

RESPONSE OF
THE GOVERNMENT OF NEPAL
TO THE LIST OF ISSUES AND QUESTIONS IN RELATION TO THE
SIXTH PERIODIC REPORT OF NEPAL
ADOPTED BY THE COMMITTEE ON THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN

MINISTRY OF WOMEN, CHILDREN AND SENIOR CITIZEN
GOVERNMENT OF NEPAL
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Nepal adopted by the Committee on the Elimination of All Forms of
Discrimination Against Women

Background

1. The Government of Nepal (herein after referred to as "the GoN") has submitted its sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women (herein after referred to as "CEDAW") to the UN (CEDAW/C/NPL/6) on 18th April 2017. The Sixth Periodic Report has been scheduled for consideration by the Committee on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as "the Committee") at its 71st session that is planned for October 2018 at UN House in Geneva. In preparation of the consideration of the report of Nepal, the Committee adopted a list of issues (CEDAW/C/NPL/Q/6) hereinafter referred to as "the list of issues"), with the view of supplementing the sixth periodic report with additional information to enable the Committee to assess the state of implementation of rights and provisions provided for in the Convention.
2. The GoN has prepared this written response to provide additional information in response to the list of issues. This response endeavours not to repeat or overlap information provided in the Sixth Periodic Report to the Committee. This document reflects the achievements and actions of the GoN to fully protect, promote and rights of women and to end all forms of discrimination against women. The GoN reiterates its firm commitment to further promote and full implementation the CEDAW in Nepal. This

response has been prepared in close coordination and collaboration with the relevant Ministries, stakeholders and civil society organizations.

Legal status of the Convention and definition of discrimination

Issue 1: In its sixth periodic report, the State party indicates that, in 2015, a new Constitution was adopted by the Constituent Assembly and that discrimination on any grounds is now prohibited (CEDAW/C/NPL/6, paras. 2 and 8). The State party also indicates that it has, by an act amending some legislation relating to gender equality and ending gender-based violence, adopted in 2015, repealed any remaining gender-discriminatory legal provisions, thereby bringing 88 legal provisions into conformity with the principles of gender equality set out in the Constitution and the Convention (para. 11). However, there is no mention of specific measures taken to review relevant laws to align the definition of discrimination with article 1 of the Convention, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, paras. 9–10). Please provide information on the steps taken, including a time frame, to amend legislation in order to include therein a definition of discrimination against women that is in line with article 1 of the Convention. Please state the number of instances in which national courts have made reference to the provisions of the Convention.

3. In order to implement the constitutional provisions of fundamental rights by making laws, the Constitution has set a time limit of three years from the commencement of the Constitution (as provided for Article 47). Accordingly, GoN is in final stage of introducing number of bills in the Federal Parliament.
4. Chapter 3, Sections 17, 18 and 19 of the National Civil Code, 2017 (hereinafter referred to as "Civil Code"), to be effective from August 17 2018, provides for equality of all citizens, right against discrimination and positive discrimination/affirmation action respectively. Section 19 of the Civil Code clearly spells out special measures ensured by the law for the protection, empowerment and development of the citizens including the socially or culturally backward women, *Dalit*, indigenous people, indigenous nationalities, *Madhesi*, *Tharu*, *Muslim*, oppressed class, *Pichhada class*, minorities, the marginalized farmers, labours, youth, children, senior citizens, gender and sexual minorities, persons with disabilities, person in pregnancy,

incapacitated or helpless, backward region and indigent *KhasArya* is not considered as discrimination.

5. Chapter -10, Sections 160 and 161 of the National Penal Code 2017 (hereinafter referred to as "Penal Code") criminalize discrimination. Section 160 reads "Except otherwise provided for by a law in force, no public official shall, while exercising the authority according to law, make a discriminatory treatment against any citizen on the grounds of origin, religion, race, sex, caste, tribe, sex, physical condition, condition of health, marital health, pregnancy, economic condition, language or region, ideology or on similar other grounds." Whoever commits such offence shall be liable to a punishment of imprisonment not exceeding three years or a fine of thirty thousand rupees or with the both.
6. The SC has made reference to the provision of CEDAW in a number of landmark decisions which attributed to establish the rights of women both constitutionally and legally. The SC has referred the CEDAW provision in three adjudicated cases during the FY 2017/18. The details of the cases are presented in annex 1.

Issue 2 : In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor gender equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding legislation that governs the system for the collection, sharing and analysis of data, disaggregated by sex, age, caste, ethnicity, disability and geographic location, pertaining to all areas covered by the Convention. Please indicate the specific steps being taken to address intersecting and multiple forms of discrimination against women and girls on the basis of caste, class and ethnicity, which are prevalent in Nepalese society, in particular among Dalit and indigenous women and girls. Please also indicate the measures being taken to effectively carry out a law reform process to ensure the harmonization of the provisions of the Convention with national laws on gender equality and non-discrimination.

7. All the State mechanisms i.e. Executive, Legislature and Judiciary are responsible to ensure gender equality and non-discrimination. The parliamentary oversight mechanism (Committee of Women and Social Committee of the House of Representatives) is in place to address the concerns of women and children and to oversee the government functions relating thereto specifically to make government accountable to ensure and implement the policies and legislation in furtherance of addressing women's rights.
8. Ministry of Women, Children and Senior Citizen (hereinafter referred to as "MOWCSC") is in place at the federal level with roles and responsibilities of formulation of policies and laws concerning gender equality and women rights standard, development, implementation and monitoring plan of actions relating thereto. There is a Social Development Ministry in all seven States which are responsible for formulation of State level policies, laws, women rights standard, development, implementation and monitoring plan of actions, development and implementation plans to address GBV issues along with ensuring gender responsive budget. All 753 Local level governments are responsible for the protection and promotion of rights of women.
9. All three tiers of the Judiciary (Supreme Court, High Court, and District Court) are empowered to promote and ensure principle of equality and non-discrimination. The Supreme Court (hereinafter referred to as "SC") of Nepal has a power of judicial review of each of the laws made and administrative actions taken. In addition, there are 13 Constitutional Commissions out of which eight (namely the National Human Rights Commission, National Women Commission, National *Dalit* Commission, National Inclusion Commission, Indigenous Nationalities Commission, *Madhesi* Commission, *Tharu* Commission, and *Muslim* Commission) deal with issues related to human rights, women's rights, rights of *dalit* and indigenous communities, *madhesi*, *tharu* and *muslim* communities people, and also deal with issues of inclusion and inter-sectionality.
10. The
Nepal Census Act, 2015 governs the collection, sharing and analysis of data to be published by the Central Bureau of Statistics. For example, the Central Bureau of Statistics in its Nepal Multiple Indicator Cluster Survey, 2014¹

¹<http://cbs.gov.np/nada/index.php/catalog/46>

along with the Nepal National Population and Housing Census 2011² contains data disaggregated by sex, age, caste, ethnicity, disability and geographic location. Meanwhile, a bill to amend to the Census Act has been brought forward which is designed to include provisions of disaggregated data to the extent possible.

11. The Constitution in Articles 40(7) Rights of *Dalit* Women, 42 Rights to Social Justice, 43 Right to Social Security, 51 (j) (1)&(2) Policies of the State, Article 18 Right to Equality and Article 38 Rights of Women address specifically the intersecting and multiple forms of discrimination against women and girls on the basis of caste, class and ethnicity. Local Level Election Act 2073, Section 6 (2) provides seats reserved for *Dalit* women along with two others for women from each political party to be elected at the Rural Municipality and Municipality Ward Committees. The Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011), the *Tharu* Commission Act 2074, Indigenous Nationalities Commission Act, 2074 all work towards tackling and addressing intersecting forms of discrimination against women. Section 10A (b),(d),(e),(f) of Scholarship Related Regulations, 2060, provides special scholarship quotas to women, indigenous, *Dalit* and people residing in backward areas.
12. The GoN is drafting a bill " The Act to Amend Some Acts to Make all forms of Violence against Women Punishable and Compensation to Victims, 2018" to make all forms of violence against women punishable and to provide compensation to victims. Human Trafficking and Transportation Control Act 2007 is under the process of review for amendment.
13. The National Gender Equality Policy is in the drafting stages. In order to ensure the affirmative action to ensure substantive equality in health, employment, education and social security; MoWCSC has been working on bringing amendments to the respective sectoral legislations.

Access to Justice

Issue 3: Please provide information on measures taken to improve access to justice for women and girls who are victims of discrimination or gender-based violence, including domestic violence. Please provide information on the legal aid regime that is in place and the extent to which women can

²available at <http://cbs.gov.np/nada/index.php/catalog/54>

access legal aid, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please state and provide relevant data on the measures being taken to improve the implementation rate of court judgments related to gender equality and women's empowerment, which is reportedly low, and to ensure that the Government complies with such judgments. Please provide information on whether the judiciary collects gender-disaggregated data based on adjudicated cases addressing gender equality and non-discrimination.

