

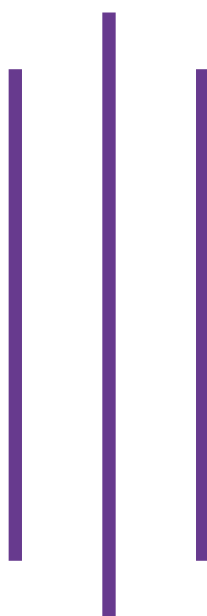


**A Study Report on the Implementation Status of  
Concluding Observations of United Nations  
Committee on the Elimination of Discrimination  
against Women (CEDAW Committee) on the  
Sixth Periodic Report of Nepal  
June, 2021**



**National Women Commission**

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June 2021**



**National Women Commission**

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## National Women Commission - Office Bearers



**Kamala Kumari Parajuli**  
Honorable Chairperson



**Krishna Kumari Poudel Khatiwada**  
Honorable Member



**Vidya Kumari Sinha**  
Honorable Member



**Jaya Ghimire**  
Honorable Member



**Sabitra Kumari Sharma**  
Honorable Member



**Manoj Kumar Acharya**  
Secretary



# राष्ट्रिय महिला आयोग National Women Commission

भद्रकाली प्लाजा, काठमाडौं



प. सं.:-

च.नं.:-

Phone: +977-4256701

Fax: +977-1-4259411

E-mail: [info@nwc.gov.np](mailto:info@nwc.gov.np)

<http://www.nwc.gov.np>

मिति:

## Foreword

It is my pleasure to share this study on the implementation status of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW Committee), which is the treaty body established under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979. This study reflects on the implementation status of the CEDAW Committee's recommendations to strengthen women's rights in Nepal, which it provided in its Concluding Observations on the sixth periodic report of Nepal in 2018. This study presents the achievements made so far and identifies obstacles in implementing various recommendations. Stakeholders from the federal, provincial and local governments provided important insight for this study.

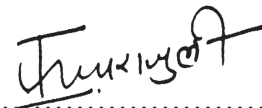
The Constitution of Nepal and the National Women Commission Act, 2074 (2017) mandated that the National Women Commission (NWC) monitor the implementation of laws related to women's rights and Nepal's commitments under international treaties, and then provide necessary suggestions to the Government of Nepal (GoN). Therefore, the NWC carried out this study to determine gaps in implementing the recommendations of CEDAW Committee and outline how stakeholders can take actions to change this. Since the GoN has an obligation to submit its seventh periodic report to the CEDAW Committee by November 2022, it is hoped that the findings of this mid-term study will guide in taking steps toward implementing all the recommendations. The data and information collected for this report will serve as a baseline for the CEDAW Concluding Observations Monitoring Framework, which the NWC developed as a tool to consistently monitor Nepal's implementation of its obligations under CEDAW.

After a long wait, three Commissioners were appointed to the NWC. With support from the Commissioners, the NWC is committed to implementing all of the CEDAW Committee's recommendations targeted at the NWC. Similarly, the NWC affirms its commitment to monitor Nepal's obligation under CEDAW and provide recommendations to the government to implement them.

Among the issues raised in the CEDAW Committee's Concluding Observations, this study found that 71.4 per cent of its recommendations are currently in the process of implementation, while 23.8 per cent have not been implemented yet. The NWC recommends that all three tiers of the government (federal, provincial and local) take initiative to implement the recommendations that have yet to be implemented or are in process of implementation. Being a State party to the CEDAW Convention, Nepal has a legal and moral obligation to ensure that this happens. To support this effort, all government agencies and concerned NGOs must strengthen their collaboration and coordination.

I extend my sincere gratitude to the Steering Committee members and representatives of various government agencies and NGOs who provided valuable feedback in preparing this study. This includes officials from the federal, provincial and local levels who kindly shared their time and insight during the interviews. I am thankful to the technical expert Ms. Sumedha Shakya and the province-level focal persons Ms. Ambika Poudel, Ms. Janaki BC, Ms. Menuka Basnet Bista, Ms. Sharmila Mahara, Ms. Smita Adhikari, and Ms. Jyoti Thapa for contribution in data collection and analysis. I also extend my gratitude to Unit Manager Ms. Navanita Sinha and Programme Analyst Ms. Subha Ghale of UN Women for their support in preparing this study. Finally, I am heartily thankful to Hon. Member Ms. Krishna Kumari Poudel Khatiwada, Hon. Member Ms. Vidya Kumari Sinha, the former Secretary Ms. Shanta Adhikari Bhattarai, Under-Secretary Ms. Meera Sherchan, Under-Secretary Ms. Laxmi Acharya Parajuli, Under-Secretary (Law) Mr. Shyam Prashad Shrestha, Technical Advisor Ms. Palita Thapa, former Under-Secretary (Law) Ms. Kalpana Kumari Khatiwada, Finance Officer Shribhadra Gautam, Legal Officer Ms. Tulsia Gaihre, and Programme Officer Ms. Anjeela Rayamajhi for their contribution in preparing this study through the NWC, and Secretary Mr. Manoj Kumar Acharya for his support in refining and editing the report.

April 2021



.....  
Kamala Kumari Parajuli  
Chairperson



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प. सं.:-

च.नं.:-

Phone: +977-4256701

Fax: +977-1-4259411

E-mail: [info@nwc.gov.np](mailto:info@nwc.gov.np)

<http://www.nwc.gov.np>

मिति:

## About the Report

The NWC was established as a statutory body on 7 March 2002 to protect and promote gender equality, women's empowerment and gender justice, and to assist in ensuring the access and representation of women in all levels and organs of the State. The NWC became a constitutional body after the Constitution of Nepal was promulgated in 2015. With constitutional recognition, its responsibilities, jurisdiction, and roles have expanded widely. The NWC provides recommendations to the GoN on how to mainstream women in all sectors and make policy and legal reforms on women's rights. Similarly, the NWC works to protect women's rights. It carries out studies and researches on various issues under CEDAW and provides recommendations to GoN for necessary reform. Therefore, the NWC has become a centre of hope, belief, and faith in its efforts to protect the women of Nepal.

The CEDAW treaty came into force through the United Nations in September 1981 and Nepal ratified it on 22 April 1991. Since then, Nepal has submitted its periodic reports to the CEDAW Committee every four years, reflecting on the actions it has taken to implement the provisions of the convention. In 2018, the CEDAW Committee provided Concluding Observations on the sixth periodic report of Nepal, along with recommendations. This study has been prepared as a mid-term report to examine the implementation status of those recommendations. Since Nepal is obligated to submit its seventh periodic report in 2022, this report reflects on how far the CEDAW Committee's earlier recommendations have realistically been brought into practice over the past two years.

Now that the NWC has new Commissioners, we are committed to implementing the CEDAW Committee's recommendations which are targeted at the NWC. Similarly, we will play an active role in ensuring the implementation of the recommendations from various ministries and agencies on issues of their concern. The NWC also reiterates its commitment to play a role in achieving these goals within the given timeframe by constantly monitoring the implementation of Nepal's obligations under CEDAW.

I hope all government agencies will take the steps necessary to implement this study's suggestions by giving them special priority. I am hopeful that this study – which was prepared with detailed information and data on actions taken so far – will hold the GoN and the NWC more accountable towards establishing an equitable society by ensuring gender equality. I am grateful to Hon. Chairperson Kamala Kumari Parajuli and Hon. Member Vidya Kumari Sinha for their consistent encouragement throughout the preparation of this study.

Finally, I extend my gratitude to the consultants who collected information for this study from concerned stakeholders at the federal, provincial and local levels. I am also thankful for all the NWC staff who helped coordinate and finalize this study, as well as the whole UN Women Nepal team.

April, 2021







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प. सं.:-

च.नं.:-

Phone: +977-4256701

Fax: +977-1-4259411

E-mail: [info@nwc.gov.np](mailto:info@nwc.gov.np)

<http://www.nwc.gov.np>

## About the Report

मिति:

*“Yatra naryashtu pujayante Ramante tatra dewata.  
Yatraitashtu na pujoyante sarwastatraphala kriya.”*

*“Where women are honored, there lives the God.*

*Where they are not honored, all actions result in failure.”*)

It has been 41 years since the CEDAW treaty was adopted through UN General Assembly Resolution 34/180 and opened for signature, ratification and accession. With an objective to protect and promote women's human rights, this treaty incorporates all aspects of gender equality and development. Due to its provision that requires member States to submit a periodic report to the CEDAW Committee every four years, Nepal has prepared and submitted six periodic reports. As a result, the CEDAW Committee has provided Concluding Observations on those reports. It is therefore the State's obligation to implement those recommendations.

The NWC has a mandate to formulate policies and programmes related to women's rights and submit them to the GoN to implement. But it also has a mandate to monitor the implementation status of international treaties on women's rights to which Nepal is party and recommend how the government should implement them. For this reason, the NWC published the following study and as a member of the Commission, I am very pleased with this initiative. This study found that the implementation status of the CEDAW Committee's recommendations is mixed; therefore, it is necessary that all stakeholders focus on implementation of these recommendations in the days to come. In particular, the GoN needs to focus on groups that have been marginalized, like Madhesi women, Muslim women, Dalit women and women with disabilities from Province 2. Although the women's rights sector has seen significant progress in recent years, we cannot claim to be satisfied. All women need to struggle further by protecting the rights we have achieved so far and striving to acquire more.

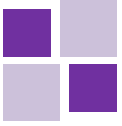
The recommendations of the CEDAW Committee can only be fully implemented when all of us women become unified. I am hopeful that we will one day succeed in establishing a gender equitable society and fully implement the CEDAW Committee's recommendations through a collaborated effort among the government, the NWC, and all men and women.

April, 2021

Vidya Kumari Sinha  
Member

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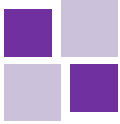
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## List of Abbreviations

AATWIN	- Alliance against Trafficking in Women and Children in Nepal
ADB	- Asian Development Bank
AIDS	- Acquired Immunodeficiency Syndrome
ANC	- Antenatal Care
BDS	- Blue Diamond Society
CEDAW	- Convention on the Elimination of All Forms of Discrimination against Women
CIEDP	- Commission of Investigation on Enforced Disappeared Persons
COVID	- Corona Virus Disease
CSO	- Civil Society Organization
CWAD	- Center for Women's Awareness and Development
CWIN	- Child Workers in Nepal
FEB	- Foreign Employment Board
FEDO	- Feminist Dalit Organization
FIR	- First Information Report
FWLD	- Forum for Women, Law and Development
FY	- Fiscal Year
GBV	- Gender-Based Violence
GoN	- Government of Nepal
GVCAP	- Gender and Vulnerable Communities Action Plan
HIV	- Human Immunodeficiency Virus
ILO	- International Labour Organization
INGO	- International Non-Governmental Organization
LACC	- Legal Aid and Consultancy Center
MNH	- Maternal and Neonatal Health
MoLJPA	- Ministry of Law, Justice and Parliamentary Affairs
MoWCSC	- Ministry of Women, Children and Senior Citizens
MPDSR	- Maternal and Perinatal Death Surveillance and Response
NAP	- National Action Plan
NCCHT	- National Committee on Controlling Human Trafficking
NCED	- National Centre for Educational Development
NGO	- Non-Governmental Organization
NHRC	- National Human Rights Commission
NJA	- National Judicial Academy
NPR	- Nepalese Rupee
NWC	- National Women Commission
O&M	- Organization and Management



OCMC	- One Stop Crisis Management Centre
OHCHR	- Office of the High Commissioner on Human Rights
OPMCM	- Office of the Prime Minister and the Council of Ministers
PNC	- Prenatal Care
PSA	- Public Service Announcement
SaMi	- Safer Migration
SBA	- Skilled Birth Attendance
SDG	- Sustainable Development Goal
SISO	- Skill Information Society
SMNH	- Safe Motherhood and New-born Health
SOP	- Standard Operating Procedure
SSRP	- School Sector Reform Programme
TPO	- Transcultural Psychosocial Organization
TRC	- Truth and Reconciliation Commission
TV	- Television
UAE	- United Arab Emirates
UK	- United Kingdom
UN	- United Nations
UNDP	- United Nations Development Programme
UNFPA	- United Nations Population Fund
UNICEF	- United Nations Children's Fund
UNESCO	- United Nations Educational, Scientific and Cultural Organization
UNODC	- United Nations Office on Drugs and Crime
UN Women	- United Nations Entity for Gender Equality and the Empowerment of Women
Vs	- Verses
VSO	- Voluntary Service Overseas
WCO	- Women and Children Office
WCSCSC	- Women, Children and Senior Citizens Service Center
WCSCSD	- Women, Children and Senior Citizens Service Directorate
WOREC	- Women's Rehabilitation Center



## Executive Summary

### 1. Background


The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – often referred to as the “Women’s Bill of Rights” – is a core international human rights treaty adopted by the UN General Assembly on 18 December 1979. Nepal ratified it without any reservations on 22 April 1991, committing to fulfil its obligations under the convention. The Committee on the Elimination of Discrimination against Women, hereafter called the CEDAW Committee, was established under the treaty, with a mandate to monitor the implementation of the treaty’s provisions, reviewing each State party’s periodic reports and providing ‘Concluding Observations’ to the State party, along with recommendations. So far, the CEDAW Committee has provided three Concluding Observations on six periodic reports submitted by Nepal. The Committee considered the sixth periodic report of Nepal at its 1631<sup>st</sup> and 1632<sup>nd</sup> meetings held on 23 October 2018 and issued its Concluding Observations on 14 November 2018. Being a State party to CEDAW, Nepal has a legal and moral obligation to implement the recommendations received from the CEDAW Committee.

The Constitution of Nepal and the National Women Commission Act, 2074 (2017), mandate the National Women Commission (NWC) to monitor the implementation of laws concerning women’s rights and Nepal’s obligations under international treaties, and then provide recommendations to the Government of Nepal (GoN). In line with this, the NWC, with funding and technical support from UN Women, prepared this study to make a mid-term evaluation of the implementation status of the recommendations provided by the CEDAW Committee in its Concluding Observations on the sixth periodic report of Nepal in 2018. Since 2015, when Nepal transitioned from a unitary system of government to a federal system, the NWC has monitored the implementation of CEDAW’s Concluding Observations across the three tiers of government. The CEDAW Concluding Observation Monitoring Framework serves as a tool to systematically monitor these observations through indicators and means of verification and organize responsible institutions to implement the observations by putting on activities that correspond with articles in the CEDAW treaty.

We hope that this study will guide Nepal’s federal, provincial and local governments in their efforts to advance gender equality and women’s empowerment. We also hope that the study will guide the GoN to take action to implement the recommendations that have not yet been implemented, and to expedite the full implementation of recommendations that are at various stages of implementation. The effective and timely implementation of these recommendations will enable the State to fulfil its obligation of submitting its seventh periodic report to the CEDAW Committee in November 2022.

### 2. Objective

This study aims to analyse the implementation status of the CEDAW Committee’s



recommendations to promote gender equality and women's rights, which were provided in its Concluding Observations on the sixth periodic report of Nepal in 2018. This study evaluates the achievements made so far and the remaining implementation gaps.

### 3. Methodology

The NWC formed a Steering Committee comprised of representatives from federal government agencies, including the Office of the Prime Minister and the Council of Ministers (OPMCM), the Ministry of Women Children and Senior Citizens (MoWCSC), and the Ministry of Law Justice and Parliamentary Affairs (MoLJPA) and civil society organizations (CSOs), which provided important feedback during the conceptualization and preparation of the report. The Commission carried out series of consultations and hired a national technical expert and six provincial-level focal persons to provide support to the study. The focal persons, after receiving a series of orientations on CEDAW, its concluding observations and the method of data collection for the final status report, were deployed to Nepal's seven provinces to collect data in October 2020.

In Nepal's federal structure, all three tiers of the government (federal, provincial and local) have an obligation to implement the CEDAW Committee's recommendations since state power is shared among all three tiers. Therefore, 13 questionnaires were prepared to collect information through key informant interviews with various stakeholders at the provincial and local levels, and 10 questionnaires were prepared to gather information from stakeholders at the federal level. The questionnaires were prepared with the objective of collecting both quantitative and qualitative data based on the CEDAW Concluding Observations Monitoring Framework, which the NWC developed as a tool to monitor the implementation status of Nepal's obligations under CEDAW. Data for the questionnaires was collected through virtual interviews, written responses, in-person interviews and telephone conversations with 134 concerned stakeholders from the federal level, seven provincial levels and 14 local levels. As information had to be collected amidst the COVID-19 pandemic, preference was given to virtual interviews and written responses to the questionnaires to ensure safety of the interviewer and respondents.

To collect further information for the study, the NWC conducted four consultation programmes with the representatives of the Women and Social Committee of the Federal Parliament, the federal Ministries, the justice sector (public prosecutors, police and lawyers) and CSOs. Honourable Supreme Court Justice Sapana Pradhan Malla and Vice-Chair of the CEDAW Committee Bandana Rana facilitated the first three consultations. The NWC also conducted two physical consultations in Bagmati and Gandaki Provinces and four virtual consultations on CEDAW and the CEDAW Committee's recommendations with government officials from other provinces. It also conducted interaction events during the '16 Days of Activism Against Gender-Based Violence (GBV)' which provided additional information for the report. Annual reports and other reports from government bodies and non-governmental organizations (NGOs), as well as books and articles published in media outlets, provided secondary sources of information for this study.



The draft study was revised and finalized after incorporating input from various stakeholders during a number of meetings, including the National Validation Workshop on 18 March 2021. The information and data in this study was collected between October 2020 and April 2021.

#### 4. Findings

In the CEDAW Committee's Concluding Observations on the sixth periodic report of Nepal in 2018, it provided recommendations on 21 issues<sup>1</sup> that fall mostly under Articles 1 to 16 of the CEDAW Convention. Based on the CEDAW Concluding Observations Monitoring Framework, the longer recommendations of the Committee have been divided into parts to ease in tracking the implementation status. As a result, 75 of the CEDAW Committee's recommendations have been abridged, bringing the total number of recommendations to 84.

Of the 84 recommendations, this study finds that four recommendations (4.8 per cent) have been fully implemented, while 60 recommendations are in the process of implementation, with steps being actively taken. The remaining 20 recommendations have not been implemented yet. Thus, the study shows that most of the CEDAW Committee's recommendations (71.4 per cent) are in the process of implementation, while nearly one-fourth of the recommendations (23.8 per cent) have not been implemented at all. Most of the CEDAW Committee's recommendations that have not yet been implemented relate to the formulation of non-discriminatory laws, the amendment of discriminatory laws and the ratification of international treaties.

The implementation status of the Concluding Observations are as follows:

- 1) 4 recommendations have been fully implemented (4.8 per cent).
- 2) 60 recommendations are in the process of implementation (71.4 per cent).
- 3) 20 recommendations have not been implemented (23.8 per cent).

The recommendations of the CEDAW Committee that are in the process of being implemented are mostly about drafting laws and policies; conducting programmes on different gender issues (including eliminating GBV and harmful traditional practices), as well as capacity development and awareness-raising programmes; making institutional arrangements; and allocating an adequate budget and targeted financial support to women facing intersecting and multiple forms of discrimination. The CEDAW Committee called up on the three tiers of Nepal's government and CSOs to implement these recommendations.

