to improve its human rights situation.

On the issues of non-discrimination, women's rights and gender justice, the Government of Nepal has received the concluding observations and

¹ UN Women, *Progress of the World's Women in the Pursuit of Justice: 2011-2012*, p.22

² The Gender Inequality Index shows the loss in human development due to inequality between female and male achievements in the three dimensions – reproductive health, empowerment and economic activity.

³ UNDP, *Human Development Report 2014*, Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience, p. 172.

⁴ UNDP, *Explanatory note on 2013 Human Development Report composite indices*, p. 4; available at <http://hdr.undp.org/sites/default/files/Country-Profiles/NPL.pdf>

⁵ Nepal had a Gender Inequality Index value of 0.485, ranking it at 102 out of 148 countries in the 2012 index, which declined to the index value of 0.479 ranking Nepal in 98th position out of 152 countries in the 2013 index.

⁶ Committee on the Convention on Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 16 December 2010, para. 9, CEDAW/C/GC/28; available at: <http://www.refworld.org/docid/4d467ea72.html>

⁷ Ibid

⁸ UN Human Rights Committee (HRC), *General comment 3 on ICCPR Article 2, paragraphs 1 and 2*; available at: <http://www.minorityrights.org/3189/normative-instruments/general-comment-3-on-iccpr-article-2-paragraphs-1-and-2.html#sthash.8EMruN36.dpuf>

recommendations from the CEDAW Committee in 2011, and the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in 2014 following its periodic reporting to these treaty bodies. The UPR of 2011 also made certain recommendations for Nepal to improve its human rights situation, which it needs to take steps to fulfill.

Although Nepal has made notable progress on gender equality and empowerment of women, civil society organizations (CSOs) have acknowledged that considerable “challenges and obstacles remain” in Nepal’s implementation of its commitments and that “full and accelerated implementation” is needed if Nepal is to fulfill its potential in relation to women’s rights.⁹ Numerous civil society organizations have recognized that, due to “Nepal’s traditional feudal mentality and patriarchal society,”¹⁰ gender equality is often limited to policy papers and is frequently not translating into real equality for women. As is demonstrated in the table below, civil society organizations have published many reports highlighting the ineffective implementation of Nepal’s laws and policies concerning women and gender equality. Practices such as domestic violence, rape and other forms of sexual violence, child marriage, trafficking of women, exploitation of women in the labour force and discrimination against Dalit women remain prevalent in Nepal and pose serious threats to the advancement and empowerment of women.

The table below presents the recommendations of the UPR Working Group, **CEDAW Committee, Human Rights Committee and ICESCR Committee** in relation to women’s rights and gender justice, along with the implementation status of those recommendations, highlighting Nepal’s progress in realizing the women’s rights.¹¹

⁹ *Kathmandu Declaration from Beijing +20 National Women’s Conference*, 20-22 August 2014, p. 1.

¹⁰ GoN and UNCT Nepal, *Nepal Millennium Development Goals Progress Report 2013*, September 2013, p. 35 (MDG Report).

¹¹ The progress presented in the table is the major highlights in realizing the women’s rights in Nepal, and should not be considered an exhaustive list.

Issues	Recommendations of the Working Group on the Universal Periodic Review to Government of Nepal, March 2011 ¹²	CEDAW Committee's Concluding Observations and Recommendations to Government of Nepal, August 2011 ¹³	Human Rights Committee's Concluding Observations to Government of Nepal, April 2014 ¹⁴	ICESCR Committee's Concluding Observations on the third periodic report of Nepal, November 2014 ¹⁵	Progress as of December 2014 ¹⁶
Gender equality	Recommendations agreed to by the Government of Nepal: ¹⁷ - Ensure that the new Constitution fully guarantees the right to equality and non-discrimination in line with international standards (Italy); - Frame a new Constitution and undertake a democratic, inclusive and	- Include in the new Constitution, the principle of equality between women and men, provisions prohibiting discrimination against women, in line with the definition contained in article 1 of CEDAW. (para. 10) - Strengthen its monitoring mechanisms for the implementation	- Take all necessary measures to effectively implement and enforce the existing legal and policy frameworks on gender equality and non-discrimination, pursue its efforts to increase the representation of women in decision making positions,	- Ensure the protection of all economic, social and cultural rights enshrined in ICESCR in the new Constitution; - Ensure that under no circumstances will the enjoyment of rights already acquired by women and disadvantaged and marginalized	- Non-discrimination and equality to women guaranteed by the Interim Constitution of Nepal, 2007. - The Amending Some Nepal Acts to Maintain Gender Equality Act, 2006 has been enacted and almost 56 gender discriminatory national laws have been amended following its enactment. ¹⁸ - MoLJCAPA tabled the Bill on Amending Some Nepali Acts to Maintain Gender Equality and End Gender-Based Violence, 2014 on 6 August 2014 ¹⁹ , proposing to amend

¹² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review : Nepal*, 8 March 2011, A/HRC/17/5; available at:

<http://www.refworld.org/docid/50f3f0fa2.html> (**Report of the UPR Working Group on Nepal**)

¹³ Committee on the Convention on Elimination of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Nepal*, 11 August 2011, CEDAW/C/NPL/CO/4; available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/450/52/PDF/N1145052.pdf?OpenElement>

¹⁴ UN Human Rights Committee (HRC), *Concluding observations on the 2nd periodic report of Nepal : Human Rights Committee*, 15 April 2014, CCPR/C/NPL/CO/2; available at: <http://www.refworld.org/docid/539033714.html>

¹⁵ Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of Nepal*, 28 November 2014, E/C.12/NPL/CO/3.

¹⁶ Ministry of Women, Children and Social Welfare (MoWCSW), *National Review on the implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the Twenty-Third Special Session of the General Assembly (2000)*, pp. 20-41; available at:

[http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National reviews/Nepal review Beijing20.pdf](http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National%20reviews/Nepal%20review%20Beijing20.pdf) (**National Review-Beijing Report**).

¹⁷ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

¹⁸ BBC and NNBN, *Civil Society Report on Beijing+20 Nepal*, November 2014, p. 36 (**BBC-NNBN Report**).

¹⁹ See <http://nepalisamachar.com/?p=4077>

	<p>progressive State restructuring (China); - Review its legal framework to provide for a better protection and promotion of women's rights (Slovakia); - Design and implement programmes to ensure the respect for and protection of the rights of women and children, in particular the rehabilitation of women, children and families affected by conflict (Egypt); - Continue its efforts to ensure gender equality (Singapore) and to promote the role of women in society in order to guarantee quality life for its citizens as planned on viability, development, protection and participation (Palestine); - Enhance measures aimed at protecting the</p>	<p>of laws and plans of actions aimed at achieving de-facto equality between women and men, and to further the development of a comprehensive gender indicator system, with a view to improving the collection of sex-disaggregated data as a means of assessing the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. (para. 14)</p>	<p>and develop concrete strategies to eliminate gender stereotypes on the role of women, including through public awareness campaigns. (para. 8)</p>	<p>individuals and groups be restricted. (para. 5) - Undertake progressively regular and systematic assessment, against a clear set of indicators of the level of enjoyment of economic, social and cultural rights. (para. 6)</p>	<p>32 gender discriminatory laws. - Nepal Law Commission has been reviewing further the laws related to women to ensure gender equality.²⁰ - Legal Awareness Programs on gender equality and women rights are being conducted by MoLJCAPA in 90 VDCs of 63 districts, which started in 2012.</p> <p>CSO Reports - Although Nepal has enacted laws to achieve gender equality, implementation of these laws is weak and many women and girls are not aware of these laws.²¹ - Nepal has not yet eliminated discriminatory social and cultural practices and this poses a major challenge to fostering gender equality in practice.²²</p>
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²⁰ NHRC, *Mid-term Report on the Implementation Status of the Conclusion and Recommendation of Universal Periodic Review of Nepal*, September 2013, p. 19 (**NHRC Mid-term Report on UPR**)

²¹ Amnesty International, *Nepal Submission to the United Nations Human Rights Committee*, 2014 p. 7 (Amnesty Report).

²² MDG Report p. 35.

	<p>human rights of children, women and other vulnerable groups (Philippines);</p> <ul style="list-style-type: none"> - Prepare a specific plan to ensure that the Nepal Lands Act will in practice effectively promote equality (Finland). 				
Non-discrimination	<p>Recommendations that enjoyed the support of Nepal:²³</p> <ul style="list-style-type: none"> - Continue the efforts to end discrimination on the grounds of religion, race or gender in law and practice (Pakistan/Japan/Argentina); - Take prompt and effective measures to safeguard the equal enjoyment of human rights by all, and to combat discrimination in all its forms (Sweden); 	<ul style="list-style-type: none"> - Include in the new Constitution, a definition of discrimination that encompasses both direct and indirect discrimination, and discrimination in the public and private spheres, in line with article 2(e) and General recommendation No. 28. (para. 10) - Ensure that the new Constitution does not contain any discriminatory provisions, and repeal all the remaining 		<ul style="list-style-type: none"> - Take adequate measures to effectively implement its non-discrimination legislation in order to allow women to exercise their rights to inherit, to own land and assets in their name. (para. 12) - Take specific and targeted measures to protect the rights of Dalit women. (para. 11 (e)) - Take all measures 	<ul style="list-style-type: none"> - Discrimination based on sex, caste, religion, origin, language or ideological conviction is prohibited, and non-discrimination is guaranteed as a fundamental right in Nepal's Interim Constitution, 2007. - Discriminatory laws have been amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2006. - GoN has been seeking sectoral interventions to eliminate all forms of discrimination against women and girl child. - Chhaupadi²⁶, Kamlari and Deuki²⁷ systems have been formally abolished by GoN.

²³ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

²⁶ Chhaupadi is a practice where girls/women are not allowed to enter inside the house and touch water and milk for 4 to 7 days during their menstruation period. They must live, sleep and stay in a hut outside identified as a Chhaupadi's house or in a Chhaupadi goth (cow-shed).

²⁷ Deuki is a traditional practice where young girls are offered to temples to gain protection of gods or other religious merit. The practice is seen to improve the status of the girl's family in the community as well as relieve the family of the perceived financial burden of having a daughter.