14. There are several laws and policies in place in order to improve access to justice for victims of gender based violence in Nepal. Some of the key legislations are: the Domestic Violence (Offense and Punishment) Act, 2009; Human Trafficking and Transportation (Control) Act; 2007; Libel and Slander Act 1959; Social Practices (Reform) Act, 1976; National Women Commission Act, 2017; Citizenship Act 2006, Penal Code; and an Act to Amend to Some Nepal Acts to Maintain Gender Equality and End Gender Based Violence Act, 2015 among many others. Institutional arrangements in furtherance of improving access to justice have also been created by the relevant laws.
15. The MoWCSC and National Women Commission (herein after referred to as "NWC") have been provided specific responsibility in handling cases related to gender based violence. In new federal set-up, the district Women and Children Offices have recently been merged with the Local Level (Local Government). This new structure is accountable to protect and promote the rights of women at local level more effectively.
16. Section 23 (c) of the District Court Rules; 1995 provides for continuous hearing of the case related to gender based violence. The SC has been implementing a number of programs with a view to increase capacity of the relevant court officials on continuous hearing so as to provide expeditious and non-delayed justice to the victims. It mobilises the Central Justice Coordination Committee to ensure implementation and smooth functioning of the continuous hearing process.
17. Article 21 of the Constitution provides for the right of victim of crime. The Act to Amend Some Nepal Acts to Maintain Gender Equality and End Gender based Violence, 2015 also is working on improving access to justice for women. The Sexual Harassment at Workplace (Control) Act, 2014, section 10 provides for women's right to lodge a complaint at the District Administration Office against anyone at the workplace.

18. The Human Trafficking and Transportation Control Act, 2007 has also ensured increased access of the victims to justice by providing specific provisions on the burden of proof to accused. Domestic Violence (Offense and Punishment) Act, 2009 open the various avenues to lodge complaint against case of domestic violence such as Section 3(1), 4, 4(8) has provided Nepal Police or National Women Commission or Local Level or Court. Such cases undergo trial in closed hearings, and should follow Summary Procedure. Victim gets compensation from the offender and for the interim relief of the victim. The GoN has established a fund named "Gender Based Violence (Elimination) Fund, which is managed by MoWCSC.
19. The Constitution has created Judicial Committee (hereinafter referred to as "JC") by Article 217. To execute the constitutional provision, the sections 47 and 48 of the Local Level Government Operation Act, 2017 provides for jurisdiction and procedures for hearing by the JC at the local level respectively. There are in total 753 JC at local level. The JC has the jurisdiction to adjudicate cases related to negligent care of elderly citizens, not providing decent food and clothing or education to minor children or issues concerning relationship between husband-wife and defamation. The JC has the jurisdiction to settle disputes related to divorce through mediation. The JC may issue interim protection order to the concerned party in the dispute relating to husband and wife or of protection of senior citizens, or in the interest of their minor child or any other person dependent on the person
20. The SC has formed the **Access to Justice Commission**. This commission is dedicated to conduct awareness and sensitization program, formulate strategic plan, recommend policies and coordinate among different institutions to ensure access to justice to women, poor, deprived and incapacitate people in the country. The Office of Attorney General has established victim-friendly rooms in its 58 district offices with focal persons. These offices conduct regular awareness programs to bring awareness to marginalized people about the judicial process and the role of government attorney in criminal justice system. Nepal Police has been contentiously making remarkable efforts to increase access of victim to police services through 205 Women and Children Service Centers at national, provincial and local level.
21. Article 20 (10) of the Constitution ensures the right to free legal aid in accordance with law. The Legal Aid Act, 1997 is the major law to provide for free legal aid to the indigent persons. This law is now under the

amendment process to comply with the constitutional provisions. In addition to this, the Human Trafficking and Transportation (Control) Act, 2007 and Domestic Violence (Offence and Punishment) Act, 2009 ensures free legal aid to victims. There are several outreach mechanisms that exist currently under judiciary, Nepal Bar Association (pro-bono service), and various commissions including NWC, and *Dalit* Commission and other non-profit organizations. To further enhance the legal aid system, Ministry of Law, Justice and Parliamentary Affairs has drafted comprehensive free legal aid policy to reform the free legal aid regime in Nepal.

22. The list of important cases decided by the SC on Gender Justice from 1990 to 2013 in total amount to 74 cases were reviewed wherein 20 cases are on the issue of Violence Against Women which cover marital rape, rape, sexual harassment, witchcraft, *Chhaupadi*, *Kamalari*, child marriage, dowry, etc, 13 cases in Equal Property Rights governing partition, tenancy, inheritance, woman's property etc, 13 cases on Reproductive Health governing maternity leave, uterus prolapses, abortion, breastfeeding, reproduction etc, 12 cases on Identity and Citizenship governing citizenship, descent, birth, registration, passport, sexual orientation etc, 6 cases on Marriage and Family governing incest, marriage, divorce, discrimination between son and daughter etc, 4 cases on Equality in Employment governing foreign employment, discrimination on appointment and term of service, probation period etc, and 6 cases on Special Protection governing reservation quota, confidentiality of HIV affected people, gender insensitive advertisement, single women etc. Implementation of these cases and more denote that the same is not low. Furthermore the Dance Bar Directives and Court and District Court Regulations also pass judicial directions in furtherance of gender equality and women's empowerment and ensure Government compliance with such judgements.

23. The SC has planned to collect disaggregated data based on adjudicated cases addressing gender equality and non-discrimination in coming days and harmonizing among new judicial structure in federal context.

National machinery for the advancement of women

Issue 4: Please indicate whether the recent legislative changes to the National Women Commission, by which it was upgraded to a constitutional body, have also resulted in increased financial resources, personnel, autonomy, independence and accountability (para. 13). Please provide an update on efforts by the Ministry of Finance to institutionalize the gender-

responsive budgeting system as a mandatory provision in the formulation of national budgets and on measures to involve gender focal units to monitor its implementation (para.17). Please state whether gender-responsive budgeting has been integrated at the provincial and local levels.

24. The National Women Commission Act, 2017 has been recently enacted and the NWC is on the process to draft National Women Commission Regulation. The Constitution along with Act with functional independence, up-graded role and responsibility of NWC along with financial and human resources.
25. Ministry of Finance has a Gender Responsive Budget Committee with a Gender Responsive Budget Formulation Guidelines, 2013. The committee has been contentiously carrying on its responsibility to ensure the gender responsive budget of federal government. From Fiscal Year 2007/008 wherein 11.30% of the total budget was allocated for direct gender responsive budget to 23.10% in Fiscal Year 2016-017 which shows significant progress in the efforts of the GoN for gender responsive budget allocation. The Federal Government is planning to bestow gender responsive budget planning at the Local and State levels.

Women and peace and security

Issue 5: The State party indicates that it has been implementing a national plan of action on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008). Please provide information on the obstacles that impede the participation of women in conflict prevention, management and resolution and on the measures being taken to address them. Please state the measures that have been taken: (a) to address impunity for crimes of rape and other sexual violence committed during the armed conflict and provide data thereon; (b) to comply with the Supreme Court decision of 2015 to amend the amnesty provisions of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act of 2014 and to reinstate criminal proceedings for conflict-related sexual violence that had been withdrawn; and (c) to ensure a zero-tolerance policy for the sexual exploitation of women and girls by the State party's security personnel, including border police, immigration officials and peacekeeping personnel.

26. Section 2 (j) of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014 has in its definition, enlisted rape and sexual violence as a gross violation of human rights, and Section 13 provides the Commission the power to investigate into the matter of the reported gross violence on the basis of the complaint of the victim and Section 25 provides

for subsequent action and suspension from duty and reporting to the authorities for legal action if the allegation is found to bear merit. Section 26 also provides that the Commission cannot make recommendation for amnesty of a perpetrator who has committed rape or sexual violence.

27. Section 219 of the Penal Code provides that no one can commit the act of rape on a person. Sections 221, 222, 223 of the Penal Code read with Section 219 penalises everyone who commits the act of rape in custody or under their protection, or in any government or private office with added punishment. The Penal Code also increases the minimum age limit for valid consent, from 16 to 18 years, and any act of sexual intercourse with such underage person is considered rape and the consent given by such underage person to be invalid.
28. Sexual Violence related code of conducts 2014 has been implemented for the officials of security forces which prohibits the sexual misbehaviour at workplace. Sexual Harassment at Workplace (Control) Act, 2015 has the provision of restricting any kind of sexual misbehaviour committed by, or caused to be committed by, any person in abuse of his/her position, power or by imposition of any type of coercion, undue influence, or enticement would constitute sexual harassment.
29. A total of 537 police personnel were given training on “Capacity Enhancement of Nepal Police to Contribute Peace Process Effectively” focused on Women, Peace and Security as per the resolution number 1325 and 1820 of United Nation Security Council.