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<sup>1</sup> Constitutional and legislative framework and discriminatory laws, Access to justice, National machineries for the advancement of women, Civil society organizations and national human rights institution, Temporary special measures, Stereotypes and harmful practices, Gender-based violence against women, Women and peace and security, Human trafficking and exploitation against sex work, Participation in political and public life, Nationality, Education, Employment, Women migrant workers, Health, Disadvantaged groups of women, Discriminatory laws in marriage and family, Data collection and analysis, Dissemination, Ratification of other treaties, Follow-up to the concluding observations





The following section outlines the CEDAW Committee's recommendations that have either been fully implemented or not implemented at all.

### **Fully Implemented Recommendations:**

The following four recommendations of the CEDAW Committee have been fully implemented:

1. Expedite the appointment of a Commissioner on Women's Rights.
  - Three Commissioners have been appointed to the NWC<sup>2</sup>.
2. Prioritize the adoption of a bill to amend some acts relating to country codes, which would bring provisions of the National Civil Code regarding the legal age of marriage in line with the National Criminal Code, which sets that age to age 20.
  - The National Civil Code, 2074 (2018) was amended through the adoption of a bill to amend some acts relating to national codes, bringing the provision of the National Civil Code on marriage in line with the National Criminal Code, 2074 (2017), nullifying marriages between individuals younger than age 20.
3. Expedite the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in line with commitments made in the context of the universal periodic review.
  - Nepal acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000 on 16 June 2020, without any reservations.
4. Provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31 (a)–(b) and 43 (b) and (c) above. (Concluding Observation, paragraph 51).
  - The GoN submitted a follow-up report to the CEDAW Committee's Concluding Observations on 1 February 2021, outlining the steps it has taken to implement the CEDAW Committee's recommendations in paragraphs 31 (a)–(b) and 43 (b) and (c) on citizenship issues, harmful traditional practices and child marriage.

### **Non-Implemented Recommendations**

The following 20 recommendations of the CEDAW Committee have not yet been implemented:

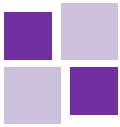
1. Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women – which encompasses elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres – and guarantees effective remedies for survivors.

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<sup>2</sup> Honourable Jaya Ghimire and Honourable Sabitra Kumari Sharma have been appointed as the members of NWC on 24 June 2021.



- Comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres has not been adopted yet. Chapter 10 of the National Criminal Code, 2074 (2017) on offences against discrimination also does not include specific provisions on discrimination against women.
2. Repeal all remaining constitutional provisions that discriminate against women and girls in the area of nationality.
  - Discriminatory provisions against women relating to citizenship have not yet been amended in the Constitution of Nepal.
3. Repeal all remaining legal provisions that discriminate against women and girls, in particular in the areas of the distribution of marital property upon divorce and access to employment abroad.
  - Several discriminatory legal provisions against women and girls have not been amended yet. These include the provision to divide marital property upon divorce; the provision requiring widowed women to transfer property received from their first husband to the children from that husband upon entering into another marriage; and a Directive relating to the Management of Domestic Workers Migrated for Foreign Employment adopted by the Council of Ministers in 21 April 2015, which bars women under the age of 24 and mothers of children up to age two from migrating abroad for employment.
4. Repeal the statute of limitations provision on registering cases of sexual violence in all contexts to ensure women's access to justice for the crime of rape and other sexual offences.
  - The statute of limitation to register cases of sexual violence in all contexts, which is in the National Criminal Code, 2074 (2017), has not been repealed yet.
5. Strengthen the mandate and capacities of local governments to address women's rights and gender equality and reintroduce the allocation of targeted budgets at the local level for women's leadership.
  - Until 2018, the Women and Children Offices (WCOs), which were under the Department of Women and Children in the MoWCSC, were an important institutional structure for advancing women and children's rights at the local level across all of Nepal's districts. When Nepal restructured its administrative mechanism in line with the federal system, the staffs of WCOs have been integrated into local level offices. As a result, the units or divisions working on women's issues at each local level have a limited mandate and limited human resources, capacities and budgets.
  - After Nepal transitioned to federalism, a targeted budget for women is no longer being allocated at the local level.
6. Train medical and psychological professionals on the rights of intersex people.



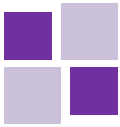
- In the past two years, none of the three tiers of government have organized trainings for medical and psychological professionals on the rights of intersex people.
7. Promote the participation of indigenous women in the police service.
    - Indigenous women are less represented in the police service and there is currently no reservation for them within it. However, there is separate quota for women and indigenous people in the police service under the Police Regulation, 2012 (1955).
  8. Amend provisions of the Criminal Code so that sexual violence, including rape and forced abortion, is recognized as a form of torture and bring the definition of rape in line with the Rome Statute of the International Criminal Court, and in line with commitments made in the context of the universal periodic review.
    - The National Criminal Code, 2074 (2017), has not yet been amended to recognize sexual violence, including rape and forced abortion, as a form of torture, which would bring Nepal's definition of rape in line with the Rome Statute of the International Criminal Court.
  9. Formulate a comprehensive policy and legislative/regulatory frameworks to ensure women who engage in prostitution are legally protected from economic exploitation and prosecution, and a mechanism to monitor this.
    - Nepal has not yet formulated a comprehensive policy or law to protect sex workers from harassment, abuse and economic exploitation. No monitoring mechanism for this is currently in place.
  10. Investigate, prosecute and punish law enforcement officers for the harassment and extortion of women in prostitution and ensure that survivors are provided with protection and support in a gender-sensitive manner.
    - According to the Women, Children and Senior Citizens Service Directorate, Nepal Police has not received any complaints from sex workers about harassment and extortion from law enforcement officers. However, NGOs have documented threats, intimidation and abuse of power by law enforcement officers against sex workers, most often to extort them for money or free sex.<sup>3</sup>
  11. Strengthen exit programmes for women who wish to leave prostitution.
    - Nepal's federal government, along with its provincial and local governments, have yet to create any programmes to assist sex workers in leaving prostitution and entering new fields of work.
  12. Amend or repeal all discriminatory provisions in its Constitution that are

<sup>3</sup> Joint submission by Jagriti Mahila Mahasangh, National Federation of Sex Workers and its Partners Collectives to CEDAW Committee, 2018. Available at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT\\_CEDAW\\_CSS\\_NPL\\_32558\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32558_E.pdf) (accessed on 2 April 2021)



contradictory to article 9 (2) of the Convention in order to guarantee that Nepali women may transmit their nationality to their children, as well as to their foreign spouses, under the same conditions as Nepali men, whether they are in the country or abroad, in accordance with commitments made in the context of the universal periodic review.

- The Constitution of Nepal has not been amended to remove citizenship laws that discriminate against women.
13. Provide training to district administration offices on the circular promulgated in 2013 to provide citizenship certificates to children on the basis of the Nepali citizenship of their mother and establish a complaint mechanism for reporting cases in which people have been denied citizenship applications.
    - The Ministry of Home Affairs has not yet conducted trainings for the District Administration Offices about the 2013 circular on providing citizenship certificates to children through their Nepali mother.
  14. Guarantee all women equal access to employment within and outside the State party, including by repealing discriminatory restrictions imposed on women endeavouring to work abroad and by expediting the ongoing revision of the guidelines on women migrant domestic workers.
    - The Directive to Manage Domestic Workers in Foreign Employment, 2072 (2015) restricts women below age 24 from traveling abroad to work as domestic workers in eight countries (Saudi Arabia, Qatar, Kuwait, the U.A.E., Oman, Bahrain, Lebanon and Malaysia). If further bans mothers from traveling abroad to work as domestic workers if they have infants below age two. Despite three amendments made on the Directive so far, these discriminatory provisions have not been amended yet.
  15. Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples.
    - The Constitution of Nepal has not yet been amended to incorporate the rights of indigenous women, in particular their right to self-determination.
  16. Enforce the legal provisions on the equal rights of women and men to inherit property, including land.
    - Women's equal rights to inherit ancestral property – including among married women – is constitutionally and legal guaranteed, however it is often not put in practice. This is because there is a lack of awareness about the new legal provisions among the general public, as well as deep-seated patriarchal norms in society.
  17. Accede to the 1954 Convention relating to the Status of Stateless Persons and the



1961 Convention on the Reduction of Statelessness.

- Nepal has not yet acceded to the Convention relating to the Status of Stateless Persons, 1954 and the Convention on the Reduction of Statelessness, 1961.
18. Accede to the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education.
    - Nepal has yet to accede to the Convention against Discrimination in Education, 1960.
  19. Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.
    - Nepal has not yet ratified the Domestic Workers Convention, 2011 (No. 189).
  20. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.
    - Nepal has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 and the International Convention for the Protection of All Persons from Enforced Disappearance, 2006.

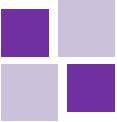

## 5. Recommendations

1. Prioritise the implementation of the CEDAW Committee's recommendations to amend discriminatory laws against women, formulate non-discriminatory laws and ratify/accede to international conventions.
2. Ensure the effective implementation of existing laws on women's rights and gender equality at the federal, provincial and local levels.
3. Repeal all the remaining constitutional and legal provisions that discriminate against women and girls in the area of nationality.
4. Ensure compulsory consultations with the NWC in the process of drafting acts, ordinances, regulations or policies on gender equality and women's rights. Likewise, engage CSOs working on gender equality and women's rights during the law making and planning process.
5. Ratify international conventions in line with recommendations in the CEDAW Committee's Concluding Observations to protect the rights of women and vulnerable groups, and enable the effective implementation of recently ratified human rights standards.
6. Enhance interagency coordination and collaboration among all three tiers of government to develop and implement policies, and allocate adequate budget on



gender equality and women's empowerment, in Nepal's federal structure.

7. Disseminate information at the federal, provincial and local levels about Nepal's commitment to the international women's rights treaty to which Nepal is party. Likewise, provide capacity development trainings and orientations for government officials, including the judiciary, on CEDAW, the CEDAW Committee's Concluding Observations, gender equality and social inclusion.
8. Enhance the institutional capacity and provide the adequate human resources, budget and mandate for units or divisions set up at the provincial and local levels to work on gender equality and the rights of women, children and excluded groups.
9. Enhance the capacity of the provincial and local governments to formulate and implement a gender-responsive budget, and establish a system to track and monitor their expenditure to assess the impact of the budget on the lives of women and girls.
10. Encourage provincial and local governments to allocate at least 10 per cent of their budget for women, and create a separate targeted budget for women facing intersecting and multiple forms of violence.
11. Continue and scale up the awareness-raising programmes on GBV and harmful traditional practices that are already being conducted at all three levels of government.
12. Prioritize and implement community-level interventions and awareness programmes that focus on social norms and gender discriminatory attitudes and behaviours across Nepal.
13. Allocate an adequate budget toward operating the GBV Elimination Fund at the provincial and local levels and ensure that GBV survivors have easy access to the fund.
14. Allocate adequate resources to address GBV; review and operationalize existing funding provisions and mechanisms under various laws and policies for responding to GBV; ensure the alignment of existing GBV-related funds and their mechanisms within the federal structure to enable access to GBV services; prioritize and implement interventions focusing on changing social norms; and provide unhindered access to GBV response services and justice, particularly by rolling out a comprehensive package of essential services.
15. Ensure access to justice for women from marginalized groups and those facing intersecting forms of discrimination (such as those relating to caste, ethnicity, disability status, gender minorities and sexual orientation, migration) through special programmes and multisectoral services, such as legal aid, psychosocial counselling, shelter and economic empowerment.
16. Ensure the timely and effective implementation of the Supreme Court's landmark verdicts and rulings related to gender equality and women's empowerment since they are also linked to several of the CEDAW Committee's Concluding Observations.

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17. Strengthen collaboration between the government and NGOs to operate shelter homes for GBV survivors; allocate an adequate budget for these shelter homes, while ensuring a timely release of the budget; and formulate a minimum standard for the shelter homes' operation, including in the context of the COVID-19 pandemic.
  18. Make necessary arrangements to lift the restriction on female domestic workers from travelling abroad, while simultaneously strengthening administrative and criminal enforcement. Prioritize the most vulnerable migrant workers – especially those who are undocumented – for repatriation and provide them with sustainable reintegration packages.
  19. Ensure meaningful participation of women, including those facing intersecting forms of discrimination, while formulating local budgets, plans and programmes.
  20. Ensure the non-duplication of NGO programmes on gender equality and women's empowerment, while maintaining that target populations have equal access to these programmes.
  21. Conduct targeted research and studies on the situation of women and other vulnerable groups to gather insights that can help inform evidence-based policies and programming.
  22. Document the “lessons learned” during programmes related to gender equality and women's empowerment, ending GBV and women's access to justice implemented by government bodies, CSOs, development partners and UN agencies, in order to replicate and scale up best practices.
  23. Develop an integrated system of disaggregated data collection, reporting, monitoring, and analysis on key results and achievements made in women's rights and gender equality across the three tiers of government, as it is currently lacking. The reporting system should also be made effective, operational and robust in the context of the COVID-19 pandemic and natural disasters.



# Chapter 1

## Introduction

### 1.1 Background

The Committee on the Elimination of Discrimination against Women (hereinafter, the CEDAW Committee) is a treaty body established under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979. The CEDAW Committee provided Concluding Observations, along with various recommendations on Nepal's sixth periodic report, on 14 November 2018. Being a State party to the Convention, Nepal has an obligation to implement recommendations received from the CEDAW Committee. It also has a moral obligation to provide the global community with information about how it is implementing these recommendations.

The Constitution of Nepal<sup>4</sup> and the National Women Commission Act, 2074 (2017) delineate functions, duties and powers to the National Women Commission (NWC). In turn, the Commission is mandated with monitoring whether laws concerning the rights and interests of women and Nepal's obligations under the international treaties to which it is party, have been implemented. The Commission can also provide the GoN with recommendations for effective implementation. Accordingly, the NWC has prepared this study with the support of UN Women to make the mid-term evaluation of the implementation status of the recommendations provided by the CEDAW Committee in its Concluding Observations on the sixth periodic report of Nepal in 2018. It is expected that this study will guide the GoN in taking the steps necessary to implementing recommendations that have not yet been implemented, prior to Nepal's submission of its seventh periodic report to the CEDAW Committee on November 2022,<sup>5</sup> which will help fulfil the State's obligation.

### 1.2 Objective

This study seeks to analyse the implementation status of CEDAW Committee's recommendations to promote women's rights, which were provided in its concluding observations on the sixth periodic report of Nepal in 2018. This study evaluates the resulting achievements and implementation gaps.

### 1.3 Significance of the Study

- This study will outline the actions needed to implement the CEDAW Committee's recommendations over the next two years, in preparation for Nepal's seventh periodic report in November 2022.
- The data and information outlined in study will act as the baseline for the NWC's "CEDAW Concluding Observation Monitoring Framework," which will monitor the implementation status of the CEDAW Committee's concluding observations.
- This study will be used as an advocacy document to advocate for protecting and promoting the rights of women and disadvantaged groups of women.

<sup>4</sup> Constitution of Nepal, Article 253, clause 1(b)

<sup>5</sup> Committee on the Elimination of Discrimination against Women, **Concluding observations on the sixth periodic report of Nepal**, 14 November 2018, para 52, CEDAW/C/NPL/CO/6. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en)



#### 1.4 Methodology of the study

To prepare this study, the NWC formed a Steering Committee comprised of representatives from federal government agencies, including the Office of the Prime Minister and Council of Ministers (OPMCM), the Ministry of Women Children and Senior Citizens (MoWCSC), the Ministry of Law Justice and Parliamentary Affairs (MoLJPA) and civil society organizations (CSOs), such as the National Federation of the Disabled, the National Indigenous Women's Federation, the Forum for Women, Law and Development (FWLD), Feminist Dalit Organization (FEDO) and Blue Diamond Society (BDS). The Steering Committee played an instrumental role in preparing the study by providing important feedback. The NWC also conducted a discussion with the monitoring team regarding the preparation of this study and prepared the CEDAW Concluding Observation Monitoring Framework, which was approved after incorporating feedback received from the Steering Committee. Furthermore, the Commission conducted provincial level consultations in Gandaki and Bagmati Provinces with the honourable Province Ministers as the chief guest/s.

The NWC initially planned to organize consultations in seven provinces to collect information for this study. However, the Commission had to change its strategy due to the COVID-19 pandemic and its resulting lockdown, which made time into a considerable challenge and factor. As a result, the Commission selected a national technical expert and six provincial level focal persons to collect data and support in the study. The information was collected from all seven provinces after providing the focal persons with an orientation-training on the CEDAW concluding observations. They were also trained on the methodology used to collect data for this study.

In Nepal's federal structure, all three tiers of the government (federal, provincial and local) have an obligation to implement the CEDAW Committee's recommendations. Therefore, 13 questionnaires were prepared to collect information through key informant interviews with various stakeholders at the provincial and local levels, and 10 questionnaires were prepared to gather information from stakeholders at the federal level. The questionnaires were prepared with the goal of collecting both quantitative and qualitative data based on the CEDAW Concluding Observation Monitoring Framework. It is important to note that this monitoring framework was established to strengthen the institutional capacity of the NWC to monitor the implementation status of Nepal's obligations under international treaties related to women's rights, as per its constitutional mandate.<sup>6</sup> This monitoring framework focuses on the recommendations of the CEDAW Committee pursuant to 13 major articles of the CEDAW treaty and look at the outcomes, specifies activities, time period, responsible bodies, supporting bodies, indicators and means of verification for each outcome.

Data for the questionnaires was collected through virtual interviews, written responses, in-person interviews and telephone conversations with 134 concerned stakeholders from the federal level, seven provincial levels and 14 local levels. As information had to be collected amidst the COVID-19 pandemic, the interviews were conducted virtually or by collecting written responses to the questionnaires, in order to ensure that the respondents were protected from the virus. (See Annex 1 for the names of the local level areas where information was collected.)