	<ul style="list-style-type: none"> - Take the necessary legal and policy measures to end discrimination, including against women, children and Dalits (Netherlands); - Implement effectively the Human Rights Action Plan and other national action plans, including on the elimination of discrimination against women and on the rights of persons with disabilities (China); - Take steps to ensure non-discrimination based on sexual orientation and gender identity including in the proposed civil and criminal laws (New Zealand); - Implement fully the Supreme Court decision regarding sexual and gender minorities 	<p>discriminatory laws and provisions. (para. 12)</p> <ul style="list-style-type: none"> - Prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women and the adoption of legal provisions and comprehensive programmes, including public education and awareness-raising campaigns involving the mass media and community and religious leaders. (para. 40) - Ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. (para. 30) - Address discriminatory and harmful practices against women and girls, 		<p>for the effective implementation of the Caste-Based Discrimination and the Untouchability (Offence and Punishment) Act, in particular by sensitizing law enforcement officials, investigating and prosecuting those responsible for discrimination against Dalits and conducting awareness-raising campaigns on the rights of Dalits. (para. 11 (b))</p>	<ul style="list-style-type: none"> - Child marriage has been banned under the law.²⁸ - Discrimination in Caste and Untouchability (Crime and Punishment) Act, 2011 has been enacted to address discrimination against Dalits, including Dalit women. <p>CSO Reports</p> <ul style="list-style-type: none"> - Ineffective implementation of non-discrimination laws has meant that women and girls do not enjoy equal and effective protection against gender-based discrimination and are often unable to enjoy their human rights.²⁹ - Government data shows continuing disparities among women from different caste, ethnic and religious groups in accessing reproductive health services.³⁰ - Despite the Discrimination in Caste and Untouchability (Crime and Punishment) Act, Dalits continue to face social and economic exclusion. Dalit girls from rural areas face discrimination in accessing education and health care and
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²⁸ No. 2 of Chapter 17 on Marriage, *General Code, 1964 (11th Amendment)* – “While contracting a marriage, no one shall arrange to marry nor cause to be married where the male and the female have not completed the age of eighteen years with the consent of the guardian and that of twenty years in case of absence of the consent of the guardian.”.

²⁹ Amnesty Report, p. 12

³⁰ Amnesty Report, p. 14

	<p>(Norway); - Criminalize discrimination based on caste, gender, religion, ethnicity, political belief or disabilities</p> <p>(Germany); - Initiate legislative measures to effectively address and eradicate longstanding discrimination, including “untouchability”</p> <p>(Austria); - Eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability</p> <p>(Denmark); - While appreciating the fact that the Government’s priorities include combating caste-based discrimination, ensure that the policy is fully implemented also by the local authorities in rural and remote areas, and cases of caste-based discriminations be</p>	<p>such as the lack of provision of sufficient food and the Chaupadi practice, which jeopardize the well-being and health of women and girls, including reproductive health. (para. 32 (d))</p> <p>- Ensure equal access by women to resources and nutritious food by eliminating discriminatory practices, guaranteeing land ownership rights for women and facilitating women’s access to safe drinking water and fuel. (para. 38)</p> <p>- Take legal measures ensuring that women and men have equal rights to inheritance, and ensure that women and men are granted equal rights, in law and in practice, to all marital property upon dissolution of marriage. (para. 44)</p>			<p>experience higher rates of child malnutrition.³¹</p> <p>- Dalit women are still frequently accused of practicing witchcraft at higher rates than women of other communities.³²</p> <p>- The traditional practice of Chaupadi continues to exist in parts of Nepal. Deaths of women and girls staying in sheds/huts, as part of the practice, are reported every year.³³</p>
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³¹ HRTMCC, *International Covenant on Civil and Political Rights Shadow Report*, 2013, p. 25 (HRTMCC Report 2013).

³² HRTMCC, *Nepal Civil Society Report on the Implementation of the ICCPR*, 2014, p. 9 (HRTMCC Report 2014).

³³ Amnesty Report, p. 10

	<p>reported, investigated, perpetrators prosecuted and victims of such violence be compensated (Czech Republic).</p> <p>Recommendations of UPR Working Group to which Nepal responded in an Addendum:²⁴</p> <ul style="list-style-type: none"> - Take further steps to eliminate discrimination against vulnerable or marginalized groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (UK); - Ensure, without any discrimination, the rights of people with disabilities and others belonging to vulnerable groups, such as women and children (Chile).²⁵ 				
Violence against	Recommendations that	- Give priority attention	- Ensure that all	- Enforce legislation	- Domestic Violence

²⁴ Para. 108, Report of the UPR Working Group on Nepal; *Nepal Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 1 June 2011, A/HRC/17/5/Add.1 (**GoN Addendum to UPR Report**).

²⁵ GoN Addendum to UPR Report, p. 4: Nepal's response to this recommendation was: "The GoN accepts this recommendation. The Constitution and several other policy and legal measures have ensured the enjoyment of rights by all without any discrimination. Various measures of positive discrimination have been devised for vulnerable groups including persons with disabilities, women and children in the enjoyment of rights by these groups. Moreover, on 7 May 2010, Nepal joined the Convention on the Rights of Persons with Disabilities."

<p>women</p>	<p>enjoyed the support of Nepal:³⁴ Continue putting forward intensive efforts in order to eliminate violence against women (Azerbaijan); - Review its legal framework to provide for a better protection and promotion of women's rights (Slovakia) and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking (Indonesia/ Japan); - Adopt effective measures to guarantee the protection of victims of gender based violence, duly investigate allegations and ensure that those responsible be prosecuted and sanctioned (Spain/Thailand); - Ensure that the cases of violence against women and girls are duly investigated</p>	<p>to combating violence against women and girls, and to adopt comprehensive measures to address such violence, in accordance with its General recommendation No. 19, particularly: (a) Ensure the effective implementation of the Domestic Violence Act, 2009 and other existing legislation and the proper prosecution and punishment of perpetrators of such violence; (b) Develop a nationwide data collection programme on cases of violence against women; (c) Take immediate measures to abolish the statute of limitations on the registration of sexual violence cases, to ensure women's effective access to courts for the crime of rape and other sexual offences; (d) Continue to provide the police, public</p>	<p>forms and manifestations of violence against women are defined and prohibited under domestic law with sanctions commensurate with the gravity of the offence, in accordance with international standards. - Establish a comprehensive national data collection system on cases of different types of violence against women to enable the State party to adopt targeted strategies and evaluate their effectiveness. - Conduct awareness-raising campaigns on the negative effects of violence against women, inform women of their rights and existing mechanisms of protection, and facilitate complaints</p>	<p>on domestic violence; - Investigate cases of gender-based violence, prosecute perpetrators and, if convicted, punish them with adequate sanctions; - Facilitate complaints from victims of gender-based violence as well as their access to justice and protect them from any kind of reprisals; - Continue to provide law enforcement officials with necessary training on gender-based violence, including domestic and sexual violence; - Develop protective and rehabilitation measures, including shelters and hotlines for victims; - Increase its awareness-raising campaigns on women's rights and the negative effects</p>	<p>(Offence and Punishment) Act and Regulation was formulated in 2009 and 2010 respectively authorizing local authorities, Nepal police, the Courts and the National Women Commission (NWC) to receive complaints on domestic violence. - National Plan of Action against Gender Based Violence 2010 was formulated. - The year 2010 was announced as a year against gender-based violence with several programmes initiated. - Gender Empowerment and Coordination Unit was established at the Office of the Prime Minister and Council of Ministers (OPMCM) to manage and monitor reported cases of violence against women. - GoN formulated a Sex and Gender Based Violence and Gender Empowerment Strategy and Work Plan (2069/70- 2073/74) in 2011. - 17 district level service centers and 84 community level service centers have been established for victims of gender based violence. - Hospital based one-stop crisis management centers have been introduced in 15 districts to provide integrated services to GBV victims. - 246 Women and Children Service Centers have been established in the police office of 75 districts with</p>
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³⁴ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

	<p>(Thailand); - Take measures to guarantee effective access to justice and protection for women victims of gender based violence (Brazil); - Strengthen the measures to eradicate child abuse and sexual exploitation of children (Azerbaijan); - Develop a National Action Plan on ending violence against women and children (Australia); - Ensure the security of human rights defenders, including journalists and women rights activists (Czech Republic); - Conduct thorough and impartial investigations into allegations that the police or any person of the justice system has taken part in discriminatory actions (Sweden).</p> <p>Recommendations of</p>	<p>prosecutors, the judiciary and other relevant Government bodies, as well as health-care providers, with the necessary training in domestic and sexual violence and undertake wider awareness-raising programmes in all communities, including the Dalit community, specifically targeting men and boys; (e) Adopt and enact without delay the draft law, currently under preparation, which significantly increases the punishment for marital rape, as mentioned during the dialogue, and undertake an awareness-raising campaign on the new provisions in this regard. (para. 20)</p>	<p>from victims. - Ensure that cases of violence against women are thoroughly investigated, perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection. (para. 13)</p>	<p>of gender-based violence, in particular in rural and remote areas and among disadvantaged and marginalized groups; - Expedite the adoption of the Bill, presently before the Parliament, which includes provisions on effective compensation and services to victims. (para. 19)</p>	<p>separate postings of 1344 women police personnel to deal with GBV cases.³⁷ - Gender Policy of Nepal Police 2012, Code of Conduct against GBV for Police 2012 and Victim Support SOP 2013 have been formulated and enforced to promote gender sensitive service delivery.³⁸ - Integrated Development Programme of Women's Organizations for eliminating GBV is being implemented through the Department of Women and Children. - SOP for the prevention of and response to GBV has been endorsed, and the Gender-Based Violence Information Management System (GBVIMS) created under the office of NWC.³⁹ - Child Help Line has been established in 14 districts under the National Child Welfare Committee. - Nepal Demographic Health Survey was conducted with separate chapter on Women's Empowerment and Spousal Violence in Relation to Health Outcomes. - Watch Groups have been formed at the local level as surveillance groups</p>
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³⁷ See <http://www.nepalpolice.gov.np/women-children-service-directorate.html>

³⁸ MoPR and 1325 Action Group Nepal, *Mid-Term Evaluation Report on National Action Plan of Nepal on the Implementation of UNSCR 1325 and 1820, 2014*, p.8 **(Mid-Term Evaluation Report on NAP)**; See also <http://www.nepalpolice.gov.np/women-children-service-directorate.html>

³⁹ BBC-NNBN Report, p. 33

	<p>UPR Working Group to which Nepal responded in an Addendum:³⁵</p> <ul style="list-style-type: none"> - Effectively investigate violations against human rights defenders, including journalists and women rights activists and bring to justice those responsible for such violations <p>(Norway);</p> <ul style="list-style-type: none"> - Take all necessary measures to put an end to acts of intimidation and violence committed against journalists and human rights defenders <p>(France);</p> <ul style="list-style-type: none"> - Protect human rights defenders and journalists by promptly investigating complaints of harassment and holding perpetrators 				<p>to combat any kinds of violence under the Women Development Programme of District Women and Children Offices.</p> <ul style="list-style-type: none"> - Legal Aid Act, 1998 and Regulations, 1999 have been enacted to provide legal support for female victims of violence. - The NWC has recommended that the Government review the relevant laws to ensure action against perpetrators of rape and compensation to victims; to amend the law on 35 days limitation to file rape cases; and to establish desks together with district units to address Gender Based Violence cases.⁴⁰ <p>CSO Reports</p> <ul style="list-style-type: none"> - Domestic violence, sexual assault, sexual harassment in the workplace and public places and dowry-related violence against women are still rampant in Nepal.⁴¹ - The lack of an evidence based system regarding the prevalence and determinants of VAW remain a gap in developing strategies to
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³⁵ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