Temporary special measures

Issue 6: In its previous concluding observations, the Committee expressed concern that the State party did not systematically apply temporary special measures as a necessary strategy to accelerate the achievement of de facto or substantive equality between men and women, in line with its general recommendation No. 25 (2004) on temporary special measures (CEDAW/C/NPL/CO/4-5, para. 15). Please indicate the measures, including training, being taken to ensure that legislators, judges and law enforcement officials can acquire conceptual clarity on substantive equality. Please provide information on the specific temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women, in particular in the public sector, and the extent of their effectiveness. Please state the measures being taken to introduce legislation on temporary special measures for women and to

address the inequality and discrimination experienced by disadvantaged groups of women, in particular Dalit and indigenous women and girls.

30. The National Judicial Academy conducts regular training programs on gender justice and access to justice to judges. Similarly, Nepal Administrative Staff College also conducts regular training programs on gender equality for government officials. Nepal Police Academy also provides training to their officials on gender, violence against women and gender based violence. MoWCSC provides 2 days training to gender focal person of various ministries, department and constitutional bodies. The training includes various topics such as concept of gender equality. Gender mainstreaming, gender based violence, violence against women etc. All those trainings disseminate knowledge on concept of equality and concept substantive equality
31. The Constitution ensures inclusive representation in national structures including elected bodies at the Local, State and Federal levels. Election Commission has contentiously making its efforts that aim to mainstream equal participation of women and men in political process. The commission has developed various policies to achieve its aim: Gender and Social Inclusion Policy (2013), Gender and Social Inclusion Strategy (2015-2020), Gender and Inclusion Action Plan (Dec 2015-July 2018). There are several legislations that ensure women's participation (minimum 33%) at all level of elected bodies. Political Party Act, House of Representative Electoral Act, State Assembly Election Act, Local Level Electoral Act and its respective Regulations. In order make Civil Service inclusive, the GoN has amended Civil Service Act, 1992. Along with that Nepal Police Act, Nepal Army Act, have been amended among others.
32. Local Level Election Act, 2016, Section 6 (2) provides seats reserved for *Dalit* women along with 2 others for women from each political party to be elected at the Rural Municipality and Municipality Ward Committees. Election Commission Act, 2017, the Political Parties Registration Act, the Electoral Rolls Act 2017 all provide for positive discrimination in the form of women reservation in such fields as temporary measures to accelerate the achievement of substantive equality. State Assembly Members Election Act, 2074, in Section 4 and 5 provides for special measures for reservation of seats for proportional representation of women. It has provided for 50% proportional representation of women in the list which ensures inclusivity.

33. As a result, there are 40.79% elected women representative at all levels of elected government bodies that includes 32.73% in the House of Representative, 37.29% in the National Assembly, 34.36% in State Legislature and 40.96% in Local Legislature (Village/Rural Municipality Assembly).

Stereotypes and harmful practices

Issue 7: In its previous concluding observations, the Committee expressed concern about deep-rooted stereotypes and patriarchal attitudes that discriminate against women, which are entrenched in the State party's social, cultural, religious, economic and political institutions and structures, including the media (ibid., para. 17). Please provide information on the specific measures being taken to eradicate stereotypes that perpetuate discrimination against women, such as the preference for having sons, and the restriction preventing lactating mothers from seeking foreign employment for up to two years. Please describe the steps taken to develop policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large.

34. Section 15 of the Civil Code provides for not recognizing any traditions and customs that are against the law, at the time of judicial trial. Section 168 (3) of the Panel Code criminalises the practice of *Chauppadi* during the period of menstruation or during the postnatal period and no similar discrimination of untouchability or inhuman behaviour. Nepal has ratified the UNCRC in 1990 and subsequent to its ratification it has enacted the Children's Act, 1992; and Child Labour (Prohibition and Regulation) Act, 1999. This Act clearly promotes the equal treatment between son and daughter.

35. The Child Rights Bill, 2018 is approved by the Council of the Ministers, which prohibits discrimination between son and daughter. The Panel Code prohibits and criminalizes the sex selective abortion. Section 8 of the Foreign Employment Act 2007, prohibits gender discrimination. A man or woman has the right of equal opportunity for foreign employment. Moreover, Section 6 of the Labour Act 2017 requires an employer to follow non-discrimination principle and section 8 of the Labour Act, 2017 provides for equal pay for equal value of work. The GoN is under process of reviewing "Guidelines on Women Domestic Migrant Workers" which prevents lactating mother for seeking foreign employment considering the Nepal's commitment towards both Convention on the Rights of the Child (CRC) and CEDAW.

36. The Annual Budget and program for the FY 2018/19 provides budget for conducting awareness programmes for anti-child marriage, Dowry, *Tilak*, *Deuki*, Witchcraft, *Chaupaddi*, and all such superstitious beliefs, harmful practices and traditions, and violence against women. The Local governments are responsible for addressing the issues related to child marriage, gender based violence, untouchability, dowry, *Chaupadhi*, *Kamlari*, child labor, human trafficking along with all kind of evil social practices (Sec. 12 (2)C(32)). Based on the provisions, Local Governments have prioritized their program and budget. The GoN has been creating awareness on above stated issues through school education. For instance, the issue related to domestic violence, anti-human trafficking, women's rights, harmful practices etc. have been incorporated in its school curriculum, particularly to basic level education.

Issue 8: The State party indicates that it, in collaboration with civil society organizations, is implementing campaigns to address harmful practices, such as forced and child marriages and accusations of witchcraft (para. 27). However, information before the Committee indicates that, despite the prohibition of child marriage by law, the practice remains common in the State party. Please provide information on the measures taken under the national strategy to end child marriage, adopted in 2016, to eradicate the practice and to amend the Criminal Code, which currently punishes minors for marrying below the minimum legal age of marriage. Please describe the measures being taken to harmonize the General Code and the Criminal Code, which have contradictory provisions with regard to the legality of child marriage. Please also provide information on: (a) progress achieved in eradicating the practice of isolating menstruating women and girls following the issuance of directives by the Supreme Court in 2005; (b) measures taken to protect and reintegrate former girls who had been offered for domestic work to families of landlords; (c) measures taken to eradicate the tradition of offering girls to deities to fulfil religious obligations; and (d) measures taken to address the forced genital mutilation of and discrimination against intersex persons, including reported cases of abuse, infanticide and forced marriage.

37. Section 173(1) of the Penal Code prohibits child marriage and marriage before the age of 20. Section 173(2) makes child marriage void *ab*

initio. Whoever effectuates such marriage shall be punished for an imprisonment of upto 3 years and up to a fine of NRs 30,000/- according to Section 173(3). With the enactment of the Civil Code and Penal Code replacing the historic General Code 1963, there remains no contradiction as to the legality of child marriage. All such marriages have now been declared null and void.

38. Section 168 (3) of Panel Code criminalises the practice of *Chauppadi* during the period of menstruation or during the postnatal period.
39. The GoN has collected the data of *Kamlari* (girls who were offered for domestic work to families of landlords). Total number of such girls in six districts was 9,490. GoN has issued identity cards to those girls in three districts. In the remaining districts, the government plans to issue the identity cards this year.
40. Existing Law has prohibited the tradition of offering girls to deities to fulfil religious obligation. In practices, this act is no more exist.

Violence against Women

Issue 9. The State party reports that a national steering committee set up under the Prime Minister to address gender-based violence has been active in speeding up measures for effective implementation and monitoring and that the Gender Coordination and Empowerment Unit has assumed the lead role in mobilizing national capacity for managing and monitoring reported cases of violence against women (para. 32). Please provide information on challenges and achievements in the operationalization of the Gender-based Violence Information Management System to collect nationwide data on cases of violence against women and girls, including domestic violence (para. 36). Please provide an update on the results following the implementation of the national strategy and action plan on gender empowerment and ending gender-based violence (para. 41). Please also state the progress made in raising money for the Gender-based Violence Elimination Fund and the Emergency Child Rescue Fund.

41. Nepal police has established gender-based violence information management system to collect nationwide data on cases of violence against women and girls. The system maintains data of all cases reported to the police system. NWC maintains the data of cases on violence against women reported to the commission.

42. There are few challenges still remained to operationalization of the gender-based violence information management system to collect nationwide data on cases of violence against women and girls, including domestic violence. The key challenge is the multiple reporting mechanisms such as police, court, national women commission and local level. With regards to statistics, recently the country has stepped into the new federal structure; the Constitution has distributed the power to all spheres of government to maintain statistics. Hence, early stage of its implementation, challenges have arisen to coordinate all spheres of government to streamline the system.
43. Office of Prime Minister and Council of Ministers has initiated the process of drafting the National Strategy and Action Plan on Gender Empowerment and Ending Gender-based Violence.
44. The GoN annually allocates around NRs 10,000000.00 (Rs ten million) to the Gender-based Violence (Elimination) Fund. With regards to Child Rescue Fund, Government of Nepal allocates Rs one million annually. Both funds are revolving funds in its nature.

Issue 10: Please provide information on the number of cases involving violence against women, including domestic violence, that have been reported, investigated and prosecuted and on the nature of sanctions imposed on perpetrators. Please indicate whether the State party plans to further extend the statutory limitation beyond six months for the crime of rape or to eliminate it altogether, in order to combat impunity (para. 35). Please describe the measures being taken to combat marital rape, including by increasing sanctions so that they are commensurate with the gravity of the crime. Please also provide updated information on the current situation with regard to support services, protective measures and shelters available to women and girls in all regions of the State party, including among disadvantaged groups of women, such as Dalit and indigenous women and girls.