<sup>6</sup> Constitution of Nepal, Article 253, clause 1(b)



The stakeholders who were interviewed for this study are listed below:

(a) **Stakeholders at the Federal Level:**


- The Federal Parliament
- The Office of Prime Minister and Council of Ministers (OPMCM)
- The Ministry of Women, Children and Senior Citizens (MoWCSC)
- The Ministry of Health and Population
- The Ministry of Education, Science and Technology
- The Ministry of Labour, Employment and Social Security
- The Ministry of Law, Justice and Parliamentary Affairs (MoLJPA)
- The Ministry of Home Affairs
- The Supreme Court
- Nepal Police (Women, Children and Senior Citizens' Service Directorate)
- Foreign Employment Promotion Board
- The National Judicial Academy
- Non-Governmental Organizations (FWLD, BDS, Women Indigenous Federation)

(b) **Stakeholders at the Provincial Level:**

- The Provincial Assembly
- The Ministry of Social Development (Social Development Division, Health Division, Education Division)
- The Ministry of Internal Affairs and Law
- Province Police
- Non-Governmental Organizations (NGO Federation, WOREC Nepal, Awaj, Maiti Nepal, Saathi, Disabled Women Federation, Sosek, Small Hands, Sweet Nepal, Conflict Victims and Single Women Center, Sahasi Kadam, Seto Gurans, Siddhartha Samudayik Samaj, Kadam Nepal, Sirjanshil Samaj)

(c) **Stakeholders at the Local Level:**

- One metropolitan or sub-metropolitan or one municipality, and one rural municipality in each province
- The Judicial Committee
- District Court
- District Police Office
- District Public Prosecutor Office
- District Legal Aid Committee
- District Administration Office
- Land Revenue Office



To collect further information for the study, the NWC conducted four consultation programmes<sup>7</sup> with representatives of government and non-government organizations (NGOs). The Commission conducted a consultation with the Women and Social Committee of the Federal Parliament that was chaired by Honourable Niru Pal, the Chairperson of the Women and Social Committee. Honourable Supreme Court Justice, Sapana Pradhan Malla, also facilitated the programme. The Vice-Chair of the CEDAW Committee, Bandana Rana, facilitated consultations that were conducted with representatives from federal ministries and the justice sector (public prosecutors, police and lawyers). The inputs received during these consultation programmes have also been included in this study.

The NWC conducted virtual consultation programmes on CEDAW and CEDAW Committee's recommendations with government officials from Province 1, Province 2 and Sudurpaschim Province, as well as in-person consultations in Bagmati and Gandaki provinces. The NWC also organized interaction programmes with stakeholders during the UN system's "16 Days of Activism Against Gender-Based Violence (GBV)," which contributed information for this study.

While collecting information and conducting consultation programmes, safety measures against COVID-19 – such as social distancing and using masks and hand sanitizer – were taken into special consideration.

Annual reports and other reports from the government and NGOs, as well as books and articles published in media outlets, provided secondary sources of information for this study.

Information collected from various stakeholders and reports have been triangulated and analysed. Chapter 3 of this study presents the recommendations of the CEDAW Committee and their implementation status in a tabular form.

The draft study was revised and finalized after incorporating input from stakeholders during a number of meetings. This included the national validation workshop on 18 March 2021, where representatives from different federal ministries, including MoWCSC, Nepal Police and NGOs, provided feedback on the draft study.

### 1.5 Limitation of the Study

This study solely focuses on the implementation status of the recommendations provided by the CEDAW Committee to Nepal in its Concluding Observations of 2018. Therefore, this study only presents information on what has been achieved in two years and identifies gaps in the implementation process. This study does not cover the overall situation of women's rights in Nepal.

Due to health risks and mobility restrictions imposed by the COVID-19 pandemic, it was not possible to reach out to all the concerned stakeholders to collect information for this study. Time and resource constraints resulted in the exclusion of some stakeholders from the data collection and report writing process. Though it was not possible to collect information from all 753 local units, the information provided in this study was collected by selecting at least one metropolitan, sub-metropolitan or municipality, and one rural

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<sup>7</sup> NWC organized four national consultation programmes with the Federal Parliament on 18 December 2020, with federal Ministries on 25 December 2020, with justice sector actors on 18 February 2021 and with CSOs on 3 December 2020.



municipality from each province, with the knowledge that local governments have an obligation to implement the recommendations of the CEDAW Committee. Thus, the study contains limited information from the local levels. Likewise, this study includes information in a representative manner from a limited number of NGOs.

Among the recommendations evaluated in this study, there was a lack of information about recommendations relating to employment rights and women's participation in public and political sectors.

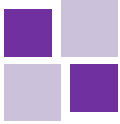
The information and data in this study was collected between October 2020 and April 2021, and this information will be changed as time passes. This study provides information on the implementation status of the CEDAW Committee's recommendations in an indicative manner.

## 1.6 Challenges

To properly assess the implementation status of the CEDAW Committee's recommendations, it was necessary to collect adequate information. Even though many stakeholders were contacted to contribute interviews for this study, receiving concrete data and information from them was a challenge. This was due to various reasons, including:

- Restricted access to government offices because of the pandemic,
- Time conflicts among officials because of their busy work schedules,
- Institutional memory loss from staff turnover,
- The lack of an institutional mechanism that consolidates information from the federal, provincial and local levels on their work to protect and promote women's rights, and
- The lack of annual reports on the official websites of government agencies and NGOs.

Collecting quantitative data for the study was even more challenging.



## Chapter 2

# Brief Information about CEDAW, CEDAW Committee, Reporting System, Concluding Observations and States' Obligations

### 2.1 Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is often referred to as the “Women’s Bill of Rights.” It is one of the core international human rights treaties of the UN system. The UN General Assembly adopted CEDAW on 18 December 1979 and it came into force on 3 September 1981. So far, 189 countries have ratified or acceded to the convention. Nepal ratified it without any reservations on 22 April 1991.<sup>8</sup>

Consisting of a preamble and 30 articles, the convention provides the basis for realizing equality between women and men by eliminating harmful social practices and by ensuring women equal access and opportunities in political and public life, in economic, social and cultural matters, and in education, health and employment.<sup>9</sup>

### 2.2 Importance and Principles of CEDAW

The Convention adopts the principle of non-discrimination and provides a wide definition of ‘discrimination against women’ as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”<sup>10</sup> This definition includes not just direct or intentional discrimination, but any act that has the effect of creating or perpetuating inequality between men and women.<sup>11</sup> Further, it prohibits discrimination against women in public and private spheres.

CEDAW is based on the principle of “substantive equality”. This goes beyond equality of opportunity, and the wording used in laws, to looking at the actual condition of women’s lives as the true measure of whether equality has been achieved. In other words, it is attaining “equality of results” between men and women.

<sup>8</sup> UN, **UN Treaty Bodies Database**, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN) (accessed on 2 February 2021)

<sup>9</sup> UN Women, **Frequently Asked Questions (FAQ) about CEDAW**, <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq> (accessed on 12 March 2021)

<sup>10</sup> Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 1

<sup>11</sup> UN Women, **Frequently Asked Questions (FAQ) about CEDAW**, <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq> (accessed on 12 March 2021)



## 2.3 State Obligation

The CEDAW treaty legally binds all State parties, including Nepal, to fulfil, protect and respect women's human rights. State parties are not only responsible for their own actions, but also for eliminating discrimination that is being perpetrated by private individuals and organizations. Gender inequality must be addressed at all levels, and in all private and public spheres, including the family, community, market and state.

By accepting the Convention, States parties of CEDAW, including Nepal, commit themselves to undertake measures to end discrimination against women in all forms, including:<sup>12</sup>

- Making legal, judicial, administrative and other necessary arrangements to implement the provisions of CEDAW,
- Incorporating the principle of equality of men and women in their legal system, abolishing all discriminatory laws and adopting appropriate ones prohibiting discrimination against women,
- Establishing tribunals and other public institutions to ensure the effective protection of women against discrimination,
- Making the necessary arrangements to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises, and
- Providing special opportunities to women from marginalized groups.

Being a State party to the Convention, Nepal is legally bound to implement all the provisions of CEDAW. Regarding implementation of any treaties to which Nepal is a party, Section 9(1) of Nepal Treaty Act, 2047 (1990) reinstates that the provisions of any treaty shall be enforced as Nepali law once it is ratified or acceded.<sup>13</sup>

## 2.4 Committee on the Elimination of Discrimination against Women (CEDAW Committee)

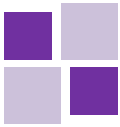
The Committee on the Elimination of Discrimination against Women is a treaty body that oversees CEDAW. This is a group of 23 experts women's rights who monitor the implementation of the CEDAW. Elected by States that are party to CEDAW for a term of four years, they serve in an independent capacity and not as representatives of their countries. The Committee has the following major functions, duties and powers:

- The Committee is responsible for reviewing each State party's initial report and periodic reports, and for providing 'Concluding Observations' to the State party along with recommendations.

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<sup>12</sup> UN Women, **Convention on the Elimination of All Forms of Discrimination Against Women – Overview of the Convention**, <https://www.un.org/womenwatch/daw/cedaw/> (accessed on 12 March 2021)

<sup>13</sup> Nepal Treaty Act, 2047 (1990), Section 9(1) – “In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification, accession, acceptance or approval by the Parliament, are inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for the purpose of that treaty, and the provisions of the treaty shall be enforceable as good as Nepalese laws.”



- The Committee provides ‘General Recommendations’ based on the examination of the reports and information received from States parties. The Committee also provides legal interpretation of provisions of CEDAW by issuing General Recommendations. The Committee has provided 38 General Recommendations to date.<sup>14</sup>
- If someone’s rights under CEDAW are violated, the victim of the State party to CEDAW can lodge an individual complaint before the CEDAW Committee after exhausting all domestic legal remedies. The Committee examines and issues a decision about the complaint. It is also responsible for developing jurisprudence through decisions in cases under CEDAW’s Optional Protocol, which helps clarify how the Convention applies to specific situations and emerging issues.

## 2.5 Reporting System and Concluding Observations

Every State party to CEDAW has to submit an initial report to the CEDAW Committee within one year of ratifying or acceding to the convention, as well as periodic reports every four years on the implementation status of the Convention. Along with an initial report and periodic report submitted by the State party, CSOs also receive the opportunity to submit a ‘Shadow Report’ to the Committee. Then, the Committee holds a constructive dialogue session on the report in the presence of government delegates at the UN office in Geneva.<sup>15</sup> Shortly after, the Committee provides its ‘Concluding Observations,’ which highlight progress and weaknesses or gap and provides recommendations to the State party on actions to be taken to implement the CEDAW provisions.

Nepal ratified CEDAW in 1991 and submitted its initial report to the CEDAW Committee on November 1998, in which the Committee provided Concluding Observations on June 1999. Apart from this, the CEDAW Committee has so far provided three Concluding Observations on various periodic reports submitted by Nepal. The Committee provided its Concluding Observations on the joint second and third periodic report of Nepal on 18 March 2004.<sup>16</sup> Likewise, it provided further Concluding Observations on the joint fourth and fifth periodic report on 11 August 2011. Similarly, the Committee considered the sixth periodic report of Nepal (CEDAW/C/NPL/6) at its 1631<sup>st</sup> and 1632<sup>nd</sup> meetings held on 23 October 2018 and issued its Concluding Observations on 14 November 2018.<sup>17</sup>

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<sup>14</sup> UN Women, **General Recommendations**, <https://www.un.org/womenwatch/daw/cedaw/recommendations/index.html> ; OHCHR, **General Recommendations**, <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx> (accessed on 2021.3.20); UN Women, **Frequently Asked Questions (FAQ) about CEDAW**, <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq> (accessed on 12 March 2021)

<sup>15</sup> The FWLD, **State Obligation under International Human Rights Instruments: Supportive Booklet** (Nepali Version), 2067, pg. 44

<sup>16</sup> UN, **UN Treaty Body Database**, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=NPL&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=NPL&Lang=EN)

<sup>17</sup> Committee on the Elimination of Discrimination against Women, **Concluding observations on the sixth periodic report of Nepal, 14 November 2018, CEDAW/C/NPL/CO/6**. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en)



## 2.6 Recommendations of the CEDAW Committee

To eliminate discrimination against women and promote gender equality, the CEDAW Committee has provided recommendations on 17 major issues<sup>18</sup> in its Concluding Observations on the sixth periodic report of Nepal.

These recommendations are focused on following areas:

- Formulate non-discriminatory laws and repeal or amend existing discriminatory laws.
- Allocate targeted budget for women, gender equality and women's empowerment in adequate amount.
- Conduct awareness-raising activities for the public and capacity development trainings and other sensitization programmes for government officials on gender equality, access to justice and empowerment.
- Make special arrangements for women from marginalized groups.
- Ensure meaningful participation of women at the policy formulation and decision-making level.

As a State party, Nepal has legal and moral obligations to implement the recommendations of the CEDAW Committee provided in its Concluding Observations.

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<sup>18</sup> Constitutional and legislative framework and discriminatory laws, Access to justice, National machineries for the advancement of women, Civil society organizations and national human rights institution, Temporary special measures, Stereotypes and harmful practices, Gender-based violence against women, Women and peace and security, Human trafficking and exploitation against sex work, Participation in political and public life, Nationality, Education, Employment, Women migrant workers, Health, Disadvantaged groups of women, Discriminatory laws in marriage and family.





## Chapter 3

# Implementation Status of the Concluding Observations of the CEDAW Committee

In the Concluding Observations of the sixth periodic report of Nepal, the CEDAW Committee provides recommendations on various thematic areas in 21 paragraphs<sup>19</sup>, which are related mostly to provisions from Article 1 to 16 of the CEDAW Convention. This chapter presents the implementations status of these recommendations in tabular form.

Based on the CEDAW Concluding Observation Monitoring Framework<sup>20</sup>, which was developed as a tool to monitor how the CEDAW Committee's Concluding Observations are implemented, the longer recommendations of the Committee have been divided into parts for the ease in tracking the implementation status. Thus, 75 CEDAW Committee's recommendations have been abridged bringing the total number of recommendations to 84.

In the table below, the last column provides a summary of the implementation status of each recommendation based on the following grounds:

- (a) *Fully implemented*: The CEDAW Committee's recommendation has been implemented completely and has demonstrated results.
- (b) *In the process of implementation*: Some action has been taken to implement the recommendation or action has been taken to implement "sub-recommendations" within the official recommendation. The CEDAW Committee's recommendations are sometimes vague and some recommendations include sub-recommendations.
- (c) *Not implemented*: No action has been taken to implement the CEDAW Committee's recommendation.

The following table breaks down the implementation status of the recommendations, which were provided by CEDAW Committee in its Concluding Observations on the sixth periodic report of Nepal in November 2018:

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<sup>19</sup> Constitutional and legislative framework and discriminatory laws, Access to justice, National machineries for the advancement of women, Civil society organizations and national human rights institution, Temporary special measures, Stereotypes and harmful practices, Gender-based violence against women, Women and peace and security, Human trafficking and exploitation against sex work, Participation in political and public life, Nationality, Education, Employment, Women migrant workers, Health, Disadvantaged groups of women, Discriminatory laws in marriage and family, Data collection and analysis, Dissemination, Ratification of other treaties, Follow-up to the concluding observations.

<sup>20</sup> CEDAW Concluding Observation Monitoring Framework was developed to strengthen the institutional capacity of the NWC to monitor the implementation status of Nepal's obligations under CEDAW Convention, as per its constitutional mandate. This Concluding Observation Monitoring Framework, which serves as a tool for systematic monitoring of the Concluding Observations, organizes the CEDAW Concluding Observations according to the articles of CEDAW with corresponding activities, responsible institutions for implementation, indicators, and means of verification.

**Table 1: Implementation Status of the Concluding Observations of the CEDAW Committee**

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Article 1: Discrimination Against Women (Constitutional and legislative framework and discriminatory laws)</b></p>	<p>1.1 Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres, and guarantees effective remedies for survivors. (Concluding Observation, paragraph 9(a))</p>	<p>The comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres, is yet to be formulated in line with the recommendation received from the CEDAW Committee.</p> <p>However, the National Criminal Code, 2074 (2017), which was adopted before the CEDAW Committee issued its Concluding Observation, has provisioned to penalize discriminatory conduct in Chapter 10, which focuses on offences relating to discrimination and other degrading treatment. Section 160 of the Code prohibits any authority who exercises power under law (public authority) to intentionally discriminate against any citizen on the grounds of origin, religion, colour, caste, race, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language, region, ideology or on other similar grounds. It also penalizes the act and allows compensation for the victim. However, there is still no distinct law on discrimination against women that includes direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres. It is necessary to include a separate provision on discrimination against women in Chapter 10 of the Code that incorporates the wide definition of discrimination against women outlined in Article 1<sup>21</sup> of</p>	<p>Not implemented.</p>

<sup>21</sup> Article 1 of CEDAW provides a wide definition of 'discrimination against women' as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."



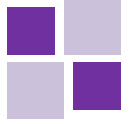


Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>1.2 Repeal all remaining constitutional provisions that discriminate against women and girls in the area of nationality. (Concluding Observation, paragraph 9(b))</p>	<p>CEDAW, including elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres and make provision of penalty and compensation under law to ensure justice for the women survivors of discrimination.</p> <p>The discriminatory provisions against women relating to citizenship have not yet been amended in the Constitution of Nepal. There is no provision for Nepali mothers to independently confer citizenship by descent to their children, like Nepali fathers. When a Nepali woman marries a foreign man and he wishes to acquire a matrimonial naturalized citizenship, there is no provision whereby Nepali women can confer their citizenship to their husbands. This issue has not been discussed in the Federal Parliament. However, NGOs have continuously lobbied for this constitutional and legal amendment. On 30 June 2020, the Civil Society Network on Citizenship Rights released a public statement raising this issue<sup>22</sup> and submitted a memorandum to concerned stakeholders. It must be noted that Nepal ratified CEDAW without any reservation to Article 9 on nationality. Over the years, NGOs have advocated and conducted awareness-raising programmes for constitutional and legal provisions that would allow Nepali women to confer citizenship independently, irrespective of their marital status.</p>	Not implemented.
	<p>1.3 Repeal all remaining legal provisions that discriminate against women and girls, in particular in the areas of</p>	<p>The remaining discriminatory legal provisions against women and girls have yet to be amended. Some of these include: a provision to divide marital property upon divorce; a provision requiring widowed women to transfer property received from their first husband to the children from that husband upon entering into another marriage; and</p>	Not implemented.