⁴⁰ NHRC Mid-term Report on UPR, p. 18

⁴¹ HRTMCC Report 2013, p. 17

	accountable (USA). ³⁶				<p>address the problem.⁴²</p> <ul style="list-style-type: none"> - Under Nepal’s Domestic Violence Act and its Regulation, cases of GBV have been investigated by the National Women Commission and Nepal Police in order to protect the human rights of victims. Considering the practical gap in implementation, National Women Commission has been advocating to include the domestic violence cases in State Cases Act (Schedule-1).⁴³ - The 35-day limitation period for reporting rape remains in force, despite the Supreme Court of Nepal ordering the government to revise the law.⁴⁴ - The prevalence of women’s lifetime experience of spousal violence remains high at 28% of all currently married women.⁴⁵ - Remedies from state mechanisms to respond to violence against women are either very slow or ineffective.⁴⁶ - There is a widespread failure of
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³⁶ GoN Addendum to UPR Report, p. 6: Nepal’s response to these recommendations was, “The GoN is committed to the protection and promotion of human rights while maintaining peace and security in the country. Security agencies are active in ensuring security of all citizens including the rights defenders, journalists and women rights activists. The rights violators are prosecuted as per law. The GoN is considering adopting a special program in order to ensure further protection of human rights defenders.”

⁴² BBC-NNBN Report, p. 34

⁴³ NHRC Mid-term Report on UPR, p. 17

⁴⁴ Human Rights Watch, *Silenced and Forgotten: Survivors of Nepal’s Conflict-Era Sexual Violence*, 2014, p. 7 (Human Rights Watch Report).

⁴⁵ MDG Report p. 35

⁴⁶ MDG Report, p. 36

					<p>police to register First Information Reports and to investigate cases of rape often due to local and political pressures.⁴⁷</p> <ul style="list-style-type: none"> - Many women and girls are not aware of the laws. For example, a study of 900 women and girls, found that only 9% had heard of the law on marital rape.⁴⁸ - Inaccessibility to the GBV unit placed within the Office of Prime Minister and Council of Ministers to file cases of violence is a limitation for reporting.⁴⁹ - The relationship between NWC and the GBV Unit of OPMCM is weak as there is a default in the referral system.⁵⁰ - The current definition of rape in Nepali law is narrow in its scope and does not reflect international standards. The crime of rape can only be perpetrated against a woman or girl and is limited to sexual intercourse involving vaginal penile penetration and does not encompass other forms of non-
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⁴⁷ Advocacy Forum, REDRESS and APT, *Submission to the Human Rights Committee Ahead of its Review of Nepal's Second Periodic Review Under the International Covenant on Civil and Political Rights*, February 2014, p. 22 (Advocacy Forum et al Report).

⁴⁸ Amnesty Report, p. 7

⁴⁹ BBC-NBNB Report, p. 34

⁵⁰ Ibid.

					<p>consensual sexual contact.⁵¹</p> <ul style="list-style-type: none"> - Although marital rape is subject to the criminal law, it is subject only to a penalty of imprisonment for 3-6 months, compared to punishment for rape outside of marriage ranging from 5-15 years.⁵² - Although there are laws in place concerning in-camera hearings and the Supreme Court has issued an order regarding procedural guidelines for ensuring in-camera proceeding in rape cases, these rules are generally not followed and proceedings are usually held in open court.⁵³ - Concerned stakeholders including health workers are not yet aware of the Government's programme on One Stop Crisis Management.⁵⁴
Participation in political and public life (Women in	Recommendations that enjoyed the support of Nepal:⁵⁵ - Continue putting	- The quota system for women's representation in the Constituent Assembly be increased		- Increase the representation of women, including Dalit and indigenous	- Affirmative policy ⁵⁶ is being implemented by the Government to ensure women's equal access to and full participation in power structures

⁵¹ International Commission of Jurists, *Alternative Report of the International Commission of Jurists to the UN Human Rights Committee on the Combined Second, Third and Fourth Periodic Reports of Nepal under the ICCPR*, February 2014, p. 15 (ICJ Report); TRIAL et al, *Written Information for the Consideration of Nepal's Second Periodic Report by the Human Rights Committee*, February 2014, p. 18 (TRIAL et al Report); Advocacy Forum et al Report, p. 27.

⁵² Center for Reproductive Rights, Justice For All and FWLD, *Supplementary Information on Nepal Scheduled for Review by the Human Rights Committee*, February 2014, p. 10 (Center for Reproductive Rights et al Report); ICJ Report, p. 15.

⁵³ Advocacy Forum et al Report, p. 23

⁵⁴ BBC-NBN Report, p. 29.

⁵⁵ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

⁵⁶ Civil Service Act (amendment Jan 2008) provides for a total of 45% new openings reserved for inclusion of disadvantaged groups filled through open competition, 33% of which are reserved for women.

<p>power and decision making)</p>	<p>forward intensive efforts in order to boost the participation of women in political and administrative decision-making (Azerbaijan);</p> <ul style="list-style-type: none"> - Implement measures to encourage women to undertake legal training and facilitate their entry into the judiciary (New Zealand). 	<p>in the future Parliament;</p> <ul style="list-style-type: none"> - The State party needs to fully utilize the Committee’s general recommendation No. 23 and adopt temporary special measures, in accordance with article 4(1) of the Convention and the Committee’s general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life, particularly: (i) Establish concrete goals and timetables in order to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from the local level, including the Village Development Committee, to the national and diplomatic 		<p>women, in decision-making positions in public and political affairs. (para. 13)</p>	<p>and decision making at all levels to address the existing gap in representative numbers of women in these roles.</p> <ul style="list-style-type: none"> - Progress is being made with 29.91% female representation in the Legislature Parliament⁵⁷, 12.5% women at the ministerial level and 3.36% women in judiciary.⁵⁸ - Women’s representation in civil service Gazetted positions increased from 2.1 percent in 2001 to 16.9 percent in 2013 as a result of the GoN’s affirmative action policy.⁵⁹ - The Women Development Programme has been implemented by the Department of Women and Children in collaboration with NGOs to enhance the capacity of women to participate in decision making and leadership. - Election Commission has enacted Gender and Social Inclusion Policy, 2013 to promote inclusive participation, including of women in election process.⁶⁰ - Election monitoring was done from the gender perspective for the first time in Constituent Assembly Election 2013.
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⁵⁷ The women representation in the first Constituent Assembly was 197 (32.78%) and in second Constituent Assembly is 172 (29.91%).

⁵⁸ Secretariat of Constituent Assembly Office of the Prime Minister and Council of Ministers Judicial Council Secretariat, cited in National Review-Beijing Report, p. 34.

⁵⁹ NPC 2014, cited in BBC-NBN Report, p. 17.

⁶⁰ Mid-Term Evaluation Report on NAP, p. 8.

		<p>levels; (ii) Implement awareness-raising activities on the importance of the participation of women in decision-making for society as a whole, and develop targeted training and mentoring programmes for women candidates and women elected to public office, and programmes on leadership and negotiation skills for current and future women leaders. (para. 24)</p>			<p>CSO Reports</p> <ul style="list-style-type: none"> - Nepali women remain underrepresented in both public and political life.⁶¹ - The proportion of women in core civil service remains low at only 9.59% and is even lower in decision-making positions within the civil service.⁶² - The political representation of women that was ensured in Nepal's first Constituent Assembly has been decreased in the second Constituent Assembly indicating that the state and political parties are indifferent to complying with their commitment.⁶³ - Though the Government guarantees 33 percent participation of women in Local Peace Committees (LPCs) and in local level development mechanisms such as user's committee, community organizations etc. only 7-9 percent of women were found to be represented in local bodies, including LPCs⁶⁴. - Lack of meaningful participation of women in the Ward Citizen's Forum is evident from the fact that only 11
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⁶¹ HRTMCC Report 2013, p. 25.

⁶² MDG Report p. 34.

⁶³ HRTMCC Report 2014, p. 8

⁶⁴ See more at:

<http://www.thehimalayantimes.com/fullNews.php?headline=Key+victims+know+too+little+about+'National+Action+Plan'+&NewsID=418803#sthash.y5w990Yl.dpuf>

					<p>per cent of executive committee coordinators are women.⁶⁵</p> <p>- In the name of 'women's participation and empowerment', more emphasis is being placed on quantitative indicators than qualitative performance, with the number count overriding women's quality of representation and participation.⁶⁶</p>
Nationality	<p>Recommendations that enjoyed the support of Nepal:⁶⁷</p> <p>- Enact legislation to ensure members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community citizenship rights, consistent with the equal rights enumerated in the Nepali Supreme Court's 2008 decision (USA).</p>	<p>- Ensure that the new Constitution provides for equal and full citizenship rights for women, including the right to transfer citizenship to their children and foreign husband;</p> <p>- Implement training programmes for Government officials at all levels on legal provisions relating to the transfer of citizenship;</p> <p>- Conduct a second comprehensive national campaign to issue citizenship certificates, taking into account the</p>	<p>- Continue to strengthen efforts to remove barriers, particularly for women and those living in rural areas, to access citizenship certificates and birth registrations.</p> <p>- Ensure that citizenship provisions of the new Constitution guarantee the equal rights of women to acquire, transfer and retain citizenship. (para. 20)</p>	<p>- Promote awareness-raising measures in order to ensure that local administration authorities involved in granting transmission of nationality are fully informed about the legal provisions in place and effectively implement them. (para. 12)</p>	<p>- The Citizenship Act, 2007 and Citizenship Regulation, 2007 have been enacted.</p> <p>- Legal and procedural barriers still exist in acquiring citizenship for women despite the guarantee of equal rights to women to citizenship in Nepal's Interim Constitution.</p> <p>- The Government amended and implemented the Citizenship-related Regulation to provide Citizenship to Third Gender Citizens with their identity, and also enacted Guidelines to manage Citizenship distribution procedures.⁶⁸</p> <p>CSO Reports</p> <p>- Although there are now legal provisions to obtain a citizenship</p>

⁶⁵ *Focused Evaluation: Local Governance and Community Development Programme (LGCDP)*, 2012 (Unpublished) **(Focused Evaluation-LGCDP Report)**.

⁶⁶ BBC-NBN Report, p. 48

⁶⁷ Para. 106 to para. 107, Report of the UPR Working Group on Nepal.