45. According to the information provided by the Office of Attorney General, in the fiscal year 2016/17, number of rape cases reported are 1874, out of which, convictions were made in 654 cases; and acquittal in 333 cases. In 870 total prosecuted cases of attempt to rape, convictions were made in 270 and acquittal in 275 cases. In total 329 prosecuted cases of human trafficking and transportation, prosecutions were made in 121 and acquittal in 91 cases. In case of bi-gamy, a total of 763 prosecutions were

made, out of which convictions were made in 272 cases and acquittal 132 cases.

46. According to the information provided by the Police, in 2016/17, 1131 Rape cases, 536 Attempt to Rape cases, 227 Human Trafficking cases, 22 Abortion cases, 464 Polygamy cases, 26 Child marriage cases, 11,629 Domestic Violence cases and 24 Witch Craft cases have been reported.
47. Out of a total 11,629 reported domestic violence cases, conciliation made in 6,882 cases; 579 cases were referred to courts, and 3,463 cases are under consideration and 688 cases were not come to contact once case had been reported to police.
48. The Panel Code has extended the current statutory limitation period to file for rape (six months) to one year. In cases of rape of detainee women, abducted women, women under control of a person, the limitation period for filing rape cases is three months after such person is released.
49. The Panel Code substantially increases punishment in marital rape from three months to six months to a period of five years of imprisonment under Section 219 (4). Section 219 (5) provides for shelter, food, safety from physical violence, must display good husband behaviour, medical expenses, alimony, prevention from torture, ensure necessary steps to be taken to ensure wife's benefits and security in case a marital rape case has been filed against the husband.
50. The GoN has established various service mechanisms to provide services and support to victims of gender based violence that include victims from disadvantaged groups of women such as *Dalit* and Indigenous women and girls. For instance, there are 36 Safe houses, 10 rehabilitation Centres for victim of trafficking and transportation, and one long term rehabilitation centre. The GoN has established hospital based one stop crisis management centre in 41 districts.

Number of victim received services from various mechanisms as following:

SN	Services Mechanism	No of victims received services
1	OCMC	12,000 (till this date)
2	Service Centre	4432 (Fiscal year 2012-2017)
3	Rehabilitation Centre	5197 (Fiscal year 2012-2017)
4	Long-term Rehabilitation Centre	44(Fiscal year 2016-2017)

51. The Gender Based Violence Elimination Fund exists at the national level. Through these mechanisms, government ensures the legal aid, health services, psychosocial counselling, emergency support, income generating support to the victim of gender based violence.

Trafficking and exploitation of prostitution

Issue 11: Please provide information on the specific steps being taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to integrate its provisions into national law. Information before the Committee indicates that women and girls are trafficked for purposes of sexual exploitation and domestic work. Please provide information on the progress in and challenges to the implementation of the national plan of action to combat trafficking in persons since 2011 and the national plan of action against trafficking in women and children since 2012 (para. 47). The State party indicates that a fund for the rehabilitation of survivors of trafficking has been established in each district (para. 48). Please provide information on the number of women and girls who were victims of trafficking who have benefited from the fund. Please indicate the measures being taken to increase the number of rehabilitation homes and centres, and describe the services that exist in the State party for victims of trafficking, in particular women and girls. Please provide details on efforts to support women and girls at risk of trafficking following the earthquake that occurred in 2015, and specifically on existing mechanisms for access to justice and alternative livelihood options. Please also provide updated information on any measures taken, including entering into bilateral and regional agreements with neighbouring countries, to combat trafficking in women and girls, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, para. 22 (d)).

52. The GoN has initiated preliminary works with a view to ratify the TIP Protocol by forming an inter-ministerial committee. The committee has been carrying out necessary works in this regard.

53. The GoN in 2017 conducted a mid-term review (MYR) on the implementation of the National Plan of Action (NPA). The NPA has five key pillars i.e. prevention, protection, prosecution, capacity building and coordination. The MTR identified that out of 163 interventions planned under

the NPA, 79 of them were fully implemented and the rest were partially implemented. The major gaps identified by the MTR are as follows:

- a. Duplication of activities both at NGOs level and Government Level;
- b. Lack of conceptual clarity on exploitations caused due to forced labour migration and human trafficking;
- c. Lack of constructive engagement by private sector in preventing the cases of human trafficking

54. The GoN has established the rehabilitation fund to operate rehabilitation centres. The GoN has been supporting ten rehabilitation centres for the victims of trafficking in Nepal and one in Kolkatta, India. The Foreign Employment Promotion Board has supported three transit shelters within the country and has supported Nepali diplomatic missions in seven Gulf and middle-east countries to rescue and repatriate and extend other necessary support to victim migrant workers. These transit centres in the Gulf countries provided services to 1,246 trafficked victims and survivors. In addition, there are some shelter homes being run by NGOs with support from private foundations and development cooperation. The GoN has planned to establish at least one rehabilitation centre at each State during the Fiscal Year 2018/19 under the government flagship program entitled "Presidential Women Upliftment Program".

55. The major services for the victims and survivors of human trafficking are rescue, repatriation, foods and shelter, medical treatment and free legal aid; psychosocial counselling, education, skills/trainings and income generation support. In the fiscal year 2016/2017, within the first eight months, rehabilitation centres in 10 districts have rescued 911 women trafficking victims and provided subsequent service.

56. The interventions carried out to support women and girls at risk of trafficking following after earthquake were mainly targeted on mobility monitoring of women and children; communicating the risk group (foreign employment seeking men and women) about the risk and alternatives. The monitoring of mobility, prohibiting inter country adoption, mandatory approval for taking children out of district and also promoting local monitoring groups actions and information campaign contributed on preventing trafficking during the emergency context of earthquake. The development agencies and non government organizations also added their

support and facilitated preventing human trafficking during the post earthquake response. The state and non-state interventions on post-earthquake disaster was highly effective during this emergency period for preventing trafficking.

57. The GoN has entered into an Indo-Nepal Treaty. The diplomatic mission in Gulf countries and India is also active and in development talks for bilateral treaties for the safety of labour migrants.

Measures taken on entering into bilateral and regional agreements with neighbouring countries, to combat trafficking in women and girls are :- Till date Bilateral Labour Agreement has been signed with Qatar and Jordan, and Memorandum of Understanding (MOU) has been signed with Korea, Japan, United Arab Emirates, Bahrain and Israel. Measures have been taken for signing MOU with Oman and other potential country of destination. Nepal being chair of Colombo process and SAARC is working jointly with member countries for safe, orderly, and regular migration.

Participation in political and public life

Issue 12. In its previous concluding observations, the Committee expressed concern about the underrepresentation of women, in particular Dalit and indigenous women, in high-level decision-making positions, public service, the judiciary and the diplomatic service (ibid., para. 23). Please provide information on the level of representation of women in those areas, and in academia, and on the specific measures that the State party is taking to address their underrepresentation. The State party indicates that, in 2016, the Government submitted a bill to amend the Local Bodies (Election Procedure) Act of 1992, in an effort to ensure that at least 50 per cent of candidates from each political party in an election are women (para. 52). Please provide information on the status of the bill and whether sanctions for non-compliance are envisaged. Please state whether measures are being taken to reform electoral quotas to ensure that specific quotas are introduced to allow women to participate in the two electoral systems, in order to grant them the opportunity to run in elections. Please indicate the other strategies and programmes in place to address such obstacles as discriminatory cultural and traditional beliefs and gender stereotypes that prevent women from participating in political and public life.

58. Articles 38, 40, 252, 253, 255, 256, 258, 259, 261 of the Constitution has guaranteed representation of women and *Dalit* women through the principle of proportional representation in all bodies with special

provisions for participation in public services and other sectors of employment.

59. Local Level Election Act 2073, Section 6 (2) provides seats reserved for 2 women (one for *Dalit* women) at the Rural Municipality and Municipality Ward Committee. As a result, 6567 *Dalit* women are elected in a local government. Likewise, the Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, *Tharu* Commission Act 2017, Indigenous Nationalities Commission Act 2017 all work towards tackling and addressing underrepresentation of women from respective communities in respective commission. Section 10A (b)(d)(e)(f) of Scholarship Related Regulations, 2003 provides special scholarship quotas to women, indigenous, *Dalit* and people residing in backward areas.
60. There are a maximum of nine members of the District Coordination Committee. The members of the concerned District Assembly elect a Chief, Deputy Chief, at least three women, and at least one *Dalit* or minority. Members of the Village Assembly or Municipal Assembly within the concerned district shall be eligible to be a candidate for the respective positions stated above.
61. There should be at least 50 per cent women candidates on political party candidate lists, including for the position of Chair, Vice-Chair, Mayor and Deputy Mayor, Chief and Deputy Chief of District Coordination Committee.
62. State Assembly Members Election Act, 2017, in Section 4 and 5 provides for special measures for reservation of seats for proportional representation of women. It has provided for 50% proportional representation of women in the list which ensures inclusivity. Likewise, Federal Parliamentary Election Act, 2017, ensures the 33% women representation in federal legislative. The Act has provided for 50% proportional representation of women in the list which ensures inclusivity.
63. Election Commission Act, 2017, the Political Parties Registration Act, the Electoral Rolls Act 2017 all provide for positive discrimination in the form of reservation for women in such fields as temporary measures to accelerate the achievement of substantive equality.
64. There is a mandatory provision that there should at least one female teacher at basic level (from grade 1-8). With this compulsory provision, the participation of

female teacher at basic level is 41.1 percent. Likewise, participation at secondary level (grade 9 -12) is 19.2 percent. There are 99 percent women facilitators in Early Child Development program.