<sup>22</sup> Civil Society Network on Citizenship Rights, **Statement of Civil Society Network on Citizenship Rights**, 20 June 2020. Available at: <https://fwild.org/publications/statement-of-civil-society-network-on-citizenship-rights/> (accessed on 2 December 2020)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>distribution of marital property upon divorce and access to employment abroad. (Concluding Observation, paragraph 9(b))</p>	<p>a Directive relating to the Management of Domestic Workers Migrated for Foreign Employment, adopted by the Council of Ministers in 21 April 2015, which bars women under the age of 24 and mothers of children up to two years of age from migrating for foreign employment.</p> <p>The Center for Women Awareness and Development (CWAD) has prepared a three-column document analysing the Muluki Criminal Code, the Muluki Civil Code and the Legal Aid Act from a gender perspective, by forming a working group of various NGOs to lobby concerned stakeholders to amend discriminatory legal provisions against women, girls and sexual minority groups. CWAD submitted this to the MoLJA on 30 December 2020 and conducted several consultations about this with Federal Parliament members.</p> <p>Under its annual programme, the MoWCSC is carrying out a study on the compatibility of existing Nepali laws with CEDAW and other international legal treaties from gender equality and social inclusion perspectives. Similarly, the FWLD is conducting a study to identify discriminatory laws against women in support of the Ford Foundation.</p> <p>There are writ petitions registered in the Supreme Court challenging Nepal's laws on the unequal distribution of marital property on divorce<sup>23</sup>, the requirement of widowed women to transfer property received from their first husband to their children from that husband</p>	

<sup>23</sup> *Advocate Meera Dhungana on behalf of FWLD & others vs. Government of Nepal*: According to the legal provision in Section 94 of the Civil Code 2074, if the wife does not allow him to eat or expels him from the house and after that moment if the husband files for divorce from his wife, the husband will not be obliged to pay a share or pay any expenses to his wife. As the legal system is in itself conflict with Article 1 (1) of the Constitution of Nepal and also with the international treaties ratified by Nepal. A petition was filed in the esteemed Supreme Court in the month of December 2019, seeking to declare it as unconstitutional and invalid as per Article 133 (1) of the Constitution of Nepal. The petition is still pending in the Supreme Court. <https://fwld.org/works/litigation/> (accessed on 10 December 2020)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p style="text-align: center;"><b>Article 2: State Obligation (Access to justice)</b></p>	<p>2.1 Reinforce targeted outreach activities to disseminate information on the legal framework and the available mechanisms for gaining access to justice and legal aid schemes. (Concluding Observation, paragraph 11(a))</p>	<p>when they get remarried, and the executive order barring women below 24 years of age from going to foreign employment as domestic workers. These writ petitions were jointly registered by the FWLD and other NGOs, and are sub-judice in court.<sup>24</sup></p> <p>Nepal's Access to Justice Commission, which is constituted under the Supreme Court, has published information booklets and leaflets about the rights of women and children and existing laws and measures on legal remedies. So far, these have focused on 10 themes, including the rights of women, children, senior citizens, people with disabilities and Janajatis, Adhibashish and Dalit communities. These booklets and leaflets feature information about the latest amended legal provisions, and have been distributed in various courts. For instance, these booklets have include one with information on the family and property rights of women, another on women's rights and remedies in criminal cases, and another on the judiciaries' activities in enhancing access to justice. The booklets also provide information about how indigent people can access free legal aid and how there is one court-paid lawyer in each of the District and High Court and two court-paid lawyers in the Supreme Court. These booklets have played an instrumental role in making people aware about their rights guaranteed under the law and have helped enhance their access to justice. The Access to Justice Commission has also drafted a booklet about the court process and procedures in simple language, so that clients can access court services without procedural dilemma. In the past two years, it has also conducted trainings for court officials and</p>	<p>In the process of implementation.</p>

<sup>24</sup> In *Advocate Meera Dhungana et al. vs GoN*, the writ petition registered in the Supreme Court on May 2020, the petitioner has plead to repeal Section 214(2) of the National Civil Code which makes it mandatory for the widowed women to transfer the property received from the first husband to children from the husband on getting remarried. In the context when law does not provide for widowed men to transfer property to children in similar ground, the petitioner claims the legal provision to be discriminatory. The case is subjudice in Supreme Court. <https://fwld.org/works/litigation/> (accessed on 10 December 2020)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>quasi-judicial bodies on client-focused behaviour, including gender-friendly behaviour with female clients in Jhapa, Ilam, Panchthar and Taplejung districts.<sup>25</sup></p> <p>The NWC has also published and distributed a booklet called “General information about the legal provisions on women’s rights” (<i>Nepali version</i>), with support from VSO and UK Aid. Similarly, the Women, Children and Senior Citizens Service Directorate (WCSCSD) of Nepal Police has produced and broadcasted public service announcements (PSAs) through national television on seven types of violence against women and children (dowry, child marriage, rape, child labour, cybercrime, human trafficking, and domestic violence) which has helped enhance gender awareness among people in the past two years. The Women, Children and Senior Citizens Service Centers operating under this Directorate have organized school-based outreach programmes in 20 schools each from Dhanusha, Mahottari, Rautahat and Parsa districts, with support from UNICEF. These programmes raise awareness about child rights and crimes against children, and target students from grade six to nine. Similarly, they have conducted street dramas, video shows, awareness programmes for students, community consultations and other programmes to raise awareness about GBV.</p> <p>Many NGOs have also organized legal literacy and legal aid programmes at the community level. For instance, the FWLD has conducted 40 legal awareness-raising programmes at the community level in FY 2018/2019 and another 40 programmes in FY 2019/2020 in four districts, with participation of total of 2,800 people. They have also produced infographic videos to inform people about</p>	

<sup>25</sup> Source of information: Mamta Khanal, Joint Secretary, Access to Justice Commission, Supreme Court, 9 January 2021





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>women's rights and available legal remedies, and disseminated them on social media. Organizations like the Legal Aid and Consultancy Center (LACC), the Women's Rehabilitation Center (WOREC Nepal) and the FWLD have programmes in various districts that provide legal aid support to female survivors of violence.</p> <p>Institutional reform has taken place at the local level to enhance women's access to justice. But programmes to inform the public about existing legal mechanisms are still limited. For instance, there are Judicial Committees, Mediation Centers, District Legal Aid Centers and Women Children and Senior Citizen's Service Centers in district police offices. There is also a "Survivors' Room" in the District Public Prosecutor's Office and court-paid lawyers in the District Court. Likewise, NGOs have been providing free legal aid support to female survivors of violence in many areas across the country. However, this study found that awareness programmes to inform people about these institutions are insufficient. Most women remain unaware about Nepal's legal procedure and what services are available. Legal literacy is very low. Furthermore, provincial and local governments have formulated their own laws apart from the federal laws; this has made it more complex for the general public to understand Nepal's legal system in the federal context.<sup>26</sup></p> <p>Some Judicial Committees (e.g. the Judicial Committee of Biratnagar sub-metropolitan) were found to have conducted awareness-raising programmes on women rights, legal remedies and legal support at the ward level. However, some Judicial Committees have not yet</p>	

<sup>26</sup> Study reports of Lumbini Province and Sudurpaschim Province (Internal reports of NWC), 2020.

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>2.2 Promote a culture and a social environment in which justice-seeking by women is viewed as both legitimate and acceptable, rather than as a cause for additional discrimination or stigmatization. (Concluding Observation, paragraph 11(a))</p>	<p>conducted awareness-raising activities due to lacking budget and the required capacities.<sup>27</sup> The study found that, in seven provinces, neither the Ministry of Internal Affairs and Law, nor the Ministry of Social Development have organized awareness-raising programmes on women's rights, laws and available legal remedies.<sup>28</sup></p> <p>Many programmes have been conducted at the national, provincial and local levels to promote a social environment in which the pursuit of justice by women is viewed as both legitimate and acceptable, freeing society from violence and discrimination.</p> <p>The MoWCSC has produced information materials on rape and other sexual offences and disseminated it through the media. The Ministry has also produced musical TV jingles on eliminating GBV and broadcasted it through Nepal Television.<sup>29</sup> Similarly, it has aired PSAs in six languages – Nepali, Tharu, Maithili, Bhojpuri, Doteli and Tamang – about preventing discrimination against migrant workers. Similarly, many programmes at the national and provincial levels have been organized each year to mark the UN system's "16 Days of Activism Against GBV." At the national level, the Male Leaders Network Mobilization Procedure, 2075 (2018) has been formulated, and programmes have been organized in engaging men to establish social environments free from discrimination and GBV. Year 2019 has been declared as the 'year against GBV' and many awareness-raising programmes have been organized to end incidents of</p>	<p>In the process of implementation.</p>

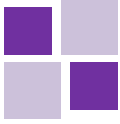
<sup>27</sup> According to the Judicial Committee of Janakpurdham sub-metropolitan, the Judicial Committee has been registering and hearing cases of women particularly the cases of domestic violence, divorce and alimony. The awareness raising programmes are not much conducted. Trainings are not adequate, and separate budget is not allocated. (Study Report of Province 2, Internal report of NWC, 2020).

<sup>28</sup> Reports of seven provinces (Internal reports of NWC), 2020.

<sup>29</sup> MoWCSC, **Annual Progress Report (FY 2018/2019)** (Nepali Version), Kathmandu, 2019, pg. 14







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>violence, including domestic violence and child marriage.<sup>30</sup></p> <p>The Women, Children and Senior Citizens Service Directorate has organized 4,038 awareness-raising programmes on GBV, human trafficking, rape and discrimination against menstruating girls and women (including the social practice of <i>chaupadi</i>) across Nepal in FY 2018/2019, under the Community-Police Partnership Programme. They also disseminated messages promoting a social environment free of violence, abuse and discrimination to the 2,12,973 people who participated. Similarly, it has raised awareness among 2,90,560 people across Nepal by conducting 5,360 awareness-raising programmes on GBV, human trafficking, rape and <i>chaupadi</i> again in FY 2019/2020. (See tables 2 and 3 below for the further detail)</p> <p>Likewise, to reduce GBV at the community level, a total of 6,026 GBV Control Network Committees (77 at the district level, 6 at the metropolitan level, 9 at the sub-metropolitan level, 267 at the municipality level, 427 at the rural municipality level and 5,231 at the ward level) have been established at the local level to date, pursuant to the GBV Control Network Committee Establishment and Work Operation Procedure, 2075 (2018). Moreover, a documentary about the 'Role of the Police in GBV Control' was produced to raise awareness; it was broadcasted from the 'Prahari Anurodh' programme of Nepal Police through various media outlets.</p>	

<sup>30</sup> Ibid, pg. 15

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		<p><b>Table 2: Awareness-raising programmes conducted in FY 2018/2019 under Community-Police Partnership Programme</b></p> <table border="1"> <thead> <tr> <th rowspan="2">S. N.</th> <th rowspan="2">Subject of awareness-raising programmes</th> <th colspan="2">Total Number</th> </tr> <tr> <th>No. of programmes</th> <th>No. of participants</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>GBV</td> <td>2,227</td> <td>124,180</td> </tr> <tr> <td>2</td> <td>Human Trafficking</td> <td>438</td> <td>20,220</td> </tr> <tr> <td>3</td> <td>Rape</td> <td>453</td> <td>25,931</td> </tr> <tr> <td>4</td> <td>Child marriage</td> <td>831</td> <td>36,569</td> </tr> <tr> <td>5</td> <td>Chaupadi</td> <td>95</td> <td>6,073</td> </tr> <tr> <td></td> <td><b>Total number</b></td> <td><b>4,038</b></td> <td><b>212,973</b></td> </tr> </tbody> </table> <p><b>Table 3: Awareness-raising programmes conducted in FY 2019/2020 under Community-Police Partnership Programme</b></p> <table border="1"> <thead> <tr> <th rowspan="2">S. N.</th> <th rowspan="2">Subject of awareness raising programmes</th> <th colspan="2">Total Number</th> </tr> <tr> <th>No. of programmes</th> <th>No. of participants</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>GBV</td> <td>2,550</td> <td>124,593</td> </tr> <tr> <td>2</td> <td>Human Trafficking</td> <td>1356</td> <td>88,328</td> </tr> <tr> <td>3</td> <td>Rape</td> <td>241</td> <td>15,151</td> </tr> <tr> <td>4</td> <td>Child marriage</td> <td>793</td> <td>42,495</td> </tr> <tr> <td>5</td> <td>Chaupadi</td> <td>420</td> <td>19,993</td> </tr> <tr> <td></td> <td><b>Total number</b></td> <td><b>5,360</b></td> <td><b>290,560</b></td> </tr> </tbody> </table>	S. N.	Subject of awareness-raising programmes	Total Number		No. of programmes	No. of participants	1	GBV	2,227	124,180	2	Human Trafficking	438	20,220	3	Rape	453	25,931	4	Child marriage	831	36,569	5	Chaupadi	95	6,073		<b>Total number</b>	<b>4,038</b>	<b>212,973</b>	S. N.	Subject of awareness raising programmes	Total Number		No. of programmes	No. of participants	1	GBV	2,550	124,593	2	Human Trafficking	1356	88,328	3	Rape	241	15,151	4	Child marriage	793	42,495	5	Chaupadi	420	19,993		<b>Total number</b>	<b>5,360</b>	<b>290,560</b>	
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	<p>2.3 Provide targeted financial support for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women (Concluding Observation, paragraph 11(b))</p>	<p>Many programmes and trainings to change harmful traditional practices and gender-biased attitudes have been organized in Province 2 and Lumbini Province. These have been conducted under the Saphal Project and implemented in partnership with I/NGOs including VSO, International Alert and the FWLD since January 2019, with support from UK Aid.</p> <p>The GoN has implemented programmes to provide financial support for single women, women with disabilities and women living in remote areas. However, there has not been adequate financial support programmes targeted at women from other marginalized groups who often face intersecting and multiple forms of discrimination.</p> <p>The GoN established the Single Women Protection Fund, which contains about NPR 4 crore, including NPR 10 lakh added by the government in FY 2018/2019.<sup>31</sup> The money in this fund has been utilized for activities like capacity development, entrepreneurship development, medical checkups and legal support. The MoWCSC has provided NPR 1 to 3 lakh grants to three organizations working in the field of sexual and gender minority rights in FY 2020/2021. The President Women Upliftment Programme has extended its work from 30 districts to 55 districts that rank lower in the Human Development Index. The Programme selected 64 women-run organizations and provided income generating, skill-based trainings with seed money to start a business to 1,920 women from marginalized groups.<sup>32</sup> A total of 70 female entrepreneurs, 10 each from the seven provinces, have been given entrepreneurship development and financial-access training in two phases. The</p>	<p>In the process of implementation.</p>

<sup>31</sup> Ibid, pg. 9

<sup>32</sup> MoWCSC, **President Women Upliftment Programme Bulletin** (Nepali version), Year 1, Volume 1, June 2019, pg. 5

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>Ministry has provided NPR 1,00,00,000/- (1 crore) each to all seven provinces, amounting to a total of 7 crore to the provincial Ministry of Social Development to establish and operate a senior citizens and disabled citizens village.<sup>33</sup> The Programme has also developed a 'Procedure relating to Aviation Rescue of Pregnant Women and Lactating Mothers at Risk of Life from Rural Area, 2075 (2018).' It entails rescuing rural pregnant women and lactating mothers whose lives are at risk and transporting them and their infants to hospitals for medical treatment free of cost.<sup>34</sup> To effectively implement and sustain the President Women Upliftment Programme, a 10-year Strategic Plan has been formulated.</p> <p>Article 43 of the Constitution of Nepal guarantees the right to social security for single women, citizens with disabilities, children and citizens belonging to the tribes on the verge of extinction. For the implementation of this constitutional provision, the Social Security Act, 2075 (2018) was formulated. It entitles Dalit and single women senior citizens above age 60, helpless single women, indigent, incapacitated and helpless persons, citizens with disabilities, children and citizens unable to take care of themselves with a social security allowance. The provisions of this Act only provide social security allowances to helpless single women "above age 60"<sup>35</sup> and people with a "complete disability."<sup>36</sup> It disqualifies single women of other age groups and people with other types of severe disabilities. From the directive order of the Supreme Court, dated 10 March 2010, widowed women of all ages have received the government</p>	

<sup>33</sup> MOWCSC, **Annual report (FY 2018/2019)**, Kathmandu, 2019, pg. 15

<sup>34</sup> MOWCSC, **President Women Upliftment Programme Bulletin (Nepali version)**, Year 1, Volume 1, June 2019, pg. 4

<sup>35</sup> Social Security Act, 2075 (2018), Section 7

<sup>36</sup> Ibid, Section 8





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>allowance. People with complete disabilities and severe disabilities also began receiving the allowance in 2010, upon being issued a blue identity card. However, the Social Security Act, 2075 (2018) and the Social Security Regulation, 2076 (2019) proposed a regressive provision that bars single women below age 60 and people with severe disabilities from accessing their social security allowance.</p> <p>A group of NGOs, including the Single Women Group and the FWLD, registered a writ petition with a plea to amend Section 7 and 8 of the Act on 20 May 2020. The Supreme Court has issued the show cause order in the petition.<sup>37</sup> Despite the regressive law, the GoN has allocated a budget for the social security of single widowed women of all age groups and people with disabilities, including severe disabilities this fiscal year. Realizing an immediate need to amend the provisions of Social Security Act, 2075 (2018), the President has promulgated the Social Security (First Amendment) Ordinance, 2077 (2020) in 6 December 2020, with the recommendation of the Council of Ministers. This Ordinance, under the provision of social security allowance for helpless single women, has removed the age limit for widowed women and divorced women who are not remarried. Similarly, it has made a positive provision to provide the allowance to completely disabled people and severely disabled people upon acquiring an identity card for their disabilities.</p> <p>Prior to Nepal federalizing, the GoN allocated a budget for marginalized groups, including Dalits. However, this budget was reduced after federalization and it is difficult to assess whether the</p>	

<sup>37</sup> <https://fwld.org/works/litigation/> (accessed on 29 November 2020)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>2.4 Provide legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination (Concluding Observation, paragraph 11 (b))</p>	<p>provincial and local governments have allocated a separate budget targeting marginalized groups.<sup>38</sup></p> <p>Various courts in the three tiers of government have prepared rosters of interpreters to provide services to clients in the language they speak. The court contacts the concerned embassy and provides the interpreter service.</p> <p>The Nepal Police do not have roster of interpreters to assist their clients, which often include victims. Often, police officials or people who know the local language are associated with the victims to provide service in their local language. There is a similar practice in the District Public Prosecutor's Office and the District Legal Aid Committee.</p>	<p>In the process of implementation.</p>
	<p>2.5 Repeal the statute of limitations provision on the registration of cases of sexual violence in all contexts to ensure effective access for women to justice for the crime of rape and other sexual offences (Concluding observation, 11 (c))</p>	<p>The CEDAW Committee's recommendation to repeal the statute of limitation on registering cases of sexual violence in all contexts has yet to be implemented. The National Criminal Code, 2017 has a provision to lodge a first information report (FIR) within one year from the date in which the rape, sexual harassment or sexual intercourse with a person in one's own protection or security occurred.<sup>39</sup></p> <p>However, there has been some legal reform over the years. The <i>Advocate Sapana Pradhan Malla vs. the GoN, et al</i><sup>40</sup> and <i>Indira Basnet vs. the GoN et al</i><sup>41</sup> petitions held that the 35 days statute of limitation provision of Number 11 of the Chapter on sexual offences of then National Code, 2020 (1964), was insufficient and obstructed justice for victims of sexual violence. These cases issued a directive</p>	<p>Not implemented.</p>

<sup>38</sup> Member of the Project Steering Committee, meeting of 18 March 2021

<sup>39</sup> National Criminal Code, 2074 (2017), Section 229(2)

<sup>40</sup> Writ No. 3393 of 2061 B.S. (2005 AD), Decision No. 8038

<sup>41</sup> Writ No. 0402 of 2063 B.S. (2007 AD)