⁶⁸ NHRC Mid-term Report on UPR, p.19

		<p>difficulties faced by women in securing proof of nationality;</p> <ul style="list-style-type: none"> - Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; - Ensure that children born in the territory of Nepal who would otherwise be stateless be granted Nepalese citizenship. (para. 26, a-e) 			<p>certificate for a child in the name of the mother, in reality these provisions are rarely implemented. In practice, women still face gender-based discrimination when they seek birth registration for their children.⁶⁹</p> <ul style="list-style-type: none"> - Despite constitutional guarantees of non-discrimination and equality on the basis of sex, children of Nepali women married to a foreigner father are denied citizenship.⁷⁰ - Foreign women married to Nepalese men may acquire citizenship through naturalisation but foreign men married to Nepali women have no such right. The effect of this is that a Nepali woman cannot pass her nationality to family members on the same footing as Nepali men.⁷¹
National machinery for the advancement of women	<p>Recommendations that enjoyed the support of Nepal:⁷²</p> <ul style="list-style-type: none"> - Continue promoting the work of the National Commission for Women and for Dalits, through the reinforcement of 	<ul style="list-style-type: none"> - Provide the national machinery for the empowerment of women at the central and local levels with the necessary human, financial and technical resources for their 			<ul style="list-style-type: none"> - The Ministry of Women, Children and Social Welfare (MoWCSW) was established following the Beijing Conference in 1995 for advancement of women's rights. - The High level Gender Coordination Committee was established under the MoWCSW;

⁶⁹ Open Society for Justice Initiatives, *Submission to the Human Rights Committee Prior to the Adoption of List of Issues for Nepal*, April 2013, p. 6-7 (Open Society Report); HRTMCC Report 2014, p. 7.

⁷⁰ HRTMCC Report 2014, p. 10

⁷¹ Open Society Report, p. 4

⁷² Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

	<p>resources that allows them to work in an efficient manner (Bolivia/Slovenia); - Strengthen the resources allocated to the implementation of the adopted National Action Plan for children for the period 2005-2015 (Algeria/Slovakia); - Implement effectively the Human Rights Action Plan and other national action plans, including on the elimination of discrimination against women and on the rights of persons with disabilities (China); - Develop the necessary tools to ensure education and human rights training, notably for law enforcement officials (Morocco); - Provide mandatory human rights training for its police force (New Zealand);</p> <p>Recommendations of</p>	<p>effective functioning in all areas of women’s empowerment; - Strengthen its monitoring mechanisms for the implementation of laws and plans of actions aimed at achieving de facto equality between women and men, and to further the development of a comprehensive gender indicator system, with a view to improving the collection of sex-disaggregated data as a means of assessing the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women’s enjoyment of their human rights. (para. 14)</p>			<ul style="list-style-type: none"> - Thematic committees on GBV, Human Trafficking and Single Women have been formed under MoWCSW with three separate sections to deal with gender mainstreaming, GBV and human trafficking issues. - District Women and Children Offices have been established in all 75 districts of Nepal, but headed by senior Gazetted Class II Women and Children Officers in 23 districts since 2013. - The National Women Commission was established as statutory body in 2002 to monitor Nepal’s women’s rights situation. - Several statutory mechanisms including the National Human Rights Commission, National Women Commission, National Dalit Commission and National Foundation for Development of Indigenous Nationalities were established to address all possible violations of rights.⁷⁷ - The judiciary has established as an active component in the protection and promotion of women’s human rights through its landmark decisions and directive orders in number of cases relating to discrimination and violence against women.⁷⁸
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⁷⁷GoN Addendum to UPR Report, p. 3

⁷⁸ BBC-NNBN Report, p. 55

	<p>UPR Working Group to which Nepal responded in an Addendum:⁷³</p> <ul style="list-style-type: none"> - Review and adopt relevant legislation and policies, including bills related to caste-based discrimination, the Women’s Commission, the Dalit Commission, the rights of Indigenous Peoples and the Rights of the Child, to ensure full compliance with international human rights standards (Norway);⁷⁴ - Introduce an independent complaints mechanism on the conduct of security forces and establish a Nepal Police Service Commission responsible for appointments, promotions and 				<ul style="list-style-type: none"> - The Gender Responsive Budget Committee was formed in 2007 under MoF. - Gender Focal Points have been nominated in each Government Ministry. - The Social Development Division, and Gender Equality and Environment Division has been put in place under the National Planning Commission. - GESI section was established in MoFALD. - The LGCPD programme has been executed by the MoFALD since 2008 with inclusive structures at the local level. - MoWCSW has been working to establish gender disaggregated data according to the framework under the SAARC Gender Info Base (SGIB). <p>CSO Reports</p> <ul style="list-style-type: none"> - The total annual budget for the Ministry of Women, Children and Social Welfare (MoWCSW) is insufficient, especially considering that it is the nation’s apex body for women, children and the
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⁷³ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

⁷⁴ GoN Addendum to UPR Report, p. 3: Response of Nepal to this recommendation was “Several statutory mechanisms including the National Human Rights Commission, National Women’s Commission, National Dalit Commission and National Foundation for Development of Indigenous Nationalities exist to address all possible violations of rights. The GoN remains committed to the promotion of their rights in conformity to its international obligations.”

	<p>transfers (Australia/Denmark).⁷⁵</p> <p>- Strengthen the rule of law by establishing an independent complaints commission capable of investigating and prosecuting complaints against the security forces and a police service commission responsible for police recruitment, transfers and promotion (United Kingdom).⁷⁶</p>				<p>elderly.⁷⁹ Further, MoWCSW has been unable to properly establish itself as the central coordination body for effectively gender mainstreaming due to lack of relevant expertise, capacity and skill.⁸⁰</p> <p>- The National Women Commission has inadequate resources to reach those women who are in need of services. It also lacks independence, due to appointment of commissioners being political, and there are serious problems with implementation of its recommendations.⁸¹</p> <p>- There is lack of national gender policies that provide guidance to all government bodies, besides periodic policies. The frequent amendments to gender discriminatory laws shows that the process of amending laws have not been gender sensitive.⁸²</p> <p>- Besides the limited gender disaggregated data maintained in related bodies, there is no plan for the institutional development and strengthening of disaggregated</p>
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⁷⁵ GoN Addendum to UPR Report, p.4: On this recommendation Nepal responded, “The GoN believes that the existing complaints mechanism on the conduct of security forces is independent. It is examining the possibility of establishing a Nepal Police Service Commission.”

⁷⁶ Ibid

⁷⁹ MDG Report p. 36

⁸⁰ BBC-NNBN Report, p. 52

⁸¹ HRTMCC Report 2014, p. 7, Advocacy Forum et al Report, p. 1

⁸² BBC-NNBN Report, p. 52

					<p>information system to portray the real gender situation.⁸³</p> <p>- Due to lack of a proper monitoring mechanism, the gender responsive budget has been allegedly misused.⁸⁴</p>
<p>Temporary special measures</p>	<p>Recommendations that enjoyed the support of Nepal:⁸⁵</p> <p>- Implement measures to encourage women to undertake legal training and facilitate their entry into the judiciary (New Zealand);</p> <p>- Take more effective measures to increase the involvement of indigenous peoples, minorities and vulnerable groups in the civil service, law enforcement agencies and local authorities (Malaysia).</p>	<p>- Adopt temporary special measures to accelerate the advancement of women in areas in which women, in particular those facing multiple forms of discrimination, are underrepresented or disadvantaged, including in political representation, Government administration and the judiciary, and access to health, education, employment, housing and land ownership;</p> <p>- Include in its legislation specific provisions on the adoption of temporary special measures that</p>		<p>- Address obstacles to the career advancement of women through temporary special measures and education of men and women about equal career opportunities. (para. 13)</p>	<p>- An Affirmative Action Policy has been adopted by the Government since 2007 to ensure women's participation in all social, political and economic spheres.</p> <p>- The Civil Service Act, 2007 was amended to reserve 33 percent of the 45 percent of 'reserved open competition' seats for women, leading to 14% increase in female personnel in the civil service.⁸⁶</p> <p>- 20% quota has been allocated for women and socially excluded groups for the appointment of police, armed police and army.⁸⁷</p> <p>- Women's ownership of land property has increased after the GoN exemption of 25% of registration fee for women.</p> <p>CSO Reports</p> <p>- The Government's failure to take special measures to eliminate</p>

⁸³ Ibid.

⁸⁴ HRTMCC Report 2014, p. 8

⁸⁵ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

⁸⁶ Department of Personnel Records, Ministry of General Administration, Government of Nepal, National Review-Beijing Report, p. 33.

⁸⁷ Mid-Term Evaluation Report on NAP.

		encourage their use in both the public and private sectors. (para. 16(a and b))			conditions which perpetuate discrimination means that women and girls who suffer from multiple forms of discrimination, are impacted upon in severe ways. ⁸⁸
Stereotypes and harmful traditional practices		<ul style="list-style-type: none"> - Put in place without delay a comprehensive strategy, with concrete goals and timetables, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in accordance with articles 2 (f) and 5 (a) of the Convention; - Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the involvement of civil society and community and religious leaders, to eliminate harmful traditional practices, and collaborate with the media to enhance a positive, non-stereotypical and non- 	<ul style="list-style-type: none"> - Take appropriate measures to: <ul style="list-style-type: none"> (a) explicitly prohibit all forms of harmful traditional practices in domestic law and ensure its effective implementation in practice; (b) conduct awareness-raising campaigns on the prohibition and negative effects of such practices, particularly in rural areas; (c) encourage reporting of such offences, investigate complaints from victims and bring those responsible to justice. (para. 8) 	<ul style="list-style-type: none"> - Effectively implement measures to eradicate harmful traditional practices; - Reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that these practices are violating human rights and have long lasting negative effects; - Investigate cases of harmful traditional practices and punish those responsible; - Provide protection and rehabilitation to victims; 	<ul style="list-style-type: none"> - The customary practices of Chhaupadi and Deuki have been formally abolished by GoN. - Child marriage has been banned by law, with the legal age for the marriage established at 18 years with guardian's consent and 20 years without it for both sexes.⁸⁹ - <i>Kamalari</i> customary practice was abolished in 2000 following persistent initiatives by civil society, Kamalaris and Kamaiyas; The number of Kamalaris at village level has declined with large number of Kamalaris receiving scholarship and other economic opportunities.⁹⁰ - Legislature-Parliament on 6 August 2014 endorsed the proposal seeking consideration of the Anti-Witchcraft (Crime and Punishment) Bill, 2014.⁹¹ - Government and CSOs have in the recent years regularly engaged faith healers – Dhami/Jhankri/Guruwa – in various awareness raising programmes against traditional

⁸⁸ Amnesty Report, p. 12

⁸⁹ The Chapter on Marriage, General Code, 1964 (12th Amendment).