(Please refer to answer of issue 6 for detail)

Nationality

Issue 13. In its previous concluding observations, the Committee expressed concern regarding, among other things, the obstacles affecting women who wish to transfer Nepalese citizenship to their children and foreign husbands and women married to Nepalese men who wish to obtain citizenship certificates, and the persistence of underlying conditions obstructing access to citizenship, including poverty, geographic isolation and onerous administrative requirements (CEDAW/C/NPL/CO/4-5, para. 25). Please provide updated information on the steps taken to address these concerns, in particular to ensure that women and men can transmit nationality on an equal basis. Please provide information on measures being taken to remove the restrictions placed on women by the Constitution of 2015 with regard to independently passing on their citizenship to their children and to remove all administrative obstacles that impede women from obtaining citizenship certificates in order to prevent statelessness. Please also provide information on measures being taken to ensure universal birth registration in the State party. Please describe the steps being taken to amend the Birth, Death and Other Personal Events (Registration) Act of 1976 to remove barriers so that women may independently register the births of their children.

65. Article 10(1) of Part-2 of the Constitution, has mentioned that no citizen of Nepal be deprived of the right to obtain citizenship and 10(2) provides for single federal citizenship with State identity.
66. Every District Administration Office has power to issue citizenship. In districts that are big and difficult to access owing to the same, *Ilaka* District Offices are established to issue citizenships. In geographically isolated locations, at least 2 mobile teams have been brought into operation with the provision of more if needed, with special preference to women, senior citizens and person with disability. These steps facilitate to ensure citizenship to women and children along with senior citizens, person with disability and poor.
67. The Department of Civil Registration has been implementing Strengthening System of Social Protection and Civil Registration project to

increase the coverage of Civil Registration which creates a basis for universal birth registration. Additionally the DoCR has already started online registration of vital events which simplify the overall process and increase access to citizen.

68. The amendment process of the Birth, Death, and Other Personal Registration Rules of 1977 has already begun. The amended Birth, Death, and Other Personal Registration Rules of 1977 will clarify in regard to the necessary documents to be supplied to local registrar for the registration of a particular event. Hence it is focussed to simplify the overall process of births registration. After the enactment of the amended rules, the birth registration of children would be possible by providing the citizenship either of the mother or father.

Education

Issue 14: The State party indicates that the eighth amendment to the Education Act of 1971, adopted in 2016, further ensures free education up to the secondary level (para. 241). Please provide information on the specific measures being taken to reduce the extremely high dropout rate for girls and to address urban-rural disparities in access to education and in illiteracy rates among women and girls in the State party (CEDAW/C/NPL/CO/4-5, para. 27). Apart from the school food programme, please provide information on measures in place, including the provision of incentives such as scholarships, to encourage girls, in particular those in rural areas, to remain in school. Furthermore, in the light of information that girls frequently drop out of school owing to marriage and pregnancy, please provide information on the steps taken, including policy measures, to encourage pregnant and married girls to continue their education. Please provide data on the number of girls entering technical and vocational education and training and the nature of the courses pursued (para. 71). Please also provide information on measures taken to improve access to education for and literacy among disadvantaged groups of women and girls, including indigenous and Dalit women and girls and women and girls with disabilities.

69. The GoN has been initiating school admission campaign to ensure the access of all children who have come of school age and compulsorily be

admitted to schools. The GoN has made the basic level education free and compulsory with the aim to declare Nepal as "Literal Nepal" (*Sakchyar Nepal*) within the year 2020 in coordination and collaboration with State and Local Government. The annual policy and program of FY 2018/19, the GoN has introduced the school campaign program called *Bidyalayalya-aun, tika-aun, sika-aun* (All children must be brought to school, taught and remain in School). This campaign has been successful to bring thousand of out of school children into the school.

70. The GoN has implemented various scholarship programs to address the high dropout rate of students, particularly for girls. The major scholarship program includes 100 % girls scholarship program (GSP), *Dalit* Scholarship, poor and talented scholarship, disability scholarship, scholarship for marginalized and endangered and *Karnali Zone* scholarship. These targeted interventions helped in increasing students' enrolment rate and the school retention rate of girls.
71. Nepal is committed to enhancing access to education for the girls, poor and disadvantaged groups. As a result, net enrolment rate in basic level has reached 96.6 percent in 2017. The numeracy rate for all of 15 years and above reached 62.2 percent and literacy rate of population of age 15 -24 years reached to 88.6 percent. Likewise, 81 percent of the children have attended early childhood education programs. Gender parity has been achieved in basic level and almost achieved in secondary level which is 0.99. The adult female literacy rate for the population aged 15 and older has increased drastically.
72. The GoN strictly prohibits child marriage. The Penal Code restricts entering into or causing anyone to enter into a marriage without attaining the age of twenty years in the case of both man and women. The marriage contradicted into as above stated shall be void automatically. Whoever commits such offence shall be liable to a punishment with an imprisonment not exceeding three years and with fine not exceeding thirty thousand rupees.
73. Technical training centres and vocational training institutes have made accessible at all local levels for providing skill training. In community schools, for conducting technical sessions, additional Rs. 84.3 crores has been allocated for the current FY 2018/19. The GoN has program to provide for educational loans at 5% interest rate for the marginalised groups.
74. The Council for Technical Education and Vocational Training (CTEVT) under the Ministry of Education, Science and Technology is committed for the production of technical and skilful human resources to the nation. During the FY 2016/18, out of total 16,619 enrolled for vocational and technical

education on different trades in CTEVT, 51.33 percent are women whereas 48.33 percent are men. The number of girls entering technical and vocational education and training and the nature of the course pursued are presented in annex 3.

Employment

Issue 1: Please provide information on measures being taken to eliminate horizontal and vertical segregation in the labour market and to reduce the gender wage gap in the public and private sectors. The State party indicates that the agricultural sector remains the main employer, with 75 per cent of women engaged in agricultural occupations, 10 per cent of whom are paid in kind (para. 80). Please indicate the steps taken to ensure access to social protection and benefits, including the right to basic health care, for women in the informal sector. Please describe the measures being pursued to eliminate wage discrimination between men and women, especially in the informal sector. Please also provide data on the number of complaints filed and investigated under the Sexual Harassment at Workplace (Offence and Punishment) Act of 2015 (para. 83). Please indicate the steps being taken to effectively implement the law.

75. Labour
Act, 2017 sets the minimum standard in relation to the wage and other benefits for the workers. In order to reduce the gender wage gap in the public and private sectors, Clause 7 of the Labour Act has the provision for equal pay for equal value of work. Moreover, non-discriminatory principle on clause 6 of the Labour Act ensures equal opportunity for both men and women at work. The minimum wage fixation committee on clause 107 of the Labour Act ensures a decent wage for workers. The GoN has set a monthly wage for workers both male and female at NRs 13,450 which is effective from July 17, 2018. Similarly, daily minimum and hourly minimum is set as NRs 517 and NRs 69 respectively.
76. Department of Labour and 10 Labour Offices are responsible for ensuring the implementation of the provisions in the Labour law. Labour inspectors and Occupational Safety and Health inspectors are deployed for regular inspection and monitoring.
77. The GoN recently has taken legislative measures which to some extent ensure access to social protection and benefits, including the right to basic health care. The Labor Act is applicable to every entity that *includes informal sector and* to domestic workers. It has made certain provisions relating to

domestic workers such as minimum remuneration, public and weekly holidays and allows them to celebrate festivals as per their culture, religion, tradition.