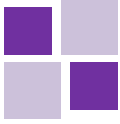
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>order to the government to extend the statute of limitation. This resulted in the amendment of the provision increasing the statute of limitation from 35 days to six months for the same offences. The existing National Criminal Code, 2074 (2017), which has replaced the National Code, 2020 (1964), has further extended the statute of limitations for rape and other sexual offences to one year.</p> <p>Despite the extended statute of limitation, the provision requiring victims of sexual violence to file a FIR within one year bars them from accessing justice. This makes it impossible for victims to access justice in a number of instances. For example, if women and children who remained silent for years change their mind and wish to lodge a complaint; if the perpetrator of a deceased rape victim is identified after many years from the incident; if sexual violence victims of armed conflict period wish to file FIR. However, some experts highlight the need to have a statute of limitation for sexual violence offences in order to ensure that evidence is kept intact and to guarantee successful prosecution.</p>	
	<p>2.6 Provide mandatory training through the National Judicial Academy to all members of the judiciary, including members of judicial committees, and law enforcement officers on women's rights, as well as on gender-sensitive investigation and interrogation procedures in</p>	<p>Over the past two years, the National Judicial Academy (NJA) has conducted various training and consultation programmes on gender equality, women's rights, gender-responsive investigations and statement-taking procedures for the justice sector actors (judges, public prosecutors, police, lawyers and Judicial Committee members). After Nepal received Concluding Observations from the CEDAW Committee on 14 November 2018, the NJA organized a total of 17 training programmes on gender equality, women's rights and various forms of violence against women. Likewise, the NJA has conducted 13 trainings and consultation programmes on gender justice provisions and victim centric approach under Civil and Criminal Codes. Likewise, 12 on-the-job trainings and other trainings and consultations have been</p>	<p>In the process of implementation.</p>

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>cases of gender-based violence against women, in line with commitments made in the context of the second review cycle of the State party under the universal periodic review mechanism of the Human Rights Council (Concluding Observation, paragraph 11(d))</p>	<p>conducted, which have also covered the topics on gender equality, gender justice and social inclusion issues. A total of 1,328 justice sector actors, including 221 women (16.64 per cent) have participated in these trainings and consultation programmes.</p> <p>To help the police learn how to investigate crimes against women and children more effectively, Nepal Police conducted two 2-days workshops on the Standard Operating Procedure of the GBV Control Network for 92 senior police officials from seven provinces and 77 districts from 4 to 5 December 2018. Similarly, the WCSCSD organized a six-day training on GBV, Juvenile Justice and Psychosocial Counselling, which was given to 160 police officials in five phases. They also gave a three-day Online GBV Database System training to 72 police officials working in the Women, Children and Senior Citizens Service Centers (WCSCC) of all provinces and metropolitan police offices. Police officials working in crime investigation groups and the WCSCC have also been provided trainings and orientations on GBV. Similarly, the Directorate has published a “Sexual Offence Investigation Working Guidelines” and disseminated this information and circular to all police offices.</p> <p>The MoLJA in partnership with UNDP has implemented the “Enhancing Access to Justice through Institutional Reform Project” under which the Judicial Service Training Center has prepared resource materials to train the Judicial Committees on their roles in effectively delivering justice. They have also provided 16 trainings to 682 members of the Judicial Committees (including 325 women) to enhance their capacity and strengthen their roles in delivering justice.<sup>42</sup></p>	

<sup>42</sup> GoN-UNDP/Enhancing Access to Justice through Institutional Reform Project, **Annual Progress Report 2019**, December 2019







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p align="center"><b>Article 3: Upliftment of women through the national structure (National machinery for the advancement of women/CSOs and national human rights institutions)</b></p>	<p>3.1 Expedite the appointment of the Commissioner on Women's Rights. (Concluding Observation, paragraph 13(a))</p>	<p>For years, NGOs have also been involved in providing capacity development trainings to justice sector actors. For instance, the FWLD organized 13 five-day workshops with mock sessions on applying a victim-centric approach in investigation and statement-taking procedures for 325 officials. This included court officials, public prosecutors, police, the Judicial Committee, and the staff of one-stop crisis management centers in 13 districts; it took place until February 2020.</p>	Fully implemented.
	<p>3.2 Provide the National Women Commission with a complaint mechanism and the authority to issue binding rulings (Concluding Observation, paragraph 13(a))</p>	<p>Three Commissioners, which includes the Chairperson, were appointed to the NWC on 3 February 2021, pursuant to the recommendation of the Constitutional Council for appointing Commissioners on 15 December 2020. Honourable Kamala Kumari Parajuli was appointed as the Chairperson. Honourable Krishna Kumari Poudel Khatiwada and Honourable Vidya Kumari Sinha were appointed as the members of the Commission.<sup>43</sup> It is expected that the appointment of these Commissioners will further strengthen the role of the NWC in protecting women's rights and promoting women's empowerment.</p> <p>Article 253 of the Constitution of Nepal and Section 3 of the National Women Commission Act, 2074 delineate the functions, duties and powers of the NWC. As per these constitutional and legal provisions, the NWC is mandated with the power to recommend the concerned body to register cases in court in accordance with the law against any persons or bodies on matters of violence against women or harmful social practices or the infringement of or deprivation of women's rights. Similarly, the Domestic Violence (Offence and Punishment) Act, 2066 (2009) allows the NWC to register and hear complaints of domestic violence brought before the Commission.</p>	In the process of implementation.

<sup>43</sup> Honourable Jaya Ghimire and Honourable Sabitra Kumari Sharma have been appointed as members of NWC on 24 June 2021.

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>3.3 Allocate adequate human, technical and financial resources for the functioning of National Women Commission. (Observation, paragraph 13(a))</p>	<p>The Commission has been operating the “24 Hours Toll Free Helpline Service 1145” and receiving complaints from victims of violence across Nepal. The Commission facilitates in mediation efforts, recommends police officers to lodge FIR and conduct investigations, and provides legal counselling services. To provide survivors with further legal aid, psychosocial counselling, medical support and/or interim shelters, it refers the cases to organizations such as LACC, Transcultural Psychosocial Organization Nepal (TPO Nepal), Saathi, Nepal Bar Association, CWIN and Manav Sewa Ashram.</p>	
		<p>The NWC has taken the initiative of allocating itself with the adequate human, technical and financial resources to effectively function and operate. The Women Development Coordination Section was established in the Commission on FY 2017/18, which includes a Chief Women Development Officer, a Women Development Officer and a Women Development Inspector. New positions have been established in the Commission in 2018, which include two Helpline Operators and two Psychosocial Counsellors of a non-gazette first class level. Necessary process has been initiated to run the ‘1145 Helpline Service’ through a government budget allocation, which has received the support from the World Bank so far. The Organization and Management Survey (O&amp;M) of the Commission was conducted after the promulgation of the new constitution in 2015, making NWC the constitutional body. Following this, the total number of staff approved by the government for the NWC has remained as 39, out of which there are 13 gazetted positions, 12 non-gazetted positions and 14 support staffs. Of the total approved positions, 32 have been filled with 11 officials at the</p>	<p>In the process of implementation.</p>





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>gazetted level, seven officials at the non-gazetted level and 14 staff at the non-level position. Seven positions are still vacant.<sup>44</sup> In FY 2018/2019, the Commission conducted the O&amp;M and identified the need for 40 placements in the central office of the Commission and 7 placements of staff in each of the seven provinces. This brought the sum total to 49 placements of staff at the provincial level. This was also proposed to the Ministry of Federal Affairs and General Administration.<sup>45</sup> The Constitution allows for the Commission to establish branch offices at the provincial level and so far, it has been necessary for the Commission to establish contact offices of the NWC at this level so that they can deliver services effectively to female victims in geographically remote areas. NWC is currently centralized and receives complaints of violence against women from all 77 districts. This agenda has moved forward for discussion after new Commissioners were appointed in the NWC. There is a need to also add positions for technical experts in women's rights to work for the Commission.</p> <p>There has been a significant increase in the allocation of annual budget for NWC from the GoN. In FY 2020/2021, the GoN allocated current budget of NPR 8,24,00,000/- to the NWC, which is double the amount allocated in the earlier year. The NWC had current budget of NPR 4,15,00,000/- in FY 2019/2020, NPR 3,21,02,400/- in FY 2018/2019 and NPR 4,32,32,000/- in FY 2017/2018.<sup>46</sup></p>	In the process of implementation.
	3.4 Prioritize the adoption of a national gender	The National Gender Equality Policy, 2077 (2020) has been adopted in line with the CEDAW Committee's recommendation. However,	

<sup>44</sup> National Women Commission, **Thirteenth Annual Report (from FY 2019/2020)** (Nepali version), Kathmandu, 2020, pg. 5  
<sup>45</sup> National Women Commission, **Twelfth Annual Report (from FY 2018/2019)** (Nepali version), Kathmandu, 2019, pg. 11  
<sup>46</sup> Information was received from the Financial Administration Unit of NWC, on 15 March 2021.

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>equality policy, ensure that the entity in charge of the implementation of the policy has adequate decision-making authority and human and financial resources to ensure the coordination and cooperation among the ministries tasked with the promotion of women's human rights at all levels. (Concluding Observation, paragraph 13(b))</p>	<p>the CEDAW Committee's recommendation to provide adequate human and financial resources to implement this policy is yet to be realized. The MoWCSC drafted the National Gender Equality Policy, 2077 (2020) and submitted it to the GoN (Council of Ministers) on 6 August 2020 for approval, and the Council of Ministers endorsed it on 18 January 2021. Honourable President made the policy public in the 111<sup>th</sup> International Women's Day Conference on 8 March 2021.<sup>47</sup></p> <p>This policy aims to remove the structural barriers preventing women and girls from achieving social and economic development; end patriarchal mind-sets, gender discrimination, violence and exploitation; create a society based on equality and gender values; adopt a gender-responsive governance system; and ensure the economic empowerment of women.</p> <p>With the adoption of the National Gender Equality Policy, 2077 (2020), it is now necessary to ensure that the entity in charge of implementing the policy has the adequate decision-making authority and human and financial resources necessary to ensure coordination and cooperation among the ministries tasked with promoting women's human rights at all levels, as the CEDAW Committee has recommended.</p>	
	<p>3.5 Strengthen the mandate and capacities of local governments to address women's rights and gender equality and reintroduce the allocation of targeted budgets at the</p>	<p>Until June 2018, the Women and Children Offices (WCOs), which were under the Department of Women and Children in the MoWCSC, were an important focal institution for advancing women and children's rights at the local level across all of Nepal's districts. With the federal restructuring of the country, the WCOs phased out. As a result, separate units (sections) or divisions working on women's issues were formed at each local level in 2018, but they</p>	<p>Not implemented.</p>

<sup>47</sup> MoWCSC, **Press Release**, 8 March 2021





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>local level for women's leadership (Concluding Observation, paragraph 13(c))</p>	<p>have a limited mandate and insufficient human resources, capacities and budgets. This study found that the functions, programmes and budgets of these units or divisions are limited at every local level, preventing them from independently and effectively functioning in the gender equality and women's empowerment sector.</p> <p>In the past, the GoN used to allocate a 10 per cent targeted budget toward women's development, leadership and empowerment at the local level. However, after Nepal transitioned to federalism, this is no longer the case. Now, the vast majority of local governments allocate a minimal amount of their budget toward advancing women, with a few exceptions such as Chhreshwarnath municipality in Province 2, which allocated 5 per cent of its total budget toward women's development in FY 2020/21. One reason for this may be a lack of interest in women's rights and women's development programmes among locally elected representatives, according to this study. There were additional exceptions to this, such as Pokhara metropolitan in Province 4, which was found to have a 7 crore budget for its Social Development Division and expressed interest in allocating half of this budget toward women's development programmes. However, they face capacity gap in implementing programmes and spending the budget; Not having monitoring mechanism in place is another problem.<sup>48</sup></p> <p>The central budget of the GoN in FY 2019/2020 is 38.27 per cent gender-responsive.<sup>49</sup> However, the provincial and local levels have yet to establish a system to track gender-responsiveness within its</p>	

<sup>48</sup> Report of Gandaki Province (Internal report of NWC), 2020.

<sup>49</sup> Shiraddha Ghimire, **Gender Responsive Budget: Nepal's Experience**, 6 August 2019. Available at: <https://nepaleconomicforum.org/neftake/gender-responsive-budget-nepal-experience/> (21 January 2021)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>3.6 Ensure the meaningful participation of women's non-governmental organizations, the National Women Commission and the National Human Rights Commission in the design and implementation of legislation and programmes aimed at protecting women's rights (Concluding Observation, paragraph 15(a))</p>	<p>This study found that the provincial and local governments lack the capacity to formulate and implement a gender-responsive budget and monitor their expenditure to assess the impact of the budget on the lives of women and girls.</p> <p>The government has included the NWC in most of its consultations and discussions on draft policies and bills related to women's rights. For instance, the GoN consulted with the NWC in the process of formulating gender and social inclusion policies for the Election Commission and various ministries, and collected feedback from the NWC. However, the NWC was not consulted in the process of drafting a bill to amend the Act on Senior Citizens and recently passed ordinance relating to acid attacks.</p> <p>This study found that the MoWCSC and other ministries have involved few organizations that work on women's rights issues (like the FWLD) in consulting on draft bills related to women's issues. Further, organizations working in the sector of sexual and gender minority rights (like BDS) have been excluded from the law-making process, resulting in sexual and gender minorities not being adequately covered in existing laws. Likewise, organizations working for the rights of indigenous peoples have also been excluded from making, amending, passing or implementing laws due to which the issues and concerns of the indigenous peoples have not been well reflected in the laws, as stated in the report submitted for the third Universal Periodic Review of Nepal.<sup>50</sup></p>	<p>In the process of implementation.</p>

<sup>50</sup> Cultural Survival et al., **Joint Submission on the Violations of Indigenous Peoples' Rights in Nepal**, 3rd Universal Periodic Review, 37th Session, July 2020, pg. 4. Available at: <https://www.culturalsurvival.org/sites/default/files/Nepal%20UPR-CS-2020.pdf> (13 March 2020)



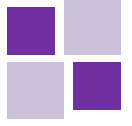


Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>3.7 Strengthen the mandate of the National Human Rights Commission for the protection of civic space and the promotion of civil society engagement. (Concluding Observation, paragraph 15(b))</p>	<p>The National Human Rights Commission (NHRC) plays an important role in protecting civic space and promoting civil society engagement. Article 249(2)(d) of Constitution of Nepal mandates that the NHRC coordinate and collaborate with CSOs to raise awareness about human rights. As a result, the Commission has conducted various awareness-raising programmes on human rights with CSOs. Time and again, the NHRC has released statements on press freedom and freedom of expression in an attempt to engage the government. For instance, in a press release dated 6 June 2020, the NHRC discussed the arrests, attacks, threats and harassment against 22 media workers who collected news during the COVID-10 lockdown. These workers were denied access to information from the government. The press release recommended that the government stop these attacks, threats and harassment, provide necessary information to journalists and ease their access to information, while ensuring they are paid fairly for their work.<sup>51</sup> However, in the past two years, the NHRC has not issued statements or press releases about the government's national integrity and ethics policy, which limits civil society and restricts NGO activities. Nor have they released any statements about the draft online media directive or other bills that have provisions limiting press freedom.</p>	<p>In the process of implementation.</p>
	<p>3.8 Revise the draft national integrity and ethics policy, the draft privacy policy and the draft online media directive and amend the</p>	<p>The draft National Integrity and Ethics Policy, 2075 (2018) – which restricts NGO activities – and the draft online media directive and amendment bills of the Electronic Transactions Act and the National Broadcasting Regulations – which limit the media's freedom of expression – have neither been revised, nor been adopted. There has been a substantial amount of public outcry from various sectors</p>	<p>In the process of implementation.</p>

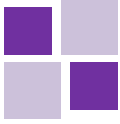
<sup>51</sup> [https://www.nhrcnepal.org/nhrc\\_new/doc](https://www.nhrcnepal.org/nhrc_new/doc) (accessed on 21 February 2021)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Article 4 : Principle of Equality (Temporary special measures)</b></p>	<p>Electronic Transactions Act and the National Broadcasting Regulations, in consultation with the National Human Rights Commission and civil society, to ensure that they do not restrict the activities and freedom of expression of representatives of non-governmental organizations working on women's rights. (Concluding Observation, paragraph 15(c))</p> <p>4.1 Expedite the adoption of a special opportunity act that includes provisions for such measures in the fields of health, education, employment, housing, access to clean water and sanitation and social security (Concluding</p>	<p>against these legislations. Although CSOs were not consulted in the process of drafting these policies and bills,<sup>52</sup> they are still under review.</p>	<p>In the process of implementation.</p>

<sup>52</sup> Though the NGO Federation submitted a memorandum to the Ministry of Home Affairs lobbying for the involvement of NGOs in the process of drafting the National Integrity and Ethics Policy, 2075 (2018), the GoN did not involve NGOs in the consultation. (NGO representative, Steering Committee meeting, dated 18 March 2021)







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>Observation, paragraph 17(a))</p>	<p>December 2018.</p> <p>However, some people are of the opinion that a separate special opportunity act is not required as there are already several existing laws with provisions to provide special opportunities to women in health, education, employment and social security sectors on the basis of positive discrimination. These include the Free and Compulsory Education Act, 2018, the Right to Safe Motherhood and Reproductive health Act, 2018, the Social Security Act, 2018, the Labour Act, 2017 and the Public Service Act, 1992.</p>	
	<p>4.2 Recognize the specific needs of all women and girls facing intersectional and multiple forms of discrimination in the legal provisions on “special opportunities” (Concluding Observation, paragraph 17(b))</p>	<p>Although a separate special opportunity act recognizing the needs of women and girls who face intersectional and multiple forms of discrimination has not yet been adopted, there are several existing laws with special provisions to address their needs. For instance, there is a law that reserves one seat in the local elections for Dalit women; a provision of social security allowance for Dalit and single women senior citizens above age 60 in the Social Security Act, 2075 (2018); and provisions under the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018)<sup>53</sup> to provide disability-friendly reproductive health services and allowances to lactating mothers from marginalized communities.</p> <p>The FWLD is currently researching the existing laws that address the specific needs of women and girls facing intersectional and multiple forms of discrimination. A similar study was conducted back in 2004.</p>	<p>In the process of implementation.</p>
	<p>4.3 Monitor the implementation of “special opportunities” legislation</p>	<p>The MoWCSC has produced and disseminated information materials to raise awareness about the existing laws providing special opportunities for women and girls. These materials also stress the fact</p>	<p>In the process of implementation.</p>

<sup>53</sup> The Right to Safe Motherhood and Reproductive Health Act, 2075 (2018), Article 28 and 33.