⁹⁰ BBC-NBN Report, p. 69

⁹¹ See <http://nepalisamachar.com/?p=4077>

		<p>discriminatory portrayal of women; - Promptly enact the draft law on harmful social practice; ensure that it covers all forms of such practices; ensure full implementation of the law without delay; and monitor its effective implementation. (para. 18(a-c))</p>		<p>- Expedite the adoption of the Bill prepared by the National Women’s Commission to criminalize all kinds of harmful practices, as well as of the National Strategy to End Child Marriages. (para. 14)</p>	<p>harmful practices.⁹²</p> <p>CSO Reports</p> <ul style="list-style-type: none"> - Harmful traditional practices of Chaupadu, Jhuma and Deuki continue in Nepal and remain barriers to gender equality.⁹³ - The widespread prevalence of child marriage in Nepal has an immensely negative impact on girls and women.⁹⁴ - Nepal is among the 15 countries worldwide with the highest prevalence of child marriage. There are reports that the prevalence of child marriage has declined overall in Nepal, but it is still considerably high in the far-western and mid-western regions of Nepal being estimated at 48% to 53%.⁹⁵ Current records at MoPH reveal at least 23% of girls getting married between 15-19 years.⁹⁶ - Despite the criminalization of child marriage, relatively few cases of child marriage are reported and successfully prosecuted in Nepal.⁹⁷ - Despite criminalization of all harmful traditional practices under Nepali law, lack of proper
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⁹² BBC-NNBN Report, p. 70

⁹³ MDG Report, p. 35

⁹⁴ Center for Reproductive Rights et al Report, p. 1.

⁹⁵ Center for Reproductive Rights et al Report, p. 2.

⁹⁶ BBC-NNBN Report, p. 70

⁹⁷ Center for Reproductive Rights et al Report, p. 8-9.

					implementation often prevents the guilty from being punished and victims continue to suffer due to factors such as: inadequacy of holistic socio-economic and legal support systems, unwillingness of victims to file cases fearing negative consequences, family members' acceptance of financial settlement, judicial system steeped in patriarchy and political machinations. ⁹⁸
Trafficking and exploitation of prostitution	<p>Recommendations that enjoyed the support of Nepal:⁹⁹</p> <ul style="list-style-type: none"> - Strengthen the implementation of its Human Trafficking and Transportation (Control) Act 2007 and its Regulation 2008 (Bhutan); - Strengthen law enforcement and the judicial system in the efforts to address impunity, prevent domestic violence, and to protect women and children from trafficking as well as physical and sexual exploitation (Malaysia); 	<ul style="list-style-type: none"> - Fully implement article 6 of CEDAW by: <ul style="list-style-type: none"> (a) Collecting and analyzing data on all aspects of trafficking and prostitution, disaggregated by age, sex and country of origin, in order to identify trends; (b) Implementing the Human Trafficking and transportation (Control) Act, 2007 to ensure that perpetrators are punished and victims adequately protected, assisted and provided with shelters; (c) Strengthening preventive measures 	<ul style="list-style-type: none"> - Strengthen the efforts to prevent, suppress and punish trafficking in persons, trafficking in human organs and bonded labour, including the establishment of a system of data collection and analysis to identify trends and implement effective strategies, and adoption of measures aimed at empowering vulnerable groups to eliminate their risk of exploitation. - Ensure the effective 	<ul style="list-style-type: none"> - Effectively enforce the legislation on Human Trafficking, by: <ul style="list-style-type: none"> (a) Investigating trafficking cases, prosecuting and sanctioning the traffickers and providing rehabilitation and reparation to victims; (b) Sensitizing the population on measures taken to combat trafficking such as the Child Search Rescue Center in Kathmandu; (c) Further developing its cooperation with neighbouring countries in order to prevent and combat traffic 	<ul style="list-style-type: none"> - Enactment of Human Trafficking and Transportation (Control) Act, 2007 and Regulation, 2008. - A 10-year National Plan of Action to combat Trafficking in Persons was formulated in 2011. - A National Plan of Action Against Trafficking in Persons, Especially Trafficking in Women and Children 2012 has been formulated, prioritizing five specific areas including prevention, protection, prosecution, capacity development of concerned institutions.¹⁰² - National Minimum Standards for Victim Protection (NMS) and the SOP for Shelter Homes for human trafficking survivors were developed in 2012. - 8 Rehabilitation Centers have been

⁹⁸ BBC-NBN Report, p. 70

⁹⁹ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

¹⁰² NHRC Mid-term Report on UPR, p. 18

	<p>- Combat human trafficking and forced prostitution in particular of children (Germany); - Fight trafficking in persons, prosecute perpetrators and provide protection and compensation to victims (Netherlands).</p> <p>Recommendations of UPR Working Group to which Nepal responded in an Addendum:¹⁰⁰ - Regarding human trafficking and violence against women and children, take further legislative steps, where necessary, and accelerate efforts for their effective implementation (Japan); - Develop a comprehensive legal framework to protect children from trafficking (Austria).¹⁰¹</p>	<p>aimed at improving the economic situation of girls and women, gainful employment and other resources to eliminate their vulnerability to traffickers; (d) Strengthening its efforts to cooperate, at the international, regional and bilateral levels, with countries of origin and transit in order to address the causes of trafficking more effectively and improve the prevention of trafficking through information exchange; (e) Ensuring the effective implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; (f) Ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially</p>	<p>implementation of the Human Trafficking and Transportation (Control) Act of 2007, prosecute and sanction perpetrators, including State officials complicit in trafficking-related crimes, and provide victims with adequate protection and assistance. (para.18)</p>	<p>king across borders; (d) Bringing its legislation in full compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, specially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. (para. 21)</p>	<p>established for trafficked victims in 8 districts of Nepal in 2009/10. - Procedural Guidelines on the Prevention of Sexual Harassment against Working Women at Workplaces like Dance Restaurants, Dance Bars etc., 2008 was issued by the Supreme Court of Nepal for enactment. - Investigation, Prosecution and Adjudication, Rescue and Raid Guideline, and Victim/Witness Protection Policy is under preparation by the Government. - A new investigative body has been established to pursue trafficking cases, suspend manpower agencies and orientation centers for malpractice, plus fund and conduct a range of awareness-raising activities.</p> <p>CSO Reports - The implementation of Human Trafficking related Act 2007 and Regulation 2008 is ineffective due to various reasons like delay in justice delivery.¹⁰³ - Women's share of the Nepali foreign labour force has increased and, with this, exploitation and</p>
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¹⁰⁰ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

¹⁰¹ GoN Addendum to UPR Report, p. 6: Accepting these recommendations, Nepal's response was, "The GoN believes that the Human Trafficking and Transportation (Control) Act, 2007, and its Regulation, constitute a comprehensive legal framework to protect those affected from trafficking, including women and children. The GoN has, since 2001, implemented a national action plan against the sale of women and children for sexual and labour exploitation. The GoN accepts these recommendations."

¹⁰³ NHRC Mid-term Report on UPR, p. 18

		<p>Women and Children, supplementing the UN Convention against Transnational Organized Crime;</p> <p>(g) Providing information and training with respect to the anti-trafficking legislation to the judiciary, law enforcement officials, including immigration and border police, and social workers in all parts of the country, and undertaking awareness-raising campaigns among the population. (para. 22)</p>			<p>abuse of Nepali women in host countries and by Nepal employment agencies and brokers has grown.¹⁰⁴</p> <p>- Although Nepal's Interim Constitution prohibits trafficking of women for purposes of sexual exploitation, forced labour, bonded labour, domestic servitude and marriage, these issues remain acute.¹⁰⁵</p> <p>- Nepal is mainly a source country for women and children who are subjected to forced labor and sex trafficking. However, internal trafficking is also a prominent issue. Lack of prosecution and police complicity in trafficking cases remain major problems.¹⁰⁶</p>
Education	<p>Recommendations that enjoyed the support of Nepal:¹⁰⁷</p> <p>- Continue efforts to ensure that primary education becomes free and compulsory for all children (Norway);</p> <p>- Continue applying programmes and measures for the</p>	<p>- Enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women, particularly:</p> <p>(a) Strengthen its efforts to achieve universal</p>		<p>- Adopt legislation making primary school compulsory and make all necessary efforts to make secondary school free;</p> <p>- Address the high rate of school dropout of girls, including by</p>	<p>- A seven year School Sector Reform Plan (SSRP) was implemented in 2009/10.</p> <p>- The enrollment of girls in Early Childhood Education and Development (ECED) centers has increased from 70% to 73.1%, with girl to boy ratio at 0.99 at primary to higher secondary education level.</p> <p>- Female literacy has gone up by 15 percent to 57.4 percent according to</p>

¹⁰⁴ MDG Report, p. 33.

¹⁰⁵ HRTMCC Report 2014, p. 15.

¹⁰⁶ HRTMCC Report 2013, p. 53.

¹⁰⁷ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

	<p>enjoyment of the right to education and the right to health (Cuba);</p> <ul style="list-style-type: none"> - Ensure that all girls, Dalit children and children belonging to ethnic minorities have equal access to quality education (Finland); - Reach out to parents and parents' groups to promote equal access to education and participation in local institutions for their children, and to encourage parents to appreciate the value of education and benefits of participation (Finland); - Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after 	<p>provision of quality education for girls at each level of the education system in urban, rural and remote areas, and to provide access to education to girls with disabilities through the improvement of infrastructures and the provision of support systems, with special attention to girls from Dalit, indigenous and other disadvantaged groups;</p> <p>(b) Adopt concrete measures, including effective enforcement of provisions banning early marriage, to prevent girls from dropping out of school;</p> <p>(c) Strengthen its efforts to improve the literacy rate for women through the adoption of comprehensive formal and non-formal</p>		<p>providing adequate sanitary infrastructure in all schools. (para. 27)</p>	<p>National census report of 2011.¹¹¹</p> <ul style="list-style-type: none"> - Non-formal education programmes have been conducted by the Non-Formal Education Center (NFEC) under the Ministry of Education contributing to increasing the literacy rate among women and girls; NFEC has extended its scope of work from literacy programmes to continuing education, open and distance learning mostly for women.¹¹² - Abolishing school fees, providing scholarships and free school lunch have proven to be viable practices for increasing girls' enrolment and their retention in schools.¹¹³ - Improvements in the quality of education in Nepal have been observed in programs focusing on teachers, textbooks/instructional materials, the learning environment and the school management. <p>CSO Reports</p> <ul style="list-style-type: none"> - Although the ratio of boys to girls in primary school has improved significantly, the ratio of women to men at the higher-secondary level is 0.91 and the ratio of women to men
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¹¹¹ Central Bureau of Statistics, *National Population and Housing Census- 2011*, November 2012, p.4; See also <http://www.ekantipur.com/the-kathmandu-post/2012/11/27/top-story/sluggish-literacy-rate-to-hit-mdg/242177.html>

¹¹² BBC-NNBN Report, p. 24

¹¹³ BBC-NNBN Report, p. 23

	<p>education in order to enable them to claim their rights and work as agents of change for their communities (Finland).</p> <p>- Ensure inclusion of human rights education in school programmes throughout the country (Saudi Arabia);</p> <p>- Raise, through education, the level of awareness and knowledge about human rights of the population, with a focus on the most vulnerable social groups, to ensure their full enjoyment of all human rights, in particular economic and social rights (Vietnam).</p> <p>Recommendations of</p>	<p>educational and training programmes;</p> <p>(d) Increase the training and recruitment of female teachers. (para. 28)</p>			<p>at the tertiary level is only 0.71.¹¹⁴</p> <p>- The early marriage of girls continues to stymie the achievement of gender parity in secondary and tertiary education.¹¹⁵</p> <p>- There is still a considerable gap between literacy rates of rural males and females. In rural areas, 91.89% of males are literate, but only 76.26% of females are literate.¹¹⁶</p>
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¹¹⁴ MDG Report, p. 31.