78. There have been major changes in the terminal benefit provided to the employees that the benefits are provided to each laborer irrespective of length of service or nature of employment. There have also been changes in the benefits such as rate of gratuity and leave encashment etc. The Act has set out the duties of employer towards workers which include making appropriate safety and health arrangement, arrangements ensuring no adverse effect on workers from use, operation, storage or transport of chemical, physical or biological liquids, disseminating necessary notice, information and training related to safety and health arrangements, etc. It also sets out the general obligation of employer towards non-workers such as putting the signs to indicate the safety or health hazards, to manage the gas, chemicals waste of the entity so as not to cause adverse effect on local animals, people or environment, etc.
79. Section 6(1) of the Labour Act, 2017 ensures the right against discrimination. The section states that employers must not discriminate between employees on the ground of religion, race, sex, caste, tribe, origin, language and ideology or similar other grounds. Provided that if employers arrange appropriate working conditions for pregnant women without deducting remuneration and facilities; it is not considered as discrimination. Labour Act, clearly states that no discrimination shall be made on the ground of gender with regards to remuneration for equal value of work. Equal value of work is determined based on the nature of work, consumption of time, skill required, production etc.
80. Contribution Based Social Security Act 2017 is passed by the Parliament on July 24, 2017. This Act is applicable to employees in informal sectors and self-employed employees as well. The Act has provisioned for the Social Security Fund. The Act specifies the scheme that operates for welfare of the employee. The scheme includes (a) medical and health protection scheme, (b) maternity protection scheme, (c) accidental protection scheme, (d) old-age protection scheme, (e) dependent family protection scheme, (f) unemployment protection scheme. The fund has also authority to introduce other schemes as well. The scheme is introduced on priority basis.
81. After enactment of the Sexual Harassment at Workplace (Control) Act 2014, there is one cases reported in District Administration Office, Kathmandu during the FY 2017/18.

82. MOWCSC has endorsed and implemented the Anti-sexual Harassment Code of Conduct at Workplace within the ministry. The MoWCSC is also encouraging other government mechanisms and ministries to develop code of conduct to control workplace sexual harassment for making workplace safe and secured.

Issue 16. The State party indicates that the rehabilitation process for freed bonded labourers and freed child bonded labourers is in its final stages (para. 79). Please provide an update and timelines on the status of that process and on the measures in place to monitor the implementation of laws that prohibit the practice of bonded labour in the State party. Please provide information on any public outreach campaigns undertaken to inform the population about the need to protect children, in particular girls, from bonded labour and to ensure their access to education.

83. The GoN is committed for eradication of all forms of forced labour including child labour. Clause 6 of the Labour Act, 2017 defines forced labour as " Any work or service performed by any worker against his/her will as a result of a threat of taking any action having financial, physical or mental impact if he/she does not perform such work " and has provision that a person shall not directly or indirectly employ any person in forced labour and as per clause 164 of the Labour Act: If any person is engaged in forced labour, the person doing so may be punished by the Labour Court with imprisonment up to two years or a fine up to five hundred thousand rupees or both and may require such person to pay remuneration and other benefits including a damage equivalent to two times of the such amount.

84. Provided that if any person is engaged in forced labour outside the territory of Nepal, the person involved in such act shall be ordered to pay the expense incurred to bring the affected person to Nepal.

85. The GoN is committed to eliminate of all forms of child labour by 2025. Nepal has drafted second National Master Plan for Elimination of all forms of child labour (2018- 2028) and it's currently endorsed by the Cabinet of Ministers. Likewise, Child Labour Inspectors and prosecutors were trained as Training of Trainers and also conducted several awareness program through electronic and mass media.

Health

Issue 17. The State party indicates that the implementation of the national safe motherhood and newborn health long-term plan, covering the period 2006–2017, has generated positive impacts on infrastructure development and the delivery of maternal health services at the rural level (para. 87). Please

describe the specific impacts that the plan has had in reducing maternal and child mortality and the measures being taken to adopt a new plan. Please also provide information on access to health services for women and girls who were victims of the earthquake of 2015 and on the existence of an integral health policy for women and girls with disabilities, including facilities for leprosy and cancer rehabilitation services.

86. Implementation of national safe motherhood and newborn health long-term plan (2006-17) resulted in improved service availability and utilization and resultant improved maternal newborn and child health status. During this period service sites expanded, trained more health workers and intensified community based interventions
87. Districts with Caesarean Section services were increased from 33 in 2006 to 72 in 2017. The Ministry of Health and Population (herein after referred to as MoHP) trained more than 7000 skilled birth attendants and expanded safe delivery services. Health facilities with birthing facility increased from <500 sites (2006) to 2039 sites (by 2016/17), Aama programme (free delivery and transport incentive) was introduced in 2009.
88. Safe abortion service was started in 2004. By 2017, Nepal has more than 1075 first trimester safe abortion services sites and 29 second trimester safe abortion services sites across the country. 80,000- 90,000 women received safe abortion services every year in the last decade.
89. The MoHP continues to strengthen community based interventions through FCHV and also started community based interventions such as Misoprostol (Mitrasurakchyachaki) for presentation of post-partum bleeding, Chlorhexidine (NaviMolam) to prevent new born infection and community based integrated management of new born and childhood illnesses, with resultant increase in service access at community level especially for women and children from marginalized communities..
90. Interventions to improve service quality at delivery points were initiated. Minimum service standard to strengthen hospital management and quality of care was introduced in 84 district level hospitals. Quality improvement process for improving service readiness was introduced in more than 1000 health facilities. On-site clinical coaching/mentoring especially for Skill Birth Attendant (SBA) was conducted for more than 1200 SBAs.
91. These increased in service access and use contributed to decline in maternal mortality from 281 to 239 per 100,000 live birth within last 10 years.

The new born mortality rate decreased from 33/1000 LB in 2006 to 21/1000 LB in 2016.

92. The budget also ensures mother and child's health welfare and nutritional needs during the pregnancy period along with safe maternity service shall be provided. For the services of pregnancy tests and maternity benefits in the medical centres, the government has doubled the amount given for transportation costs.
93. The earthquake and its many aftershocks caused extensive damage public health facilities in the 14 worst affected districts, complete damage to 265 health facilities and partial damage to 119 health facilities. Under the health cluster, reproductive health (RH) cluster was formed with the leadership of Family Health (FHD) and UNFPA. RH sub-cluster supported restoring birthing centre (BC) and RH services at health facilities in 14 most affected districts and continued through most of 2016. To improve protection of girls and access to services for women and girls with gender based violence, One Stop Crisis Management Centres (OCMC) were established in 45 districts and referral link to treatment and support services established. These efforts had resulted in RH service available and ready, with resultant service utilization rate of these districts continue to increase in comparison to national service utilization rates.

Issue 18. The State party indicates that its HIV investment plan, covering the period 2014–2016, was implemented with a view to ensuring gender sensitivity in addressing sexually transmitted infections, HIV/AIDS and sexual and reproductive health issues (para. 92). Please provide information on measures being taken to adopt a new plan and to ensure that an assessment is conducted regarding the challenges and opportunities that arose in implementing the 2014–2016 plan. Please provide data, disaggregated by age group, on the number of women and girls who are HIV-positive in the State party and information on measures to increase the availability of contraception, in particular in rural areas. Please describe the steps being taken to amend the General Code to decriminalize abortion in all cases. Please provide an update on progress made towards adopting the bill on reproductive health. Please also provide information on whether sexual and reproductive health education is targeted at both girls and boys, pays special attention to the prevention and control of sexually transmitted infections and is easily available in remote and rural areas.

94. The GoN faced several challenges to implement HIV investment plan. Many organizations felt providing financial data with a reasonable level of details to suit that Nepal National AIDS Spending Assessment (NASA) classification as an additional task and a burden, therefore there was significant delays in submitting the data from a large number of organisations. Some Agents (particularly multilateral and bilateral) often were reluctant to provide detail of expenditure as well as tend to distribute or mask benefit related expenses (wages, remuneration, international training/visits) under different heading/category. For this matter, national NGOs (provider) were more transparent and detailed in providing their expenditures data. Moreover, provider's interpretations and NASA coding varied enormously even for the similar nature of expenditure, therefore maintaining consistency in coding was a significant challenge. Details of functions (AIDS Spending Category) and production factor (PF) category varied enormously even for the similar activities. For example, when a short-term consultant was hired for a specific task, some organisation assigned 'consulting service' as PF category whereas other assigned 'wages' as PF for consultant. NASA Classification handbook was not clear enough to guide such classification.
95. There were significant variations in accounting systems (software used), fiscal years and the classification of spending among national institutions and donor-supported projects, which created challenges for data synthesis and comparability. For example, the Government fiscal year follows June – July whereas donors have different fiscal years. There was lack of 'institutional memory' and adequate documentation of past expenditure and other budgetary and financial information; this resulted in serious delays in identifying appropriate documentation as well as in obtaining adequate financial information and in classifying appropriate category.
96. The GoN following recommendations to overcome the challenges in coming days: To ensure accountability and transparency and honoring the rights to information of responses to HIV and AIDS programme, a system needs to be set up to centrally obtain financial expenditure from all the fund managers (Agent) operating in the country in an agreed format and detail twice a year; one in June (according to Nepali fiscal year) and one in December (by calendar year). Such information should be made available in public domain (i.e. MOH web site). Obtaining public spending data has been a challenge for various practical and structural reasons. Therefore existing system like TABUCS should be updated regularly and should be made available for public use.