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>and ensure awareness-raising among all relevant government officials that the aim of such measures is to accelerate the achievement of substantive equality between women and men and to effect the structural, social and cultural changes necessary to correct past and current discrimination against women, including intersectional and multiple forms of discrimination against specific groups of women. (Concluding Observation, paragraph 17(c))</p>	<p>that the objective of these laws is to ensure substantive equality. Other awareness-raising activities have been conducted in collaboration with many organizations, including Sancharika Samuha, and information has been disseminated on a regular basis. However, the Ministry does not have a separate mechanism to regularly monitor the extent to which the special opportunities legislation has been implemented.</p>	
<p><b>Article 5 : Gender Roles and Conservative Thinking (Stereotypes and harmful practices/ Gender-based violence against women/ Women and peace and security)</b></p>	<p>5.1 Expedite the adoption of legislation prohibiting all forms of harmful traditional practices (Concluding Observation, paragraph 19(a))</p>	<p>Although the GoN has not yet formulated a separate piece of legislation prohibiting all forms of harmful traditional practices, the existing National Criminal Code, 2074 (2017) prohibits various types of harmful traditional practices. This includes chaupadi, witchcraft allegations, dowry, child marriage, polygamy and discriminatory practices on the basis of ethnicity. The Code includes provisions that criminalize these practices, penalize the perpetrators and provide compensation for victims. The Witchcraft Allegation (Offence and Penalty) Act, 2072 (2015) is also enacted as a separate law. The MoWCSC drafted a five-year strategic action plan to end</p>	<p>In the process of implementation.</p>





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>5.2 Investigate and prosecute the perpetrators of harmful traditional practices, impose adequate sanctions and provide compensation to victims. (Concluding Observation, paragraph 19(a))</p>	<p>harmful traditional practices, including domestic violence, child marriage, dowry, witchcraft allegations and chaupadi. It is in the process of being approved. Likewise, a Guideline on Promoting Dignified Menstruation, 2077 (2020) was drafted and awaits approval.</p> <p>Complaints against harmful traditional practices, such as witchcraft allegations, untouchability, chaupadi, child marriage and dowry are registered in police offices and investigated. Reported incidents of child marriage, witchcraft allegations and untouchability have increased annually, according to Nepal Police data on FIRs registered between FY 2016/2017 and September 2020. The exception to this was in FY 2019/2020 when reporting for these incidents declined during the COVID-19 lockdown. The Nepal Police have received a total of 263 complaints of child marriage, 177 complaints of witchcraft allegations and 126 complaints of ethnic untouchability since FY 2016/2017; they have carried out investigations on these cases. Of the nine women and children reported to have died while staying in cattle sheds due to chaupadi in FY 2016/2017, seven family members of the deceased have been arrested and charged by the police. Reporting harmful traditional practices like these to the police have remained minimal due to social values, stereotypical attitudes, religious superstitions and societal preferences. (See Table 4 and 5 for further details).</p>	<p>In the process of implementation.</p>

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	<p data-bbox="383 1332 1292 1400" style="text-align: center;">CEDAW आयोग-२०५८</p>	<p data-bbox="383 616 821 1288"><b>Table 4: Complaints registered against harmful traditional practices in Nepal Police from FY 2016/2017 to FY 2020/2021</b></p> <table border="1" data-bbox="438 616 821 1288"> <thead> <tr> <th>S.N.</th> <th>Fiscal Year</th> <th>Child Marriage</th> <th>Witchcraft Allegation</th> <th>Untouchability</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2016/2017</td> <td>26</td> <td>24</td> <td>17</td> </tr> <tr> <td>2</td> <td>2017/2018</td> <td>59</td> <td>48</td> <td>18</td> </tr> <tr> <td>3</td> <td>2018/2019</td> <td>86</td> <td>46</td> <td>43</td> </tr> <tr> <td>4</td> <td>2019/2020</td> <td>65</td> <td>34</td> <td>30</td> </tr> <tr> <td>5</td> <td>2020/2021 (till Sept 2020)</td> <td>26</td> <td>25</td> <td>18</td> </tr> <tr> <td></td> <td><b>Total</b></td> <td><b>263</b></td> <td><b>177</b></td> <td><b>126</b></td> </tr> </tbody> </table> <p data-bbox="845 616 1236 1288"><b>Table 5: Complaints registered in police against the family members of the deceased women and girls due to Chaupadi</b></p> <table border="1" data-bbox="909 616 1236 1288"> <thead> <tr> <th>S. N.</th> <th>Fiscal Year</th> <th>District</th> <th>No. of Deaths</th> </tr> </thead> <tbody> <tr> <td>1</td> <td rowspan="2">2016/2017</td> <td>Datlekh</td> <td>1</td> </tr> <tr> <td>2</td> <td>Accham</td> <td>2</td> </tr> <tr> <td>3</td> <td>2017/2018</td> <td>Accham</td> <td>2</td> </tr> <tr> <td>4</td> <td>2018/2019</td> <td>Bajura</td> <td>3</td> </tr> <tr> <td>5</td> <td>2019/2020</td> <td>Accham</td> <td>1</td> </tr> <tr> <td></td> <td><b>Total no. of deaths</b></td> <td></td> <td><b>9</b></td> </tr> <tr> <td></td> <td><b>Total no. of complaints against the family members of deceased</b></td> <td></td> <td><b>7</b></td> </tr> </tbody> </table> <p data-bbox="1244 616 1300 1288">With the active involvement of the police, 177 cattle sheds to stay during chaupadi were destroyed in FY 2018/2019 and another 3,912</p>	S.N.	Fiscal Year	Child Marriage	Witchcraft Allegation	Untouchability	1	2016/2017	26	24	17	2	2017/2018	59	48	18	3	2018/2019	86	46	43	4	2019/2020	65	34	30	5	2020/2021 (till Sept 2020)	26	25	18		<b>Total</b>	<b>263</b>	<b>177</b>	<b>126</b>	S. N.	Fiscal Year	District	No. of Deaths	1	2016/2017	Datlekh	1	2	Accham	2	3	2017/2018	Accham	2	4	2018/2019	Bajura	3	5	2019/2020	Accham	1		<b>Total no. of deaths</b>		<b>9</b>		<b>Total no. of complaints against the family members of deceased</b>		<b>7</b>	
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	<p style="text-align: center;">WCO आयोग-२०५८</p>	<p>were destroyed in FY 2019/2020. This took place in Sudurpaschim and Karnali provinces, where chaupadi is more prevalent. While harmful traditional practices are rampant in Nepali society, the Women Children and Senior Citizens Service Directorate of Nepal Police has issued circulars and given orders to the subordinate police offices to bring the perpetrators under the purview of the law. The Directorate has also given instructions to effectively implement Section 168(3) of the National Criminal Code, 2074 (2017) by bringing the perpetrators of chaupadi under the purview of law, while also conducting effective investigations. They organise various awareness-raising programmes and conduct field monitoring in districts in coordination with concerned organizations to eliminate chaupadi.</p> <p>The judiciary has given several verdicts to penalize and convict perpetrators of harmful traditional practices and compensate victims. But consolidated data on sentencing in these cases could not be retrieved from the Supreme Court's annual reports.</p> <p>Since 2019, various I/NGOs have implemented the "Sahaj project," which is supported by UKAid to raise awareness about harmful traditional practices at the community level. Under the project, the FWLD provides legal aid to victims of violence and harmful traditional practices. Although the organization has received legal support requests for cases concerning child marriage and polygamy, requests for legal support and complaints related to dowry and menstrual-untouchability have not been documented.</p> <p>Victims of harmful traditional practices are often reluctant to report their complaints due to social stigma, threats from the perpetrators and societal acceptance of these practices. Bearing this in mind, initiatives taken by the GoN and NGOs to eliminate these harmful traditional</p>	

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>5.3 Expedite the development of a comprehensive strategy, with concrete goals and resources, in collaboration with civil society and local government, to raise awareness among all stakeholders, including the police, the judiciary, village-based health networks and religious and community leaders, of legislation on harmful practices and of the effects of those practices on the lives of women and girls. (Concluding Observation, paragraph 19(b))</p> <p>5.4 Prioritize the adoption of the bill to amend some acts relating to country codes to bring provisions of the Civil Code regarding the legal age of</p>	<p>practices are still inadequate. Solely focusing on legal actions against the perpetrators of these crimes will not end these practices. The conservative mindset that enables these practices to happen in the first place must be changed.</p> <p>The MoWCSC has drafted a five-year strategic action plan of the government about preventing harmful traditional practices. It is in the process of being approved. This plan holds all concerned stakeholders responsible for ending harmful practices. The recently formulated Annual Action Plan on GBV has also included a portion about ending harmful traditional practices. Similarly, the Guideline on Promoting Dignified Menstruation, 2077 (2020) has also been drafted and awaits approval. The Ministry has initiated a unified movement against harmful practices.</p> <p>The National Civil Code, 2074 (2017) was amended in line with the National Criminal Code, 2074 (2017), making marriage between parties who are under 20 years old automatically void. Prior to being amended, Section 73(1)(a) of National Civil Code, 2074 (2017) stipulated that marriage between parties who are under</p>	<p>In the process of implementation.</p> <p>Fully implemented.</p>





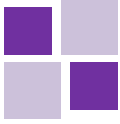
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>marriage into line with the Criminal Code, which sets that age at 20 years (Concluding Observation, paragraph 19(c))</p>	<p>20 years old becomes void if one of the spouses does not approve the marriage. However, Section 173(2) of the National Criminal Code, 2074 (2017) makes marriages under the age of twenty <i>ipso facto</i> void. These controversial provisions of two Codes on marriage required amending to ensure uniformity. As a result, the Act to Amend Some Nepal Acts Relating to the National Code, 2075 (2018) was passed. It effectively removed Section 73(1)(a) of National Civil Code, 2074 (2017) and added Section 72(1)(d) to the Code, making marriage below twenty years of age automatically void.</p>	
	<p>5.5 Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent (Concluding Observation, paragraph 19(d))</p>	<p>The GoN has not yet formulated and proposed a law to explicitly prohibit the performance of unnecessary surgical procedures and other medical procedures on intersex children before they reach the legal age of consent. The Children's Act, 2075 (2018) does not have a specific provision on intersex children. However, the Act has a provision prohibiting discriminatory actions against children based on the sex.<sup>54</sup></p> <p>The Ministry of Health is in the process of drafting a bill to prohibit the performance of unnecessary surgical procedures and other medical procedures on intersex children before their legal age of consent.</p>	<p>In the process of implementation.</p>
	<p>5.6 Train medical and psychological professionals on the rights of intersex persons (Concluding Observation, paragraph 19(d))</p>	<p>Intersex people have often expressed concerns about the discrimination they face in society, including from medical personnel. Although the CEDAW Committee has observed this problem and recommended that the GoN train medical and psychological professionals on the rights of intersex people, no tiers of the government have organized trainings on this topic in the past two years.</p>	<p>Not implemented.</p>

<sup>54</sup> Children's Act, 2075(2018), Section 5(1)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>5.7 Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization (Concluding Observation, paragraph 19(e))</p>	<p>The Victim's Protection Act, 2075 (2018) was adopted with provisions to protect victims from all forms of violence, including harmful practices. However, its regulation has not yet been formulated, which impedes it from being implemented. There are also provisions on protecting victims and witnesses in the National Criminal Code, 2075 (2018). The effective implementation of these laws will ensure that victims of harmful practices can effectively register cases without fear of retribution or stigmatization.</p> <p>Women, Children and Senior Citizens Service Directorate of Nepal Police have implemented the following initiatives to ensure that victims and witnesses are protected and to encourage female victims to report complaints without the fear of facing stigma:</p> <ul style="list-style-type: none"> <li>• Women, Children and Senior Citizens Service Centers were established in 233 district and area-level police offices to develop a gender-friendly environment in police offices, and to provide victim-centric services. The Service Centers have a total of 1,331 placements for female police officers to enable female and child victims to report complaints with comfort. In 40 districts, the Service Centers also feature a separate building wing to deliver these services to female and child victims.</li> <li>• The police officials in these Service Centers have received several trainings and orientations to build their capacities to deliver these services effectively.</li> <li>• Trainings on gender sensitivity and human rights have also been provided to the police officials.</li> </ul>	<p>In the process of implementation.</p>
	<p>5.8 Ensure that victims of harmful practices have access to effective remedies and victim</p>	<p>The NWC operates a '1145 Helpline Service' to provide legal, psychosocial, medical and shelter support to women and girls who have been victims of violence and harmful traditional practices. It has received complaints from victims across Nepal. The NWC provides</p>	<p>In the process of implementation.</p>







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>support, such as legal, social, medical and psychological assistance and shelters. (Concluding Observation, paragraph 19(e))</p>	<p>legal counselling to these victims and refers the victims to various organizations, such as LACC, TPO, Saathi, Nepal Bar Association, CWIN and Manab Sewa Ashram for legal aid, psychosocial counselling, shelter and medical support. The NWC has been conducting this programme for the past three years with support from World Bank. After this project is completed, the NWC plans to continue the programme using financial resources provided by the government.</p> <p>One Stop Crisis Management Centres (OCMC) also provide support to women and girls who have faced harmful practices. The OCMCs have been established in 71 district hospitals so far, with the GoN planning to extend the centres in 80 hospitals in 77 districts during the current fiscal year.<sup>55</sup> However, there has also been public dissatisfaction about the services offered in certain OCMCs, as reported in local media outlets.<sup>56</sup></p> <p>There are various NGOs – including WOREC, Rakshya Nepal, Saathi, LACC, Maiti Nepal, Awaj and TPO, to name a few – that also provide legal aid, psychosocial counselling, medical support and emergency shelter support to victims.</p> <p>The MoWCSC has given grant funding to five provincial governments to operate long-term shelters for female victims of violence.<sup>57</sup> For instance, the Mangala-Sahana long-term shelter home is currently operating in Bagmati Province.</p>	<p>In the process of</p>
	5.9 Develop targeted	The Women, Children and Senior Citizens Service Directorate of	

<sup>55</sup> Representative of Ministry of Health and Population, **Webinar on Psychosocial Counselling to the Survivors of GBV**, 9 December 2020

<sup>56</sup> Amrita Anmol, "Lumbini Provincial Hospital's One-Stop Crisis Management Center is crippled by lack of infrastructure and staff", **The Kathmandu Post**, 16 February 2020. Available at: <https://kathmandupost.com/province-no-5/2020/02/16/lumbini-provincial-hospital-s-one-stop-crisis-management-centre-is-crippled-by-lack-of-infrastructure-and-staff> (accessed on 19 December 2020)

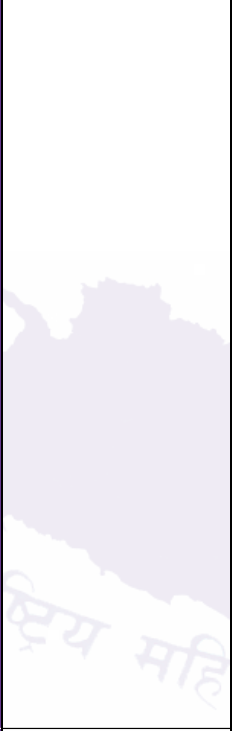
<sup>57</sup> MoWCSC, **Annual Progress Report (FY 2018/2019)**, Kathmandu, 2019, pg. 15

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>awareness-raising programmes for communities that are particularly affected by gender-based violence against women, including indigenous communities and communities living in temporary shelters, provide them with special opportunities for access to the gender-based violence elimination fund (Concluding Observation, paragraph 21(a))</p>	<p>Nepal Police has conducted orientation trainings on GBV, along with communication skill trainings, to 1,102 members (282 men and 820 women) of its GBV Control Network. This network was established at the community level to control GBV. The MoWCSC has also coordinated the federal, provincial and local governments to conduct a unified movement to eliminate chaupadi in Sudurpaschim Province. This movement has put on various awareness-raising activities against chaupadi. Many NGOs have also conducted awareness-raising programmes for the communities who are particularly affected by GBV.</p> <p>The GBV Elimination Fund (Operation) Regulation, 2067 (2011) was amended for a second time in 2019. The MoWCSC provided NPR 50,000/- to each of Nepal's seven provinces to operate the GBV Elimination Fund through a conditional grant, with the sum total coming to NPR 3,50,000/-. Similarly, the MoWCSC provided NPR 10,000/- to each of Nepal's 753 local governments to operate the GBV Elimination Fund, thus providing NPR 75,30,000/- as the total conditional grant. The Fund has a reserved amount of NPR 6,16,17,300/- in total, which includes an allocation of NPR 75 lakh in FY 2018/2019. The money in this Fund goes toward rescuing and rehabilitating female victims of violence, which includes providing medical, psychosocial and legal support.<sup>58</sup> Some local governments – such as Sainamaina municipality in Province 5, Surkhet municipality in Province 6 and Ilam municipality in Province 1 – have also allocated their own budgets toward operating the GBV Elimination Fund. Among most of the provincial and local levels visited for this study, the GBV Elimination Fund was not established but was in process of being established in FY 2020/2021 under specific procedural guidelines. For instance, Janakpurdam sub-metropolitan and Chhreshwarnath municipality in Province 2, Pokhara</p>	<p>implementation.</p>

<sup>58</sup> Ibid, pg. 22



Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation															
	<p>5.10 Promote the participation of indigenous women in the police service (Concluding Observation, paragraph 21(a))</p>	<p>metropolitan in Gandaki Province, Biratnagar metropolitan in Province 1 and Dhangadhi sub-metropolitan in Sudurpaschim Province, were in the process of establishing the Fund. In Sudurpaschim Province and Gandaki Province, the Ministry of Social Development was also drafting guidelines to establish and mobilize the GBV Elimination Fund.</p>																
	<p>5.11 Adopt the national strategy and action plan on gender empowerment and ending gender-based violence before the end of 2018, as indicated during</p>	<p>According to the Women, Children and Senior Citizens Service Directorate of Nepal Police, there are 6,863 female police officers in Nepal. Out of 67,169 police officers, women comprise 10.21 per cent of the country's total police personnel. (See table 6 for further information).</p> <p>In general, indigenous women are less represented in the police; however, this study could not retrieve a precise number indicating the disparity. Although reservations have encouraged women and indigenous people to join the police service, there is no reservation specifically allotted for indigenous women.</p> <p><b>Table 6: Number of Police Personnel in Nepal Police</b></p> <table border="1" data-bbox="906 607 1109 1301"> <thead> <tr> <th>S. N.</th> <th>Sex</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Female</td> <td>6,863</td> </tr> <tr> <td>2</td> <td>Male</td> <td>60,306</td> </tr> <tr> <td colspan="2"><b>Total employed</b></td> <td><b>67,169</b></td> </tr> <tr> <td colspan="2"><b>Number of available positions</b></td> <td><b>79,543</b></td> </tr> </tbody> </table>	S. N.	Sex	Total	1	Female	6,863	2	Male	60,306	<b>Total employed</b>		<b>67,169</b>	<b>Number of available positions</b>		<b>79,543</b>	Not implemented.
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		<p>The MoWCSC prepared a draft of the Second National Action Plan to Implement CEDAW and the Beijing Plan of Action, 2077 (2020). For the Action Plan to be implemented in the most effective way possible, an adequate amount of financial resources will need to be allocated. This process will follow the plan's endorsement through a recommendation from the CEDAW Committee.</p>	In the process of implementation.															