¹¹⁵ MDG Report, p. 36.

¹¹⁶ MDG Report, p. 32.

	<p>UPR Working Group to which Nepal responded in an Addendum:¹⁰⁸</p> <ul style="list-style-type: none"> - Ensure that education is free and compulsory, with special focus on the enrolment of girls in schools (Turkey);¹⁰⁹ - Continue pursuing appropriate, efficient, inclusive educational policies to provide for free and compulsory education to all segments of its society, including marginalized, disadvantaged- and the most vulnerable- groups (Slovakia); - Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their 				
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¹⁰⁸ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

¹⁰⁹ GON Addendum to UPR Report, p. 8: Nepal’s response to this recommendation was, “The Constitution of Nepal safeguards the right to education as a fundamental right. Accordingly, every citizen is entitled to free education up to the secondary level (grade 9 to 12). The education policy in Nepal has accordingly been structured to achieve this fundamental right. Universalizing primary education is an explicit priority of the GON. Pursuant to the Education Act, 2001 (Seventh Amendment), the basic education has been made free to all school age children, irrespective of caste, gender and other form of diversities and differences prevailing in the society. Similarly, to enforce the fundamental right of each citizen to have free education up to the secondary level, the GON has implemented free secondary education for the targeted groups (Dalits, and endangered and highly marginalized groups) since FY 2009/10. The GON has also adopted various measures with special focus on the enrolment of girls in schools. These measures include: provision of scholarship to 100 per cent girls at the primary and lower secondary level (basic education) and to all school girl students in Karnali Zone, and allocation of quota for 40,000 girl students under annual 60,000 secondary education scholarships.”

	education cycle, and to ensure their employment opportunities after education in order to enable them to claim their rights and work as agents of change for their communities (Finland). ¹¹⁰				
Employment	Recommendations that enjoyed the support of Nepal: ¹¹⁷ - Protect the citizens from labour exploitation at home and abroad by providing improved regulation and oversight of workplace practices (United States of America); - Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after	- Ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention, particularly: (a) Strengthen its efforts to eradicate bonded labour and child labour and ensure effective implementation of the International Labour Organization (ILO) Convention concerning the Abolition of Forced Labour (Convention No. 105); (b) Regulate the informal sector to ensure that women in this sector are		- Undertake all necessary measures to comply with its commitment to extend social security to workers in the informal economy, in particular regarding maternity and old age. In this connection, the Committee refers the State party to its General Comment No. 19 on the Right to Social Security and recommends that	- Policy and laws have been formulated to promote women's employment in the public sector. - There is no occupational segregation in policy and laws for women and men, except the government ban on female migrant workers in travelling to the Gulf and Middle East countries as domestic workers. ¹²¹ - Central Bureau of Statistics, in line with the ILO Standard and UN System of National Accounting 1993, has adopted a broader definition of economic activities, recognizing production of goods and services for market, production of goods for household consumption, food processing, fuelwood and water collection for household

¹¹⁰ The GoN accepted these recommendations as stated in GoN Addendum to UPR Report, p. 8.

¹¹⁷ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

¹²¹ In August 2012, the government barred women below 30 to go to the Gulf and Middle East to work in the domestic sector 18 months after it ended a 12-year ban for the region, in response to a rise in cases of their abuse and exploitation. (See <http://www.ekantipur.com/the-kathmandu-post/2014/07/27/top-story/govt-prepares-to-lift-gulf-ban-for-female-workers/265450.html>)

	<p>education in order to enable them to claim their rights and work as agents of change for their communities (Finland).</p> <p>Recommendations of UPR Working Group to which Nepal responded in an Addendum:¹¹⁸</p> <ul style="list-style-type: none"> - Ensure that the new labor legislation would include provisions prohibiting discrimination both in employment and the recruitment procedures, as laid down in the ILO Convention No. 111 (Poland);¹¹⁹ - Formulate effective strategies and programmes in order to provide employment and income generating opportunities for the 	<p>not exploited;</p> <p>(c) Align the draft law on sexual harassment in the workplace with the Committee’s general recommendation No. 19, enact it without delay and ensure its effective implementation;</p> <p>(d) Develop a confidential and safe system of filing complaints, facilitate access to justice for victims of sexual harassment and conduct awareness raising campaigns targeting working women in particular, to break the culture of silence surrounding sexual harassment;</p> <p>(e) Consider ratifying the ILO Convention concerning Decent Work for Domestic Workers</p>		<p>the State party assess the possibility of establishing a Social Protection Floor, in line with the ILO Recommendation 202, seeking, if necessary, technical assistance from the ILO;</p> <ul style="list-style-type: none"> - Implement the 2009 directive of the Supreme Court for a five-year action plan (2012-2016) to regulate work in the “entertainment” sector and to ensure the labour and social security rights of women working in this sector as well as to protect them from abuse; Conduct awareness-raising campaigns to 	<p>consumption as economic activities. Likewise, women’s labour force participation has increased from 74.4 percent in 20003/04 to 79.4 percent in 2010/11.¹²²</p> <ul style="list-style-type: none"> - A 14 percent increase of women in the civil service has resulted from the GoN’s affirmative action policy; Women’s representation in Civil service Gazetted position increased from 2.1 percent in 2001 to 16.9 percent in 2013.¹²³ - Women and Children Offices have provided skills based training and entrepreneurship development for women. - GoN allocated 10 million rupees in 2012/13 to support women’s entrepreneurial groups. - Women’s entrepreneurship, access to micro-credit and commercial markets has been promoted in various sectoral programmes. - The GoN is providing support in running day care centers and early childhood education to harmonize work and family responsibilities for women.
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¹¹⁸ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

¹¹⁹ GoN Addendum to UPR Report, p. 7: Accepting this recommendation, GoN responded, “Nepal is a party to the ILO Convention No. 111. The policy, legal and institutional measures adopted by Nepal to implement this Convention prohibit discrimination both in employment and recruitment procedures. The Constitution and other relevant laws also prohibit such discrimination. The GoN is committed to strengthen the measures to further effectively curb the issue of such discrimination. In this context, the GoN accepts this recommendation.”

¹²² BBC-NNBN Report, p. 41.

¹²³ NPC 2014, cited in BBC-NNBN Report, p. 17.

	<p>population, in particular, the rural population, Dalits and ethnic minorities (Malaysia).¹²⁰</p>	<p>(Convention No. 189). (para. 30)</p>		<p>eliminate stigmatisation against these women. (para. 15) - Increase efforts to ensure that freed bonded labourers are entitled to full rehabilitation and integration, in particular through access to fertile lands for cultivation, access to housing, food, health, education and vocational training for income generating- activities and employment. (para. 17) - Provide adequate information to women migrant workers on procedures for access to, and enjoyment of, their economic, social and cultural rights; - Continue to sign</p>	<p>CSO Reports - Nepalese Women still often work for no remuneration, with an estimated 74.8% of the unpaid labour force being female.¹²⁴ - In the non-formal labour market, the average female wages are significantly less than the average male wage suggesting that women are either not paid the same as men for the same job or that there are more women in low-paying jobs.¹²⁵ Women’s average monthly earning is much lower than men, the ratio being 0.57 in 2008.¹²⁶ - Nepal’s Labour Act, 1992 does not apply to the informal sector, thus excluding most working women in Nepal.¹²⁷ - Women working in the informal labour sector are typically unable to stop working, or take the amount of rest recommended by the government, particularly when pregnant.¹²⁸</p>
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¹²⁰ Ibid. The GoN accepted this recommendation.

¹²⁴ MDG Report, p. 32.

¹²⁵ MDG Report, p. 32.

¹²⁶ BBC-NNBN Report, p. 44.

¹²⁷ Amnesty Report, p. 16.

¹²⁸ Amnesty Report, p. 16.

				<p>bilateral agreements with host countries and monitor their enforcement in order to better protect the rights of women migrant workers. (para. 18)</p>	
Health	<p>Recommendations that enjoyed the support of Nepal:¹²⁹</p> <ul style="list-style-type: none"> - Continue applying programmes and measures for the enjoyment of the right to education and the right to health (Cuba); - Intensify efforts in providing basic services to vulnerable or marginalized groups, or communities particularly providing quality health and education services and creating more employment opportunities (Myanmar). 	<ul style="list-style-type: none"> - Ensure access to basic health care and health-related services, within the framework of the Committee's general recommendation No. 24, in particular for poor and rural women and women with disabilities, and enhance the number of medical staff, including female doctors and other health-care providers; - Develop and pursue effective policies and programmes to further reduce the maternal mortality rate; - Prioritize programmes that ensure access to a full range of maternal health services, including antenatal, postnatal and emergency obstetric care, in particular for 		<ul style="list-style-type: none"> - Adopt a comprehensive human rights-based strategy with a clear gender dimension to combat hunger and ensure food security for marginalized and disadvantaged individuals and groups. (para. 24(a)) - Conduct dissemination campaigns on the legality of abortion in the State party; - Ensure access to sexual and reproductive health services as well as to safe abortion services; - Provide adequate training to health assistants; - Take measures to prevent uterine 	<ul style="list-style-type: none"> - GESI Section has been established in the Population Division of Ministry of Health and Population. - Nepal Health Sector Plan-Implementation Plan – II (NHSP-IP II) 2010-15 was formulated with attention on improving the health service delivery for women. - The Antenatal Incentive Program was launched in 2011 providing NRs. 400 to mother for completing four antenatal care visits in health facilities. - The National Safe Motherhood Program was initiated in Nepal in 1997 with the development of revised Safe Motherhood and Neonatal Health Long Term Plan (SMNHLTP 2006-2017). - Nepal HIV Investment Plan 2014-2016 was formulated to address the health needs of female sex workers; - The Nepal Demographic Health Survey was conducted and published in 2011. - Multi-sector Nutritional Plan 2013-2017 was developed targeting teen-