97. Among the total people living with HIV (15722) on antiretroviral therapy (ART- HIV treatment) in Nepal till March 2018, 51.0% (8023) are men, 48.0% (7620) are women and the rest 1% (79) are transgender. The age wise disaggregation showed that 92% (14427) are above 15 years and 8% (1295) are children (0-15 years) (March, 2018).
98. National Family Planning Costed Implementation Plan (CIP) 2015-20 articulates national priorities for family planning and provides guidance at national and district levels on evidence-based programming for family planning so as to achieve the expected results, as well as to identify the resources needed for CIP implementation. The goal of CIP is “Women and girls - in particular those that are poor, vulnerable and marginalised – exercise informed choice to access and use voluntary FP (through increased and equitable access to quality FP information and services)”. The CIP focuses on five strategic areas - Enabling Environment, Demand Generation, Service Delivery, Capacity Building and Research & Innovation. Through investment in areas specified in CIP the country aims to increase demand satisfied for modern contraceptives from 56% (NDHS, 2011) to 62.9% and Contraceptive Prevalence Rate (CPR) for modern methods from 47% in 2014 (MICS) to 50% by 2020. The main target population includes adolescent boys and girls, migrant workers, women in post-partum period, female sex workers, and population in remote areas.
99. To improve the survival of women living with HIV, National Centre for AIDS and STD Control, the MoHP has been implementing screening for HIV at birthing centers among all pregnant women in 77 districts. If someone is found to be reactive to HIV screening, then he or she is referred to nearby HIV Testing and counseling centers (HTC) for confirmation of HIV diagnosis. If pregnant women are found HIV positive at HTC centers, then they are referred for treatment, care and support services in nearby ART centres. Currently, there are 175 HTC centres (Hill: 90; Mountain: 19; Terai: 66 centres) in 77 districts and 74 ART centres (Hill: 42; Mountain: 6; Terai: 26 centres) in 59 districts of Nepal. Our strategy recommended to initiate ART to pregnant women as soon as possible and to provide prophylaxis to infants to prevent the onward transmission of HIV from pregnant women living with HIV to her baby. There are 25 dried blood spot (DBS) sample collection sites to detect HIV status using DNA PCR test among babies born to women living with HIV. The DNA PCR test is performed at National Public Health Laboratory in Kathmandu. Preventions services (condoms, lubricants) are also provided in both rural and urban areas to all population including women from HTC and ART centres to prevent and control sexually transmitted infections.

National Centre for AIDS and STD Control and other organizations also provides nutritional support (food) and financial support (1000 NPR per month till children become 18 years old to women and children living with HIV.

100. Section 189 of the Penal Code lays down certain grounds under which abortion is not deemed to be a punishable offence. The grounds for legal abortion are, with the consent of the pregnant women, abortion within 12 weeks; threat to life of the pregnant women mentally, physically, or abnormal child in the womb, with the written direction and advice of the medical expert; child of rape or incest within 18 weeks and; if affected by HIV or other fatal incurable disease.

101. The Constitution has ensured the reproductive health right as fundamental right, so, to decriminalize abortion and abortion to be taken more on right based approach, a comprehensive RH Bill comprised of Safe Motherhood, Safe Abortion, FP, ASRH & RH Morbidity has been drafted consulting with different experts like lawyers, social activities, health experts, policy makers. The bill has been submitted to the Ministry of Law, Justice and Parliamentary Affairs.

Rural Women and Disadvantaged Groups of Women

Issue 19: Please provide information on measures taken to enhance the participation of rural women and women living in remote areas in the development of policies and legislation in areas that affect their rights. Please provide information on existing programmes aimed at ensuring that rural women have access to health care, employment, education and credit facilities, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide information on projects in place to create more job and income opportunities for rural women.

102. **With the federal, provincial and local government, the Constitution ensures at least 33 percent participation of women in respective Parliament. Currently nearly 40% are present in these all three levels of government for developing policies and legislation. (for detail please refer to the answer of issue 6)**

103. The GoN annual plan and budget (2018/19) emphasized following programs for rural women: Children of *Dalit* and vulnerable communities in all subjects must be provided with higher-secondary education. At all local

levels at least 1 doctor shall be procured and basic medicines production shall be promoted domestically for independence of basic medicines.

104. Hospitals having more than 100 beds shall compulsorily have to develop and expand their services, and a ward must be established for senior citizens. In collaboration with private medical colleges, in rural areas, mobile hospital service having a medical specialist shall be established.

105. Within 2 years, in each ward at least 1 health centre will be established with coordination and participation at the local level. Rs. 400 crores will be provided in 1200 wards for the establishment of these health centres in the first stage throughout the country. The government will ensure continued access to the previously provided free medicine by all health centres.

106. The Presidential Women Upliftment Program provides all poor and marginalised women, skill and entrepreneurship development which enables them to gain access to work and employment opportunity, and also promotes self-employment which implants independence, and a budget of Rs. 29.57 crores has been allocated in furtherance of this.

107. The Ministry of Finance in its specific steps to address this issue provides for providing credit facilities up to NRs 1 million to cooperatives and community production systems of the *Dalit* Community at the rate of 5% interest per annum. The MoWCSC has budget of NRs 18.8 billion for the FY 2018/19.

108. Job Creation and decent job are among the high priority of the GoN. Government in this fiscal year budget introduced Prime Minister Employment program which aims to create 5 million new jobs in 5 years. Moreover, with Contribution Based Social Security Act 2017, schemes will be developed to ensure health benefit, unemployment benefits and other social benefit. This Act has special provision for informal sectors and self-employment workers, where government ensures to contribute for workers in informal sectors and self-employment to bring them under social protection.

109. The Constitution has provision for employment as basic right. The *Karnali* Employment Guarantee program ensures that people, including women from rural *Karnali* would get employment for at least 100 days else Government would provide Nrs 1000 per day instead.

110. For promising women entrepreneurs, Entrepreneurship Development Fund has been established which gives the women entrepreneur loan without

any collateral. This fund has been mobilized in 46 districts till the date. If the business is owned by only Women Entrepreneurs then 35% discount is given for the registration. 20% discount is given for the registration of the property related to Industry owned by a Industry which is owned by Women Entrepreneurs. The Company Act 2007 has a provision for including at least one woman in the Managing Committee of a company.

Issue 20. Please provide information on the situation of disadvantaged groups of women, in particular older women, lesbian, bisexual and transgender women, women with disabilities, women migrant workers and asylum-seeking and refugee women and girls. Please provide information on the extent to which households headed by women are disproportionately affected by poverty and their lack of access to health services, education, employment and credit facilities. Please state the social protection measures that are in place to alleviate the gendered impacts of poverty in society. Please provide information on the number of women who have benefited from the Poverty Alleviation Fund and the Micro-Enterprise Development Programme (paras. 119 and 121).

111. The GoN has a plan to develop a mechanism at all level (Federal, State and Local) to collect information regarding households headed by women who are disproportionately affected by poverty and their lack of access to health services, education, and employment and credit facilities. The Constitution authorizes the Federal, State and Local Level government to establish data system in their own constituency.

112. The GoN has emphasized on the social protection measures as a strategy to address the poverty in society though annual budget and program of FY 2018/19). Since 2008/09, government has been continuing allowances to single women, endangered races, while reducing the eligibility age threshold for *Dalits* and citizens of the *Karnali Zone*. The annual budget and program emphasized on developing integrated social protection policy in order to enhance the quality of the program.

130. The Poverty Alleviation Fund reached out to 60 districts out of 77 districts. The Fund has reached out to 900,000 individuals. Out of them, 78 percent are women. In order to reach out to the needy people, this fund has created 32,000 groups. There is provision that the key positions such as chair,

vice chair and treasurer of each group should be from women, indigenous groups and *Dalit* community. Total 60% of such key positions are led by women.

Disaster Risk Reduction and Climate Change

Issue 21. In the wake of the earthquake that occurred in 2015, please provide information on the steps being taken to ensure that all humanitarian preparedness and response programmes and policies are gender-responsive and address the specific needs of women and girls during and after emergencies. Please describe the steps being taken to ensure the full participation of women in the development and implementation of policies and strategies on climate change mitigation and adaptation. Please indicate the steps being taken to develop gender-disaggregated databases at the federal, provincial and local levels of government on the impact of disasters and of the post-earthquake response on women and girls.

113. After the earthquake of 2015, programs brought to ensure gender-responsiveness and humanitarian preparedness are:

- Disaster Risk Reduction Policy 2017 has been brought
- Immediate Investigation, rescue and relief has been effectively carried forward.
- Immediate shelter was provided and targeted people who were at high risk like women, children, disabled, senior citizens were provided with separate packages ; *Lito, Ceralac*, small clothes for children; food with nutrition/Sanitary pads were distributed to pregnant and lactating mothers.
- Psycho-social counselling was provided targeting young girls and boys, women and children at the place where the victims of earthquake were more.
- Security systems were made strict to reduce the possible Human trafficking in disaster
- Special Programs were designed for poor, marginalized and others who could not bear the after effects of the disaster.