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>the dialogue, and allocate adequate resources for its implementation, including for the gender-based violence elimination fund (Concluding Observation, paragraph 21(b))</p>		
	<p>5.12 Amend provisions of the Criminal Code so that sexual violence, including rape and forced abortion, is recognized as a form of torture and bring the definition of rape into line with the Rome Statute of the International Criminal Court, in line with commitments made in the context of the universal periodic review (Concluding Observation, paragraph 21(c))</p>	<p>The National Criminal Code, 2074 (2017) has not yet been amended to recognize sexual violence, including rape and forced abortion, as a form of torture, which would bring Nepal's definition of rape in line with the Rome Statute of the International Criminal Court. Though some NGOs have lobbied for this legal amendment, the Code has not been amended yet. This study also found that the draft bill to amend the Enforced Disappearances Inquiry, Truth and Reconciliation Commission Act, 2071 (2014) has not defined sexual violence, including rape, as a form of torture. Nepal's existing laws consider torture and sexual violence – including rape – as different acts and make separate legal arrangements.</p>	<p>Not implemented.</p>
	<p>5.13 Remove the statute of limitations for filing cases relating to sexual violence perpetrated during the conflict, bring the Truth and Reconciliation</p>	<p>In the draft bill to amend the Enforced Disappearances Inquiry, Truth and Reconciliation Commission Act, 2071 (2014), which was made public by the government in June 2018, the statute of limitation for registering FIRs in cases of sexual violence perpetrated during the armed conflict period was removed. The bill was made public when the term periods of the Commissioners working for the Truth and Reconciliation Commission (TRC) and the Commission of</p>	<p>In the process of implementation.</p>





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>Commission Act into line with its obligations under international law, in consultation with civil society and victims, taking into account the ruling of the Supreme Court of 26 February 2015 ordering the amendment of the amnesty provisions of the Act, and guarantee the integration of a gender perspective into the Act; (Concluding Observation, paragraph 23(a))</p>	<p>Investigation on Enforced Disappeared Persons (CIEDP) were both about to come to an end. Although consultations with the concerned stakeholders were conducted, the bill was not tabled before the Parliament.</p> <p>The draft bill to amend the Enforced Disappearances Inquiry, Truth and Reconciliation Commission Act, 2071 (2014) has included many affirmative provisions in line with the Supreme Court ruling of 26 February 2015 and various international legal obligations. However, the draft bill also has a number of provisions that require further revision, which the UN Office of the High Commissioner on Human Rights (OHCHR), organizations of armed conflict victims and CSOs have recommended to the government.</p>	
	<p>5.14 Take appropriate measures to ensure the independence and impartiality of the Commissioners and allocate adequate human, technical and financial resources for the operation of the two Commissions; (Concluding Observation, paragraph 23(b))</p>	<p>The TRC and the CIEDP were established in 2014 and included an appointment of Commissioners. After the Commissioners completed their terms, the GoN appointed new Commissioners in the two Commissions on 20 January 2020. Two out of the five Commissioners appointed in the TRC are women, whereas one woman Commissioner was appointed in the CIEDP along with four male Commissioners.<sup>59</sup></p> <p>Realizing the need for technical experts to help the Commissions fully function, the Commissions made public announcements on 17 March 2020 for interested and qualified people to submit applications to be listed in their roster of experts or specialists. These positions</p>	<p>In the process of implementation.</p>

<sup>59</sup> Human Rights Council, **Nepal National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***, 3 November 2020, A/HRC/WG.6/37/NPL/1, para 25, pg. 5

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>included a crime investigation expert, a forensic science specialist, a medical specialist, a law professor or lawyer, a psychiatrist, a property valuator and an engineer).<sup>60</sup> The Guideline on Appointment, Functions, Duties, Powers, Service Conditions and Facilities of Experts and Specialists, 2076 (2019) was also developed.</p> <p>Despite this effort, the human, technical and financial resources needed to operate the two Commissions are still inadequate.</p>	
	<p>5.15 Guarantee access for women and girls who are victims of the armed conflict to interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence (Concluding Observation, paragraph 23(c))</p>	<p>During Nepal's decade-long armed conflict, many women and girls became victims of violence, which included extrajudicial executions, torture, rape and enforced disappearances. Many survivors of violence are still suffering. These victims – with the exception of those who experienced sexual violence – have received interim relief from Local Peace Committees that were operating at the time. However, female victims of sexual violence from the armed conflict period have still not received interim relief.<sup>61</sup> The interim relief package excluded sexual violence victims.</p> <p>The role of the TRC and the CIEDP is significant in ensuring interim relief and full and effective reparations to female victims of the armed conflict. This would include restitution, compensation and rehabilitation and guarantees of non-recurrence.</p>	<p>In the process of implementation.</p>
	<p>5.16 Expedite the adoption of the second national action plan for the implementation of Security</p>	<p>After the completion of the term period of the first National Action Plan (NAP) for the Implementation of UN Security Council Resolutions 1325 and 1820 (2011/12-2015/16) on women, peace and security, the Ministry of Home Affairs prepared a draft for a second</p>	<p>In the process of implementation.</p>

<sup>60</sup> See <http://trc.gov.np> for the public announcement of Truth and Reconciliation Commission (TRC) and <https://ciedp.gov.np> for the public announcement of Commission of Investigation on Enforced Disappeared Persons (CIEDP)

<sup>61</sup> **United Nations Special Rapporteur on Violence against women, its causes and consequences, Dubravka Šimonović Official visit to Nepal 19 - 29 November 2018**, Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23948&LangID=E> (accessed on 14 February 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p style="text-align: center;"><b>Article 6: Right Against Trafficking And Exploitation (Trafficking and exploitation of prostitution)</b></p>	<p>Council resolution 1325 (2000) on women and peace and security, to ensure durable peace in the State party. (Concluding Observation, paragraph 23(d))</p> <p>6.1 Lift the ban imposed on women workers seeking employment abroad (Concluding Observation, paragraph 25(a))</p>	<p>NAP and submitted it to the Council of Ministers for approval. The GoN conducted consultations with concerned stakeholders in the process of drafting the NAP. However, the second NAP for the Implementation of UN Security Council Resolutions 1325 and 1820 has yet to be endorsed.</p>	
		<p>On 21 April 2015, the Council of Ministers approved the Directive to Manage Domestic Workers in Foreign Employment, 2072 (2015) banning women under the age of 24 from migrating to eight countries for foreign employment as domestic workers; these countries are Saudi Arabia, Qatar, Kuwait, the U.A.E., Oman, Bahrain, Lebanon and Malaysia.<sup>62</sup> In addition to this, a second amendment to the Directive on 3 May 2016 imposed further ban on women from traveling abroad to work as domestic workers if they have infants below age two.<sup>63</sup> Further, a directive order of the International Relation and Labour Committee of the Parliament to the Council of Ministers on 2 April 2017 banned Nepali domestic workers from going to Gulf countries until these countries create concrete laws on domestic workers and enter into a bilateral agreement with Nepal.<sup>64</sup> As these provisions of the Directive have not yet been amended, women under the age of 24 seeking employment as domestic workers</p>	<p>In the process of implementation.</p>

<sup>62</sup> Uddhab Pd. Pyakurel, **Restrictive Labour Migration Policy on Nepalese Women and Consequences**, Sociology and Anthropology, Vol. 6 No. 8, 2018, pg. 51

<sup>63</sup> The Directive to Manage Domestic Workers in Foreign Employment, 2072 (2015) was approved by the Council of Ministers in 21 April 2015. Section 3(3) of the Directive restricts women below age 24 from traveling abroad to work as domestic workers in eight countries (Saudi Arabia, Qatar, Kuwait, the U.A.E., Oman, Bahrain, Lebanon and Malaysia). This provision has not yet been amended. A second amendment to the Directive on 3 May 2016 added Section 3 sub-section 4, banning mothers from traveling abroad to work as domestic workers if they have infants below age two. This provision has also not been amended. These provisions introduced in the name of safeguarding women have the effect of discriminating against them.

<sup>64</sup> <http://annapurnapost.com/news/68000> , 2 April 2017

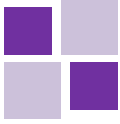
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>6.2 Raise awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking (Concluding Observation, paragraph</p>	<p>in the aforementioned eight countries and mothers of infant below age two seeking abroad employment as domestic workers are still barred from migrating through legal channels. This has increased the risk of women migrating abroad through illegal channels and on illegal routes, which can result in human trafficking and violence against women.</p> <p>Instead of lifting the ban on foreign employment for domestic workers, the GoN has continued a dialogue with Gulf countries in an attempt to enter into a bilateral agreement with them that would ensure the safety of domestic workers. The Industry, Commerce, Labour and Consumer Committee of the Parliament carried out a field observation visit to Oman, Saudi Arabia and the U.A.E. and conducted dialogues with concerned stakeholders, including the ambassadors of these countries and the NHRC to collect feedback. The field visit report was approved on 29 September 2020 and sent to the concerned agencies for implementation.<sup>65</sup></p>	
	<p>Observation, paragraph</p>	<p>The MoWCSC has broadcasted awareness-raising programmes against human trafficking on radio and television. To investigate these crimes effectively, the Human Trafficking Investigation Bureau was established as a separate special unit under Nepal Police on 12 September 2018, following a decision by Council of Ministers. The Bureau has also conducted awareness-raising programmes against human trafficking and distributed posters and pamphlets based on the community-police partnership concept.<sup>66</sup></p>	<p>In the process of implementation.</p>

<sup>65</sup> Industry and Commerce and Labour and Consumer Committee, <https://hr-parliament.gov.np/uploads/attachments/hs3ydwvm6l2irpxi.pdf> (accessed on 21 February 2021)

<sup>66</sup> For instance, a team of three police personnel, including SSP Govinda Thapaliya from the Human Trafficking Investigation Bureau conducted awareness-raising programmes against human trafficking in the remote Panchakanya rural municipality of Nuwakot district and in Dhunche, the headquarters of Rasuwa district. This had support from concerned agencies, security agencies, students, local leaders and the public.







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>25(a))</p>	<p>To encourage safe labour migration, the Foreign Employment Board (FEB) has produced informative audio-visual materials and jingles. The materials cover the risk of facing human trafficking and scams when pursuing foreign employment, and are regularly broadcast over the radio and on television. For the past two years, the FEB has also broadcast weekly programmes on safe foreign employment on Nepal Television and Radio Nepal. The mobile app of the Foreign Employment Department also provides this information.<sup>67</sup> Similarly, the Ministry of Labour, in a partnership with Helvetas and with support from the Swiss Development Corporation, has been implementing the Safer Migration project (SaMi) under which Migration Resource Centers have been established and currently operate in 153 locations in 39 districts. These resource centers provide information and counselling about safe foreign employment for women planning to travel abroad for work.</p> <p>The Alliance against Trafficking in Women and Children in Nepal (AATWIN) and organizations associated with it have also conducted several programmes to raise awareness about the risks and criminal nature of trafficking among women and girls, including displaced, indigenous and Dalit women and girls.</p>	
	<p>6.3 Adopt standard operating procedures to ensure the early identification of victims of trafficking and their referral to protective services and integrate its content into the training of</p>	<p>To identify victims of trafficking at an early stage and ensure that they are referred to services, the United Nations Office on Drugs and Crime (UNODC) prepared a draft standard operating procedure (SOP) and conducted consultations with concerned stakeholders on it. However, the SOP has yet to be endorsed.</p>	<p>In the process of implementation.</p>

<sup>67</sup> Foreign Employment Board Secretariat, **Annual Progress Report (FY 2018/2019)**, Kathmandu, 2019, pg. 17

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>judicial and law enforcement officers and service providers (Concluding Observation, paragraph 25(b))</p> <p>6.4 Expedite the adoption of the bills on witness and victim protection and enhance training, through the Nepal Police Academy and the Judicial Academy, on the national minimum standards for victim protection (Concluding Observation, paragraph 25(c))</p>	<p>The Victims Protection Act, 2075 (2018) was adopted to implement Article 21 of the Constitution of Nepal. However, its effective implementation remains a challenge in absence of its regulation. The National Criminal Code, 2074 (2017) and the National Criminal Procedural Code, 2074 (2017) also contain provisions to protect victims and witnesses.</p> <p>The NJA organized three training programmes in August 2019 on best practices for investigating and prosecuting human trafficking. A total of 101 officials, including 16 women from the justice sector, participated. It included those working in the judiciary or as court officials, public prosecutors and police officers.</p> <p>The FWLD organized 13 five-day consultation workshops for justice sector actors that included mock sessions on measures to protect victims and witnesses. A training manual was also developed in consultation with stakeholders at the provincial and local levels. The FWLD also produced an infographic video on the Victim Protection Act and disseminated information about it on social media. Likewise, the FWLD recently published and disseminated a common concept paper on embracing a victim-centric approach to fight human trafficking.<sup>68</sup></p>	<p>In the process of implementation.</p>

<sup>68</sup> www.fwld.org (accessed on 15 December 2020)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>6.5 Expedite the revision of the bill to amend the Human Trafficking and Transportation (Control) Act, to bring it into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. (Concluding Observation, paragraph 25(d))</p>	<p>The MoWSC drafted a bill to amend the Human Trafficking and Transportation (Control) Act, 2064 (2007) to bring it in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000. Consultations and discussions about the draft bill to collect feedback from stakeholders are underway. The bill was drafted also to include the Palermo Protocol's wide definition of human trafficking.</p>	<p>In the process of implementation.</p>
	<p>6.6 Expedite the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in line with commitments made in the context of the universal periodic review (Concluding Observation, paragraph 25(d))</p>	<p>Nepal ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000 on 16 June 2020 without any reservations. The National Assembly of the Parliament approved it on 10 January 2020 and the House of Representatives approved it on 12 March 2020. <i>Nepal Gazette</i> has published the Palermo Protocol in English, along with its official Nepali translation.<sup>69</sup></p>	<p>Fully implemented.</p>
	<p>6.7 Investigate, prosecute and punish cases of trafficking in women and girls, corruption and the</p>	<p>Victims' complaints related to the trafficking of women and girls for the purpose of sexual exploitation are still the majority of cases investigated and tried in the criminal justice system under Human Trafficking and Transportation (Control) Act, 2064 (2007). In these</p>	<p>In the process of implementation.</p>

<sup>69</sup> GoN, **Nepal Gazette**, Volume 6, Part 60, Number 4, 11 May 2020. Available at: <http://rajpatra.dop.gov.np/welcome/book/?ref=24040> (accessed on 5 February 2021)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>complicity of State officials, ensuring that sentences match the seriousness of the offence and that those who are victims of trafficking are exempted from any liability (Concluding Observation, paragraph 25(e))</p>	<p>human trafficking cases, courts determine the perpetrator's sentencing based on the gravity of the crime.</p> <p>Nepal's Human Trafficking and Transportation (Control) Act, 2064 (2007) does not adequately capture the issue of human trafficking associated with migration for foreign employment. It largely focuses on trafficking of women and girls for the purpose of sexual exploitation and organ trafficking. As a result, victims who have been trafficked to countries while migrating for work – many of whom are women – register their complaints under the Foreign Employment Act for forced labour or labour exploitation once they return to Nepal. However, this Act imposes far fewer penalties for perpetrators who commit these grave crimes. There is also lack of harmonization or coherence between the two Acts. Neither makes a specific reference to the other, including when foreign employment cases should be referred to the police for a trafficking investigation, or when trafficking cases should be referred to Department of Foreign Employment. While there have been individual test cases that have successfully used the Human Trafficking and Transportation (Control) Act to prosecute labor exploitation, this is not yet common.<sup>70</sup></p> <p>Nepal Police has established a separate, specialized unit called the Human Trafficking Investigation Bureau, which investigates human trafficking and transportation offences. The Bureau provides the following support to clients registering complaints:</p> <ul style="list-style-type: none"> <li>• Support in writing the FIR.</li> <li>• Legal counselling to victims.</li> </ul>	

<sup>70</sup> IREX, **How Nepal's Migrants Struggle to Access Justice**, pg. 3. Available at: <https://www.irex.org/sites/default/files/pdf/how-nepals-migrants-struggle-to-access-justice.pdf> (accessed on 15 April 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>6.8 Allocate adequate resources to rehabilitation centres to ensure that women and girls who are victims of trafficking are provided with adequate protection and redress, including access to counselling, medical treatment, psychological support, rehabilitation and compensation. (Concluding Observation, paragraph 25(f))</p>	<ul style="list-style-type: none"> <li>• Shelter home and psychosocial counselling.</li> <li>• Rescue operations in India for women and girls who are trafficked or stranded.</li> <li>• Outreach over social media and rescue operations for migrants trapped in other countries.</li> </ul> <p>According to NGOs, victims face many obstacles in registering human trafficking complaints. Therefore, victim-friendly investigation and prosecution measures must be adopted.</p>	In the process of implementation
		<p>The National Committee on Controlling Human Trafficking (NCCHT) was established under the MoWCSC. The Ministry has taken many initiatives to rescue and return female and child victims of trafficking, in collaboration with the Ministry of Foreign Affairs, the Nepal Embassy and the Human Trafficking Investigation Bureau of Nepal Police. Likewise, the Ministry collaborates and coordinates with various NGOs to operate and manage rehabilitation centers and provide legal and psychosocial counselling, medical support and social reintegration to victims of human trafficking.<sup>71</sup> However, the rehabilitation centers operated by the NGOs lack adequate resources and financial support from the government.</p> <p>The GoN established the Human Trafficking Victim Rehabilitation Fund to provide rehabilitation support to trafficking victims, including medical services, psychosocial counselling, legal aid and skills development training. The Fund has NPR 2,66,00,387/- reserved amount with the allocation of NPR 1,00,00,000/- (NPR one core) in the fund on FY 2018/2019. In Nepal's federal context, it is necessary to also establish 'Human Trafficking Victim Rehabilitation</p>	In the process of implementation

<sup>71</sup> Goma Devi Dhakal Poudel, "Programmes and Plans of the Ministry in Controlling Human Trafficking (Nepali Version)", **Osarpasar**, Volume 19, AATWIN, October 2020, pg. 16

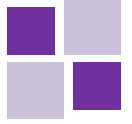
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>Funds', along with "human trafficking control committees" at the local and provincial levels. This helps widen efforts to control human trafficking. However, establishing these funds and committees at the local and provincial levels has been obstructed due to the decade-old Human Trafficking and Transportation (Control) Act, 2064 (2007), which lacks the necessary provision to establish them at the local and provincial levels.<sup>72</sup> Therefore, the Act must be amended.</p> <p>The FEB has taken the initial steps to operate a short-term shelter home for women and other foreign employment returnees who have been victims of human trafficking and/or been inflicted with physical and psychological torture in the destination country. The shelters will provide housing to these victims, along with medical and psychosocial counselling support for a maximum of three months.<sup>73</sup> The FEB has prepared the draft guideline to operate this shelter home, and it is currently under discussion. To date, the FEB refers female returnees who were victims of trafficking and abuse to various NGOs for rehabilitation support. These include Pourakhi, the Migrant Nepali Coordination Committee, Maiti Nepal, Amcas Nepal, ABC Nepal and WOREC. Similarly, the Nepal Embassies present in destination countries also provide shelter and services to these victims.<sup>74</sup> Recently, the FEB provided additional financial support to upgrade these shelter homes and mobilize more local staff.<sup>75</sup></p> <p>Nepal Police also collaborates and coordinates with various organizations to rescue and rehabilitate women and children victims of human trafficking.</p>	

<sup>72</sup> Ibid, pg. 16

<sup>73</sup> Foreign Employment Board Secretariat, **Annual Progress Report: FY 2018/2019**, Kathmandu, pg.15

<sup>74</sup> Foreign Employment Board Secretariat, **Prawash Diary**, Kathmandu, 2019, pg. 46

<sup>75</sup> Foreign Employment Board Secretariat, **Annual Progress Report: FY 2018/2019**, Kathmandu, pg. 18





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>6.9 Formulate a comprehensive policy, legislative and regulatory framework that ensures the monitoring, and legal protection from exploitation, of women who engage in prostitution and ensure that they are not prosecuted for engaging in such activities (Concluding Observation, paragraph 27(a))</p>	<p>Nepal's domestic laws have not legalized sex work as an occupation and few cases of abuse and exploitation of sex workers have been made public. Reports of NGOs show that they face daily harassment, ostracization and exclusion from social life; sexual abuse by people posing as clients, as well as those seeking sexual favours in response to providing legitimate services; and threats, intimidation and abuse of power by the law enforcement officers, most often to extort money or free sex.<sup>76</sup></p> <p>Nepal has not yet formulated a comprehensive policy or law to protect sex workers from violence and exploitation. Monitoring mechanisms are also not in place.</p>	Not implemented.
	<p>6.10 Investigate, prosecute and punish law enforcement officers for the harassment and extortion of women in prostitution and ensure that victims are provided with protection and support in a gender-sensitive manner (Concluding Observation, paragraph 27(b))</p>	<p>According to Women, Children and Senior Citizens Service Directorate, Nepal Police has not received any complaints from the sex workers about harassment and extortion from law enforcement officers. However, reports of NGOs show threats, intimidation and abuse of power by the law enforcement officers to sex workers, most often to extort money or free sex in exchange for release from the detention.<sup>77</sup> Sex workers experiencing rape and other forms of violence from any person, including the clients or public officials, often do not approach the police with complaint for fear of further abuse and reprisals.<sup>78</sup> Without filing FIRs, investigation, prosecution and punishment for the offender is not possible.</p>	Not implemented.