¹²⁹ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

		<p>poor women, rural women and young mothers;</p> <ul style="list-style-type: none"> - Address discriminatory and harmful practices against women and girls, such as the lack of provision of sufficient food and the Chaupadi practice, which jeopardize the well-being and health of women and girls, including reproductive health; - Take preventive measures to combat the problem of uterine prolapse, such as adequate access to family planning, awareness-raising and training under existing safe motherhood programmes, and ensure sufficient allocation of funds for quality corrective surgeries and follow-up 		<p>prolapse among women by ensuring adequate sexual and reproductive healthcare over the life cycle and combatting poverty that is the main cause for women not to rest sufficiently after delivery;</p> <ul style="list-style-type: none"> - Consider the OHCHR's technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity.¹³⁰ (para. 25) 	<p>aged girls, pregnant women and breastfeeding mothers.</p> <ul style="list-style-type: none"> - A total of 755,000 women could avail of abortion facilities after the Safe Motherhood Policy 1999 and Policy on Abortion 2002 were formulated.¹³¹ - Significant improvements in the maternal rate have resulted from the work done by the 52,000 women health volunteers appointed at the community level by the government.¹³² <p>CSO Reports</p> <ul style="list-style-type: none"> - Women and girls in Nepal suffer poor health outcomes, particularly concerning reproductive health.¹³³ - At least 10% of Nepali women nationally experience some form of uterine prolapse which is associated with early and closely timed pregnancies. There has been little government attention on preventing uterine prolapse.¹³⁴ - Rates of health problems among poor Dalit women, like uterine prolapse, are especially high.¹³⁵ - On average, 18.2% of women are
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¹³⁰ A/HRC/21/22.

¹³¹ BBC-NNBN Report, p. 29.

¹³² Ibid.

¹³³ Amnesty Report, p. 12.

¹³⁴ Center for Reproductive Rights et al Report, p. 6; Amnesty Report, p. 13-14.

¹³⁵ Amnesty Report, p. 13.

		<p>visits, which prevent postoperative complications such as fistula and other health problems;</p> <ul style="list-style-type: none"> - Improve access to abortion services throughout the country; - Address the unmet need for contraception by prioritizing universal access to the full range of contraceptive methods, information and services, including emergency contraception, with a particular focus on rural women, poor women and adolescent girls. (para. 32(a-g)) 			<p>under nourished in Nepal. The lack of adequate nutrition amongst women has roots in cultural practices where women eat after the men in the family, meaning they often do not have access to the best or most nutritious food.¹³⁶</p> <ul style="list-style-type: none"> - Women frequently cannot access skilled birth attendants either because they do not control decisions around health care or because they do not have access to essential reproductive health information and services.¹³⁷ - Nationally, only 36% of live births were assisted by a skilled attendant.¹³⁸ Figures disaggregated by ethnicity and caste show large differences in access to skilled attendants with only 22% of Terai Dalit women assisted by a skilled birth attendant.¹³⁹ The pattern is similar for access to ante natal care.¹⁴⁰ - Early pregnancy, closely associated with child marriage, significantly increases girls' risk of maternal mortality and morbidity. Girls under the age of 15 are up to five times more likely to die during childbirth
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¹³⁶ Amnesty Report, p. 13-14.

¹³⁷ Amnesty Report, p. 13.

¹³⁸ MoPH, *National Demographic and Health Survey-2011*, March 2012, p. 127

¹³⁹ Amnesty Report, p. 14.

¹⁴⁰ Amnesty Report, p. 14.

					than women in their twenties. Early pregnancy also carries a higher risk of related injuries such as obstetric fistula and uterine prolapse. ¹⁴¹
Women and armed conflict	<p>Recommendations that enjoyed the support of Nepal¹⁴²:</p> <ul style="list-style-type: none"> - Design and implement programmes to ensure the respect for and protection of the rights of women and children, in particular the rehabilitation of women, children and families affected by conflict <p>(Egypt);</p> <ul style="list-style-type: none"> - Establish accountability for conflict-era human rights abuses through the formation of the Truth and Reconciliation Commission and Disappearance Commission, as agreed to in the Comprehensive Peace Agreement <p>(United States of America/ Australia/ Netherlands/ Czech Republic/Denmark);</p>	<ul style="list-style-type: none"> - Prioritize the consideration of the draft laws on the Truth and Reconciliation Commission and the Commission of Inquiry on Disappearances; ensure that the Commissions are gender-sensitive, independent and authoritative and that the Truth and Reconciliation Commission deals with sexual violence; pay particular attention to the social and security dimension of public testimony for victims of sexual violence; - Investigate, prosecute and punish all acts of violence, including acts of sexual violence perpetrated by the armed forces, Maoist combatants and private 	<ul style="list-style-type: none"> - Ensure that all gross violations of international human rights law, including torture and enforced disappearances, are explicitly prohibited as criminal offences under domestic law; - End all forms of political interference in the criminal justice system and undertake independent and thorough investigations into alleged conflict-related cases of human rights violations, and hold the perpetrators accountable without any further delay. The Committee stresses that transitional justice mechanisms cannot 		<ul style="list-style-type: none"> - The Ministry of Peace and Reconstruction was established in April 2007 to manage the peace process and address the issues that concern conflict-affected people; Nepal Peace Fund Secretariat was established under the Ministry. - Nepal's National Action Plan on the Implementation of the United Nations Security Council Resolutions 1325 and 1820 was formulated in 2011. - Procedural Guideline on Interim Relief, Compensation and Gender Support 2010, Guideline to Provide Gender Support to the Deceased Family 2009, Guideline to Provide Interim Relief to the Beneficiary of the Disappeared Person 2009, and Procedural Guideline to Rehabilitate the Dependent Children Orphaned or Separated from the Parents 2011 have been enforced.¹⁴⁷ - Local Peace Committees have been established in 75 districts with 28% female membership including 2 female conflict victims, as provided in the Terms and Conditions of Local

¹⁴¹ Center for Reproductive Rights et al Report, p. 6.

¹⁴² Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

¹⁴⁷ Mid-Term Evaluation Report on NAP, p. 9

	<ul style="list-style-type: none"> - Ensure that the Truth and Reconciliation Commission, as well as to the Commission on Disappearances be operational within the briefest delay and that there be no amnesty for grave violations of human rights (Switzerland); - Establish an independent Truth and Reconciliation Commission and take immediate action to account for the missing and ensure reparations to victims, including family members of the disappeared (Sweden); - Ensure that the perpetrators of human rights violations, both past and present, are brought to justice in proceedings which meet international standards of fairness (Sweden); - Seek to remove the obstacles faced by victims trying to access justice (Republic of Korea); - Ensure that all 	<ul style="list-style-type: none"> actors, through transitional and restorative justice, and ensure that, under the draft law on the Truth and Reconciliation Commission, the statute of limitations on filing complaints relating to rape and other forms of sexual offences during the conflict does not preclude women's access to justice; - Initiate a thorough and complete investigation into the perpetration of sexual abuse during the armed conflict and post-conflict periods; - Ensure women's access to justice and make legal aid available and accessible to all women affected by the conflict, including women victims of sexual violence during the conflict and post-conflict periods; - Ensure the protection of victims and witnesses and provide shelter homes for victims of sexual violence, including in rural and 	<ul style="list-style-type: none"> serve to dispense with the criminal prosecution of serious human rights violations; - Create, as a matter of priority and without further delay, a transitional justice mechanism in accordance with the Supreme Court writ of mandamus of 2 January 2014 and ensure its effective and independent functioning in accordance with international law and standards, including by prohibiting amnesties for gross violations of international human rights law and serious violations of international humanitarian law; - Ensure that all victims are provided with an effective remedy, including appropriate compensation, restitution and 		<p>Peace Committees, 2009.</p> <ul style="list-style-type: none"> - Nepal Peace Trust Fund has provided monetary support to various Ministries, NGOs and agencies to implement projects for the implementation of NAP on UNSCR 1325 and 1820. - The MoFALD has developed the GESI Resource Book to promote women's participation in local level training programmes. - The Enforced Disappearance Investigation, Truth and Reconciliation Commission Act was passed on 25 April 2014, but with provisions empowering the Commission to recommend amnesties for perpetrators of human rights violations, with the exception of rape case.¹⁴⁸ The Supreme Court has issued a stay order for withholding the implementation of the law until the final decision of the Court. - A pilot program was launched in 2013 to provide psychosocial counseling and support services for conflict-affected people including women with technical support provided to the MoPR by the International Organization for Migration. <p>CSO Reports</p> <ul style="list-style-type: none"> - Crimes of sexual violence
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¹⁴⁸ Section 26(2), The Enforced Disappearance Investigation, Truth and Reconciliation Commission Act, 2014.

	<p>decisions from the judiciary, regarding those presumed responsible for serious human rights violations during and after the conflict, are fully respected by all concerned institutional actors, particularly by the army and the police forces (France);</p> <p>- Tackle impunity by investigating and prosecuting human rights violations and abuses committed by State and non-State actors during and since the conflict, implementing court orders including on the Nepal Army, and ending political interference (UK);</p>	<p>remote areas;</p> <p>- Ensure the effective implementation of the national plan of action on Security Council resolutions 1325 (2000) and 1820 (2008), and ensure that victims of sexual crimes receive appropriate reparations, rehabilitation and counselling;</p> <p>- Establish counselling centres for women to address their traumatic experiences, specifically with regard to sexual violence, and provide adequate access to health-care services;</p> <p>- Enhance the inclusion and representation of women survivors in peacebuilding institutions and mechanisms at the</p>	<p>rehabilitation, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147);</p> <p>- Adopt guidelines for vetting to prevent those accused of violations of the Covenant from holding public office and being promoted. (para. 5 (a-e))</p>		<p>perpetrated during Nepal's conflict remain widely unpunished and no investigation or prosecution having been launched into these incidents. Nepal has also failed to take steps to facilitate victims' access to justice.¹⁴⁹</p> <p>- Victims of sexual violence and torture have not received any relief from the state to date.¹⁵⁰ None of the current guidelines linked to the Interim Relief Programme recognize survivors of sexual violence as Conflict Affected Persons (CAPs)¹⁵¹, excluding them from Nepal's Interim Relief Program.¹⁵²</p> <p>- Official data concerning conflict related sexual violence (CRSV) survivors is lacking; MoPR guidelines for psycho-social counseling, 2013 also does not mention CRSV.¹⁵³</p> <p>- The Government has not introduced a comprehensive medical or psycho-social program to benefit survivors of CRSV and help them cope with the consequences.¹⁵⁴</p>
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¹⁴⁹ TRIAL et al Report, p. 18

¹⁵⁰ NHRC Mid-term Report on UPR, p. 10

¹⁵¹ The Interim Relief Programme uses the term Conflict Affected Persons in reference to those entitled to various benefits (including Cash benefits to family members of those who died or were disappeared due the conflict, to widows of men who died due to the conflict; Scholarships for children of people killed during the conflict; Medical treatment for people injured due to the conflict; Skill development training for conflict victims; Economic assistance to people and institutions whose properties were damaged during the conflict; and scholarships for children of those disappeared during the conflict).