114. The GoN has endorsed the Disaster Reduction and Management Act, 2017 to reduce the risk of potential disaster. Section 39 of this Act provides that the GoN, under the recommendation of the Executive Committee, has set minimum criteria of relief for special focus to women, children, senior citizens, and persons with disability

115. The following on-going policy processes and draft documents have provided enough spaces and introduced multiple dimensions to incorporate gender within the climate change arena of Nepal:

- The National Adaptation Plan (NAP)
- Draft document Gender and Climate change Strategy
- Draft document of Road Map of NDC Implementation
- Draft document of Paris Agreement Implementation Plan
- The ongoing process of National Adaptation Plan (NAP) preparation
- Draft document Gender and Climate change Strategy
- Draft document of Road Map of NDC Implementation
- Draft document of Paris Agreement Implementation Plan
- The ongoing process of National Adaptation Plan (NAP) preparation
- Draft document Gender and Climate change Strategy
- Draft document of Road Map of NDC Implementation
- Draft document of Paris Agreement Implementation Plan
- The on-going process of National Adaptation Plan (NAP) preparation
- Draft document Gender and Climate change Strategy
- Draft document of Road Map of NDC Implementation
- Draft document of Paris Agreement Implementation Plan

116. The Ministry of Forests and Environment has further identified the gaps that needs to address regarding the itemizing of issues arising through sex-disaggregated data collection and analysis, and conducting research and gender analysis of sectoral issues in each climate change component of Nepal, highlighting any constraints related to discrimination and/or inequality, and capacity issues linked to women's and men's distinct social roles, and identifying proposals to address constraints, introducing costing for further integration of gender analysis into climate change initiatives across sectors as an issue and specifying financial requirements for improving gender resilience by sectors of climate change in Nepal.

117. The GoN has a plan to develop mechanisms at all levels (federal, State and Local to develop gender-disaggregated databases at the federal, provincial and local levels of government) on the impact of disasters and of; post earthquake response on women and girls.

Marriage and Family Relations

Issue 22: In the light of the Committee's previous concluding observations, please provide information on progress achieved in revising discriminatory laws that perpetuate bigamy, unequal inheritance rights for married

daughters and the unequal sharing of marital property upon dissolution of marriage (CEDAW/C/NPL/CO/4-5, para. 43).

118. The Penal Code strictly prohibits bigamy. Men cannot contract into another marriage while continuing the marriage relationship. The marriage contracted in contravention of stated provision will be automatically void. Bigamy is also punishable. The Penal Code has increased the punishment. An individual who commits such crime is liable to punishment with an imprisonment from 1 year to up to 5 years and fine with ranging from ten thousand rupees to Fifty thousand rupees.

119. The Civil Code section concerns partition of common property, Section 205 treats son and daughter with equal status. Daughters are not required to return the property after marriage. The provision gives equal opportunity to son and daughter to claim the joint parental property even after marriage.

Amendment to Article 20 (1) of the Convention

Issue 23: Please indicate any progress made with regard to accepting the amendment to Article 20 (1) of the Convention.

Nepal has expressed its firm commitment to accepting the amendment to Article 20 (1) of the Convention at the earliest convenience.

Annexes

Annex 1. Details of the Adjudicated Cases

Case 1. Suman vs Ministry of Home Affairs and others NKP 2017 Issue 12
D.N. 9921

Case 2. Bhagirathi Dahal (Rajesh) Vs Government of Nepal NKP 2017
Issue 6 D.N. 9824

Case 3. Narayani Lamichhane Vs Sarita Shrestha NKP 2017 Issue 6 D.N.
9833

Annex 2. Representation of Women in Politics

Table 1: Representation of Women in the House of Representatives

S.N	State	First Past the Post (FPTP)			Proportional Representation (PR)			Total		
		Female	Male	Total	Female	Male	Total	Female	Male	Total
1.	State 1	1	27	28	14	3	17	15	30	45
2.	State 2	-	32	32	23	3	26	23	35	58
3.	State 3	1	32	33	13	6	19	14	38	52
4.	State 4	1	17	18	8	6	14	9	23	32
5.	State 5	2	24	26	16	4	20	18	28	46
6.	State 6	-	12	12	4	1	5	4	13	17
7.	State 7	1	15	16	6	3	9	7	18	25
	Total	6	159	165	84	26	110	90	185	275
	Percentage	3.64	96.36	100	76.36	23.64	100	32.73	67.27	100

Source: Election Commission 2017

Table 2: Representation of Women in the National Assembly

S.N.	State	Elected		Total
		Female	Male	
1.	State 1	3	5	8
2.	State 2	3	5	8
3.	State 3	3	5	8
4.	State 4	3	5	8
5.	State 5	3	5	8
6.	State 6	3	5	8
7.	State 7	3	5	8
	Nominated	1	2	3
	Total	22	37	59
	Percentage	37.29	62.71	100

Source: Election Commission 2017

Table 3: Representation of Women in the State Assembly

S.N	State	First Past the Post (FPTP)			Proportional Representation (PR)			Total		
		Female	Male	Total	Female	Male	Total	Female	Male	Total
1.	State 1	2	54	56	30	7	37	32	61	93
2.	State 2	5	59	64	32	11	43	37	70	107
3.	State 3	5	61	66	32	12	44	37	73	110
4.	State 4	2	34	36	18	6	24	20	40	60
5.	State 5	2	50	52	30	5	35	32	55	87
6.	State 6	-	24	24	13	3	16	13	27	40
7.	State 7	1	31	32	17	4	21	18	35	53
	Total	17	313	330	172	48	220	189	361	550
	Percentage	5.15	94.85	100	78.18	21.82	100	34.36	65.64	100

Source: Election Commission 2017

Table 4: Representation of Women in the Local Executive

S.N.	Sex	Chair/chief	Percentage	Vice Chair/Chief	Percentage	Ward Chairperson	Women member	Dalit Women	Others	Total	Percentage
1	Female	18	2.39	700	92.96	61	6742	6567	264	14353	40.96
2	Male	735	97.61	53	7.04	6681	0	0	13220	20689	59.04
	Total	753	100	753	100	6742	6742	6567	13484	35041	

Source: Election Commission 2017

Annex 3
Representation of Women in Public Sector

Table 5: Representation of Women in Civil Service

Gazetted	Male	Percentage	Female	Percentage	Total
	13703	88.71	1744	11.29	15447
1.Special	62	96.9	2	3.13	64
2.Gazetted First	586	93.46	41	6.54	627
3.Gazetted Second	3382	93.45	237	6.55	3619
4.Gazetted third	9672	86.85	1464	13.15	11136
5. Special	1	100	0		1
Non gazetted	24985	82.06	5461	17.94	30446
1. Nongazetted First	15015	84.69	2715	15.3	17730
2. Nongazetted Second	9229	77.5	2677	22.48	11906
3. Nongazetted third	585	90.1	64	9.86	649
4. Nongazetted Fourth	117	96.7	4	3.31	121
5. Nongazetted Fifth	39	97.5	1	2.5	40
Classless	15507	91.45	1450	8.55	16957
Total	68679	76.46	21142	23.54	89821

Source: Department of Civil Personnel Records, 2018

Table 7: Representation of Women in Security Sector

Nepal Army	Female Percentage		Male Percentage		
	Officer	5.54	94.46		
Others	1.75	98.25			
Nepal Police	Officer	4.45	95.55		
	Others	5.87	94.13		
Armed Police Force	Officer	5.14	97.86		
	Others	3.43	96.57		

Source: MDG Report of Nepal, 2013

Annex 4: The number of girls entering technical and vocational education and training

Table 8: The number of girls entering technical and vocational education and training and the nature of the course pursued

Programme	Academic year 2014/15			Academic year 2015/16		
	Male	Female	Total	Male	Female	Total
Health	2,989	6,751	9,540	2,701	6,845	9,546
Engineering	3,500	507	4,007	3,632	555	4,187
Agriculture	1,167	724	1,891	1,434	867	2,302
Hospitality	72	36	108	71	29	100
Total	7,532	8,014	15,546	7,839	8,295	16135
Special Health	489	391	480	70	170	240
Engineering	441	36	477	144	23	167
Agriculture	211	146	357	14	24	38
Other	0	0	0	20	19	39
Grand Total	8,373	8,587	16,960	8,087	8,531	16,619

Source: Council for Technical Education and Vocational Training 2017

Table 9: The number of girls entering technical and vocational education and training and geographic distribution

S.N.	Name of program	Mountain and Hill districts	Terai 2	Far and mid	Grand Total
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		District Muslim Girls	Jhapa		Chitwan		western district		
1.	Diploma entrepreneurship	5	6	2	5	2	5	20	40
2.	Diploma in Agriculture	5	6	2	5	2	5	20	40
3.	Diploma in Civil Engineering	5	6	2	5	2	5	20	40
4.	Diploma in Auto mobile Engineering	5	6	2	5	2	5	20	40
5.	Diploma in Pharmacy	10	12	4	10	4	10	40	80
6.	Diploma in Nourishing	15	10	4	8	3	10	40	80
7.	Intermediate level Simple Medical Science	15	10	4	8	3	10	40	80
	Grand Total	60	56	20	46	20		200	400

Source: Council for Technical Education and Vocational Training 2017