¹⁵² Human Rights Watch Report, p. 1; Advocacy Forum et al Report, p. 15; TRIAL et al Report, p. 19

¹⁵³ BBC-NNBN Report, p. 38

¹⁵⁴ Human Rights Watch Report, p. 1.

	<p>- Investigate all cases of ill treatment and abuse, such as enforced disappearances, cases of torture, arrests without warrants and extrajudicial killings by the police as well as the national army and ensure the delivery of justice regarding these serious human rights violations (Hungary);</p> <p>- Criminalize torture and enforced disappearances in line with international standards (Slovenia/ Denmark/UK);</p> <p>- In the framework of the reform of the penal code and the penal procedure code, conform to the totality of the provisions of the Convention against Torture (Switzerland).</p> <p>Recommendations of UPR Working Group to</p>	<p>decision-making, policymaking and implementation levels. (para. 36(a-h))</p>			<p>- While rape is a criminal offence under the law in Nepal, sexual violence when committed as a war crime, crime against humanity or genocide is not proscribed in law.¹⁵⁵</p> <p>- In relation to the duty of police to register First Information Reports (FIR), Nepalese Police consistently refuse to register FIRs when they are related to State authorities' conduct.¹⁵⁶ However, even in cases in which FIRs are registered, the police still typically fail to carry out their duty to investigate.¹⁵⁷</p> <p>- The discriminatory 35-day limitation period for filing complaints of rape has made prosecution of rapes committed during the conflict period impossible.¹⁵⁸</p> <p>- Nepal's NAP on UNSCR 1325 and 1820 lacks adequate resources for effective implementation and as a result it is yet to be fully localized, and its dividends yet to reach the most conflict affected women and girls.¹⁵⁹</p>
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¹⁵⁵ TRIAL et al Report, p. 18.

¹⁵⁶ TRIAL et al Report, p. 6.

¹⁵⁷ ICJ Report, p. 8.

¹⁵⁸ Advocacy Forum et al Report, p. 21.

¹⁵⁹ BBC-NNBN Report, p. 38.

	<p>which Nepal responded in an Addendum:¹⁴³</p> <ul style="list-style-type: none"> - Undertake investigations in cases where there are credible allegations of human rights violations, implement court order and establish transitional justice mechanisms (Norway);¹⁴⁴ - Start the investigation of all outstanding allegations of human rights violations committed during or after the conflict and to bring perpetrators to justice in proceedings which meet international standards (Netherlands); - Intensify efforts in the investigation of pending allegations of serious human rights and international humanitarian law violations by all parties in the armed conflict 				
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¹⁴³ Para. 108, Report of the UPR Working Group on Nepal; GoN Addendum to UPR Report.

¹⁴⁴ GoN Addendum to UPR Report, p.6: Nepal's response to this recommendation was, "Allegations of human rights violations have been investigated in accordance with the laws of Nepal. Government remains committed to implement Court orders. The Truth and Reconciliation Commission Bill, 2010 and Enforced Disappearance (Offence and Punishment) Bill, 2010, which provide for transitional justice mechanisms have been tabled before the Parliament."

	<p>(Spain); - Investigate and prosecute those who committed human rights violations on both sides of the conflict (New Zealand).¹⁴⁵ - Implement the decision of the Supreme Court of 2007 that requires the State to criminalize enforced disappearances and sign and ratify the CED (France).¹⁴⁶</p>				
Women and Poverty	<p>Recommendations that enjoyed the support of Nepal:¹⁶⁰ - Step up efforts to achieve the effective realization of economic, social and cultural rights for the marginalized and vulnerable groups by ensuring that they are provided with adequate</p>	<p>- Pursue and implement macroeconomic, social and sectoral policies that are geared towards eradicating poverty and reducing gender-based inequality; encourage broad-based sustained economic growth; and address the structural causes of poverty within</p>		<p>- Strengthen efforts to reduce poverty in particular among the most marginalized and disadvantaged groups, such as Hill and Terai Dalits, as well as women in rural and remote areas, and indigenous peoples,</p>	<p>- The GoN's Three Year Plan 2010/11- 2012/13 and Approach Paper to the Thirteenth Plan 2012/13 – 2014/15 was formulated focusing on poverty reduction through gender equality, empowerment of women and inclusion of socially disadvantaged groups. - Gender Responsive Budgeting (GRB) has been practiced in Nepal</p>

¹⁴⁵ GoN Addendum to UPR Report, p.6: To this recommendation, GoN responded, "Acts of enforced disappearance and extra-judicial executions are strictly outlawed by the laws of Nepal. Constitutional provisions provide for direct access of any individual or group to the Supreme Court to have redress of violation of any fundamental rights guaranteed by it. In addition to regular court mechanism, there exist several other statutory mechanisms to address violation of rights. These include the National Human Rights Commission and National Women's Commission. They provide an effective constitutional and legal framework in Nepal to address individual cases of human rights violations, including those of enforced disappearance and extra-judicial killings. The GoN is committed to bring to an end all extrajudicial activities by law enforcement agencies."

¹⁴⁶ GoN Addendum to UPR Report, p.7: Nepal's response was, "The GoN respects the decisions of the Supreme Court. It has already tabled the Penal Code Bill in the Legislature Parliament, with provisions criminalizing acts including enforced disappearances. Nepal is a party to almost all core human rights treaties. The GoN is regularly reviewing other human rights treaties for possible accession or ratification. It believes that putting in place adequate national infrastructures is prerequisite for complying with the principles and objectives and carrying out specific responsibilities including the reporting obligation that emanate from these treaties. Even without being a party to the CED, Nepal has consistently upheld its principles and objectives."

¹⁶⁰ Para, 106 to para. 107, Report of the UPR Working Group on Nepal.

	<p>access to food, health, education and fair employment (Malaysia);</p> <ul style="list-style-type: none"> - Step up the efforts to reduce poverty, particularly rural poverty (Algeria); - Reinforce the efforts in the area of the fight against poverty with a view to attaining the Millennium Development Goals and to request the necessary financial and technical assistance in this regard (Morocco); - Continue its efforts to achieve equitable socio-economic development, address poverty alleviation through its overarching objective according to its current policies and Action Plans with the support by the international community in order to meet the targets of MDGs (Cambodia); - Continue implementing the necessary economic measures to eradicate 	<p>the overall framework of achieving people centered sustainable development;</p> <ul style="list-style-type: none"> - Strengthen initiatives aimed at encouraging sustainable economic empowerment of women, including the promotion of women's access to land and credit and the promotion of training in microenterprise development and management, and monitor the impact of these initiatives; - Ensure equal access by women to resources and nutritious food by eliminating discriminatory practices, guaranteeing land ownership rights for women and facilitating women's access to safe drinking water and fuel; - Provide for the right to adequate food in the new Constitution. (para. 38(a-d)) 		<p>including by expanding its programs under the Poverty Alleviation Fund;</p> <ul style="list-style-type: none"> - Facilitate access to, and ownership of, land for these groups as well as to income generating activities. (para. 22) 	<p>from fiscal year 2007/08 and GRB guidelines have been developed.</p> <ul style="list-style-type: none"> - MoF has revised the Budget Management Information System (BMIS) and Line Ministry Budget System (LMBS) to track budget and expenditure regularly through a gender lens. - There is an increasing trend of allocation of GRB to direct and indirect gender responsive programmes: from 11.30% in 2007/08 to 21.75% in 2013/14.¹⁶¹ - The Resource Mobilization and Management Guidelines, 2012 were developed by MoFALD and implemented at local level with an allocation of a minimum 10% of the budget for programmes and projects directly beneficial to the women, children and socially excluded. - Focused programmes of the Department of Women and Children on "Women against poverty" have been implemented at the VDC level. - Sector Wise Assistance Approach (SWAp) with an elaborated GESI strategy and action plans of various Ministries have been put in place. - The Agricultural Development Strategy, 2013 was formulated focusing on the involvement of women in agricultural production.
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¹⁶¹ BBC-NNBN Report, p. 42 and 51 [Percentage of GRB allocation in the F.Y. 2010/11 was 17.14%, F.Y. 2011/12 was 19.05%, F.Y. 2012/13 was 19.05% and F.Y. 2013/14 was 21.75%.]

	<p>poverty, allowing all the Nepalese population a life with dignity (Bolivia); - Speed up its efforts to reduce poverty and unemployment in the country and seek broader international cooperation to deal with the threats posed by climate change (Azerbaijan).</p>				<p>- Saving and credit cooperatives which occupy 15% of total financial transactions, have 45% involvement of women; 2500 cooperatives have been run by women alone in rural areas.¹⁶²</p> <p>CSO Reports</p> <p>- According to the Government, 75% of working women in Nepal are employed in the agricultural sector.¹⁶³ More than three-quarters of these women are unpaid and are mostly employed by family members.¹⁶⁴</p> <p>- Despite Nepal's gender responsive budget programmes and budget allocation, the implementation of the provisions have not been effective as there remains tendency to bypass women, children and other disadvantaged groups.¹⁶⁵ The gender responsive budget has also been allegedly misused due to lack of a proper monitoring mechanism.¹⁶⁶</p> <p>- Women's groups, mother's groups and women's cooperatives are active in social, economic and cultural activities, but lack engagement in mainstream development activities.</p>
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¹⁶² BBC-NNBN Report, p. 18.

¹⁶³ MoWCSW, *Fourth and Fifth Periodic Reports of Government of Nepal on CEDAW*, 2009, p.39-40.

¹⁶⁴ Amnesty Report, p. 16.

¹⁶⁵ *Focused Evaluation-LGCDP Report*.

¹⁶⁶ HRTMCC Report 2014, p. 8

					<ul style="list-style-type: none">- Despite granting equal rights to ancestral property to the daughters, it has not been effectively implemented in reality.- Dalit women suffer multiple forms of discrimination on the basis of their caste, gender and poverty.¹⁶⁷
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¹⁶⁷ Amnesty Report, p. 13.

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