<sup>76</sup> Joint submission by Jagriti Mahila Mahasangh, National Federation of Sex Workers and its Partners Collectives to CEDAW Committee, 2018, pg. 3-4. Available at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT\\_CEDAW\\_CSS\\_NPL\\_32558\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32558_E.pdf) (accessed on 2 April 2021)

<sup>77</sup> Ibid.

<sup>78</sup> Ibid, pg. 4

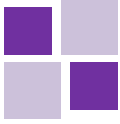
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	6.11 Strengthen exit programmes for women who wish to leave prostitution (Concluding Observation, paragraph 27(c))	Nepal's federal government, along with its provincial and local governments, have yet to create any programmes to assist sex workers in leaving prostitution and entering new fields of work.	Not implemented.
<p><b>Article 7: Right to participation in public and political life (<i>Participation in political and public life</i>)</b></p>	<p>7.1 Adopt targeted measures, including targeted scholarships, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to achieve substantive equality between women and men in the judiciary, law enforcement and the diplomatic service, in particular at the decision-making level (Concluding Observation, paragraph 29(a))</p>	<p>The Constitution of Nepal, which was promulgated by the Constituent Assembly in 2015, guarantees various rights to women, including the right to equality with positive discrimination for women from background group, and the right to participate in all bodies of the State on the basis of the principle of proportional inclusion<sup>79</sup>. These constitutional guarantees have enhanced women's participation in the following state organs and sectors:<sup>80</sup></p> <ul style="list-style-type: none"> <li>• Women represent 37.3 per cent of the National Assembly and 32.7 per cent of the House of Representatives. Likewise, the Provincial Assembly is made up of 34.4 per cent women, and women are represented at 41 per cent in government bodies at the local level.</li> <li>• Female mayors currently lead eighteen out of 753 local governments.</li> <li>• Women currently make up 24.8 per cent of workers in the public service sector.</li> <li>• A total of 46.93 per cent of healthcare workers are women.</li> <li>• Women make up 18 per cent of media personnel.</li> <li>• Women comprise 37.7 per cent of small and large business owners.</li> </ul>	In the process of implementation.

<sup>79</sup> Constitution of Nepal, Article 18(3) and 38(4)

<sup>80</sup> Data received from Ministry of Women, Children and Senior Citizens, 13 December 2020







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<ul style="list-style-type: none"> <li>• The total labour force in Nepal is 26.3 per cent female.</li> <li>• A total of 26 per cent of landowners are women.</li> </ul> <p>In Nepal's three tiers of the judiciary, there are a total of 26 female judges (6.53 per cent) out of total 398 judges, according to information received from the Supreme Court on 16 December 2020. Three of these female judges serve on the Supreme Court, 15 serve on the High Court and eight serve on the District Court. In the judicial service, there are two women out of 23 officials in the first class gazette position; 15 women out of 180 officials in the second-class gazette position and 139 women out of 627 officials in the third-class gazette position. In non-gazette assistant positions, there are 449 women out of 2,412 officials, whereas there are 128 women out of 631 staff working in non-level positions. Thus, out of 4,271 officials working in the judicial service, 759 (17.77 per cent) are women.<sup>81</sup></p> <p>According to information received from Women, Children and Senior Citizens Service Directorate of Nepal Police, there are currently 67,169 total police personnel of which 6,863 (10.22 per cent) are women.</p> <p>Women comprise only 2.24 per cent of senior police officers, and very few female police officers are represented at the policy formulation and decision-making level. However, women have been encouraged to join police organizations. To increase the number of women in police service, the GoN mandated a 20 per cent quota reserving spots for women. There are lower threshold of physical fitness set for women. Women must be at least 5 feet tall and men must be at least 5.2 feet. The police selection exam requires specific</p>	

<sup>81</sup> Source of information: Bimal Poudel, Joint Secretary, Research and Planning Section, Supreme Court, 16 December 2020

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>7.2 Enforce and monitor the implementation of electoral quotas and the composition of State entities at the local, district and federal levels and consider adopting sanctions against political parties that do not comply with the regulations (Concluding Observation, paragraph 29(b))</p>	<p>time limits in running and other activities. Women from districts in the Terai, indigenous women and Dalit women are especially encouraged to apply for the police selection process.</p> <p>The Ministry of Federal Affairs and General Administration and the MoWCSC have been monitoring the implementation of electoral quotas for women and the composition of State entities at the local, district and federal levels. According to the MoWCSC, although women's representation has increased in State entities, their meaningful participation has yet to be achieved.</p> <p>In the context when new political parties are registered in Election Commission without meeting the legal requirement of minimum 33 per cent women's participation in the party and when many political parties do not fulfill the same legal requirement on women's participation in their various levels of committees, the Supreme Court recently issued a directive order to ensure that political parties registering with the Election Commission are comprised of at least 33 per cent women and to ensure minimum of one third women participation in the central committee and all committees at various levels of the political parties.<sup>82</sup> The writ petition registered by Senior Advocate Surendra Bhandari and Advocate Indu Tuladhar in 2018 raised specific concerns about how the then Nepal Communist Party did not fulfil the legal requirement of having a minimum 33 per cent women's participation. Article 269(2) of the Constitution of Nepal establishes a mandatory condition for political parties to fulfil this legal procedure before being able to register with the Election Commission. Similarly, Section 15(4) of Political Party Registration</p>	<p>In the process of implementation.</p>

<sup>82</sup> Setopati, **Supreme Court's order to ensure 33 per cent women's participation in committees of political parties**, 15 March 2021. Available at: [www.setopati.com/politic/161932](http://www.setopati.com/politic/161932)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>7.3 Enhance targeted training and mentoring programmes for women who stand for election and women elected to public office and programmes on leadership and negotiation skills for current and future women leaders (Concluding Observation, paragraph 29(c))</p>	<p>Act, 2073 (2016) clearly stipulates the requirement of one-third women's participation in the Committees at all levels of the political parties. Furthermore, Section 10(4) of the Act makes it mandatory for the political parties to ensure that women participate in their parties by one-third at the time of their merger. The decision of the Supreme Court established this as a compulsory requirement for all political parties wishing to officially register.</p>	
	<p>7.4 Raise the awareness of public officials and society as a whole of the importance of the full and equal participation of women from all groups of society, including Dalit and indigenous women, in decision-making (Concluding Observation, paragraph 29(d))</p>	<p>In the past three years, the Ministry of Federal Affairs and General Administration has conducted many training and mentoring programmes for women elected to public office, with the goal of enhancing their capacities and developing their leadership skills. The MoWCSC published a simple question-and-answer series on GBV and disseminated it at the local level. Furthermore, NGOs have organized trainings to enhance the capacity and leadership skills of the elected women at the provincial and local levels.</p>	<p>In the process of implementation.</p>
		<p>Various NGOs have conducted awareness-raising programmes, orientations and trainings for public and government officials focused on the importance of women's meaningful and equal participation in decision-making. However, consolidated data on these efforts is unavailable.</p>	<p>In the process of implementation.</p>

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Article 9: Right to Nationality (<i>Nationality</i>)</b></p>	<p>9.1 Amend or repeal all discriminatory provisions in its Constitution that are contradictory to article 9 (2) of the Convention in order to guarantee that Nepali women may transmit their nationality to their children, as well as to their foreign spouses, under the same conditions as Nepali men, whether they are in the country or abroad, in accordance with commitments made in the context of the universal periodic review (Concluding Observation, paragraph 31(a))</p> <p>9.2 Bring the bill to amend the Citizenship Act and the related rules, as well as the draft birth, death and other personal event registration act, into line with the Convention, including by</p>	<p>The discriminatory provisions against women relating to citizenship have not yet been amended in the Constitution of Nepal. The Constitution does not have a provision for Nepali mothers to independently confer citizenship by descent to their children; in contrast, Nepali fathers have this right. There is also no provision allowing Nepali women to confer their citizenship to their foreign husbands through matrimonial naturalisation. To date, these issues have not been discussed in the Federal Parliament. However, NGOs have continuously lobbied for this constitutional and legal amendment. On 30 June 2020, the Civil Society Network on Citizenship Rights released a public statement raising this issue<sup>83</sup> and submitted a memorandum to concerned stakeholders. It must be noted that Nepal ratified CEDAW without any reservation to Article 9 on nationality. Over the years, NGOs have lobbied and conducted awareness-raising programmes for constitutional and legal provisions that would allow Nepali women to confer citizenship independently, irrespective of their marital status.</p>	<p>Not implemented.</p>
		<p>The Bill to Amend Citizenship Act, 2075 (2018) was drafted to implement the new constitutional provisions on citizenship, which includes a provision allowing Nepali mothers to confer citizenship by descent to their children who are born and reside in Nepal; and a provision to confer citizenship by descent to a person whose parents have not been traced. The State Affairs and Good Governance Committee passed the report on the Bill on 21 June 2020 and</p>	<p>In the process of implementation.</p>

<sup>83</sup> Civil Society Network on Citizenship Rights, **Statement of Civil Society Network on Citizenship Rights**, 20 June 2020. Available at: <https://fwild.org/publications/statement-of-civil-society-network-on-citizenship-rights/> (accessed on 2 December 2020)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>removing requirements regarding consent and assistance of the husband or the husband's family and documentation of the whereabouts and identity of the husband (Concluding Observation, paragraph 31(b))</p>	<p>submitted it to House of Representatives on 23 June 2020. Both houses of Parliament (the House of Representatives and the National Assembly) have yet to pass this bill.<sup>84</sup></p> <p>Regarding the CEDAW Committee's recommendation to remove the law requiring women to get the consent and assistance of their husband or his family in order to acquire citizenship and the legal requirement to produce the documentation about his whereabouts and identity, this procedural issue needs to be addressed by amending the Citizenship Regulation. This will follow after the amendment of the substantive issue in the Citizenship Act.</p> <p>The Birth, Death and Other Personal Events (Registration) Act, 2033 (1977) has been repealed and replaced with the National Identity Card and Registration Act, 2076 (2020). This new Act provides authority to the father 'or' mother 'or' any family member over the age of eighteen (in the absence of parents) to provide information about the birth of the child.<sup>85</sup> It also contains a provision to provide the birth certificate of an infant born to parents whose polygamy marriage or child marriage is legally void.<sup>86</sup></p> <p>To ensure that children have a right to a legal identity, name and birth registration, Section 4 of the Children's Act, 2075 (2018) contains a provision allowing mothers 'or' fathers to name their infants and register their births after birth.<sup>87</sup> Further, it allows mothers whose children were</p>	

<sup>84</sup> President Bidhya Devi Bhandari, on recommendation of the government, issued an ordinance to amend the Nepali Citizenship Act on 23 May 2021 allowing children of citizens by birth and children of Nepali mothers to obtain Nepali citizenship. Available at: <https://thehimalayantimes.com/hepal/president-issues-ordinance-to-amend-citizenship-act-5185> (30 May 2021)

<sup>85</sup> National Identity Card and Registration Act, 2076 (2020), Section 18(1)(a)

<sup>86</sup> National Identity Card and Registration Act, 2076 (2020), Section 21(3)

<sup>87</sup> Children's Act, 2075 (2018), Section 4(2)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>9.3 Provide training to district administration offices on the circular promulgated in 2013 to provide citizenship certificates to children on the basis of the Nepali citizenship of their mother and establish a complaint mechanism for reporting cases of denial of receiving citizenship applications (Concluding Observation, paragraph 31(c))</p> <p>9.4 Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of</p>	<p>born out of rape or incest to register their births under the mother's name only, if she wishes.<sup>88</sup> Likewise, the Act allows parents (both women and men) to mention only their own names in their child's official documents in circumstances in which the other parent is unidentified.<sup>89</sup></p> <p>The Ministry of Home Affairs issued a circular to all the District Administration Offices in 2013, requiring them to provide citizenship certificates to children based on their mothers' citizenship and to establish a complaint mechanism for children denied citizenship applications. However, most officials in the District Administration Offices are unaware of this circular. The Ministry of Home Affairs has not yet conducted trainings about the 2013 circular for the District Administration Offices.</p> <p>However, prior to 2018, the NJA regularly conducted legal trainings for the District Administration Offices that featured a session on citizenship and information about the 2013 circular.</p> <p>Nepal has not yet acceded to the 1954 Convention relating to the Status of Stateless Persons, nor has it acceded to the 1961 Convention on the Reduction of Statelessness. Nepal is not even a signatory of these Conventions.<sup>90</sup> Before acceding to any international instruments, the GoN has pursued a policy to build the requisite legal and institutional</p>	<p>Not implemented.</p> <p>Not implemented.</p>

<sup>88</sup> Children's Act, 2075 (2018), Section 4(3)

<sup>89</sup> Children's Act, 2075 (2018), Section 4(11)

<sup>90</sup> <https://whatconvention.org/en/ratifications> ; <https://treaties.un.org/doc/Publication> (accessed on 21 January 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	Statelessness (Concluding Observation, paragraph 31(e))	foundation, according to Nepal's national report to the Human Rights Council for the third Universal Periodic Review. <sup>91</sup> To raise awareness about these conventions, the NWC and the FWLD published and disseminated Nepali translations of the Conventions in 2020. They have also conducted interaction programmes to sensitize stakeholders about the need for Nepal to accede to these Conventions.	
<b>Article 10: Right to Education (Education)</b>	10.1 Reinforce action to promote equality and inclusion in education, including by enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to "lower castes", indigenous groups and religious and linguistic minority groups and girls with disabilities, by training teachers on inclusive schools and by monitoring the	Article 31 of the Constitution of Nepal guarantees every citizen the right to education. The Compulsory and Free Education Act, 2075 (2018) and the Compulsory and Free Education Regulation, 2077 (2020) were adopted to implement this constitutional guarantee. To ensure educational access to every child, this Act and its Regulation make it mandatory for public schools to provide compulsory and free education until primary school, and free education until secondary school. The Compulsory and Free Education Regulation, 2077 (2020) also has a provision to make special arrangements at the local level. These arrangements include providing free-of-cost books and learning materials to children with disabilities and making them available according to each child's need; creating resource classes according to each child's disability type; recruiting teachers with specialized training; implementing scholarships and other basic education facilities; and creating and providing scholarships, day tiffin, education materials, school uniforms and hostel facilities based on the needs of children from deprived families or marginalised	In the process of implementation.

<sup>91</sup> Human Rights Council, **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21\***, 3 November 2020, pg. 3, para 12, A/HRC/WG.6/37/NPL/1. Available at: [https://www.upr-info.org/sites/default/files/document/nepal/session\\_37\\_-\\_january\\_2021/a\\_hrc\\_wg.6\\_37\\_npl\\_1\\_e.pdf](https://www.upr-info.org/sites/default/files/document/nepal/session_37_-_january_2021/a_hrc_wg.6_37_npl_1_e.pdf) (accessed on 12 February 2021)

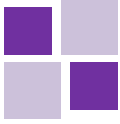
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>implementation of those measures in the framework of the State party's school sector reform plan (Concluding Observation, paragraph 33(a))</p>	<p>groups in the human development index or those who belong to Dalit communities.<sup>92</sup> The Regulation mandates local governments to keep an inventory of children with unique needs and backgrounds; this includes children with disabilities, Dalit children, the children of conflict victims, children with unidentified/unknown parents, children who have dropped out of school and children unable to go to school due to various problems. The Regulation mandates that scholarships and special opportunities be provided for these children during primary and secondary school, according to their registration in the inventory.<sup>93</sup></p> <p>According to the Ministry of Education, Science and Technology, Nepal formulated a National Framework for Sustainable Development Goal 4 in 2019, with the aim of ensuring all individuals equal access to education by 2030. This Framework, which was developed in consultation with provincial and local governments, assigns each level of government different roles to fulfil this SDG. In an effort to make timely changes to the Education Act, 2028 (1972), the Ministry drafted the Education Bill to include provisions on school education, technical education and higher-level education, and sent it to the Ministry of Law, Justice and Parliamentary Affairs for approval.</p> <p>The Ministry of Education, Science and Technology prepared the School Sector Development Plan, 2016-2023 and it is currently being implemented. The Plan – which seeks to ensure equality, access and inclusion in education, improve educational quality and strengthen educational institutions in the federal context – is being implemented with financial support from development partners, including the World Bank and the Asian Development Bank (ADB). The ADB</p>	

<sup>92</sup> Compulsory and Free Education Regulation, 2077 (2020), Rule 6

<sup>93</sup> Compulsory and Free Education Regulation, 2077 (2020), Rule 10







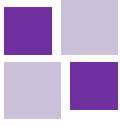
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>conducted a performance evaluation of the School Sector Reform Programme (SSRP) run under this Plan in July 2019; it found that activities under the Gender and Vulnerable Communities Action Plan (GVCAP) prepared under the SSRP had been fully implemented. The GVCAP implemented many activities to bolster the inclusion of girls and children from vulnerable communities in education. These activities included the following:</p> <ul style="list-style-type: none"> <li>• Creating scholarships and school feeding programmes.</li> <li>• Constructing and rehabilitating schools and developing early childhood education and other development programs in geographical areas that have a large population of vulnerable groups and/or ethnic minorities.</li> <li>• Designing school curriculums in local subjects and languages.</li> <li>• Collecting data disaggregated by sex, caste and ethnicity for the Education Management and Information System.<sup>94</sup></li> </ul> <p>The National Education Policy, 2020 was formulated to cover issues relating to equality in education, inclusion, access and quality of education. The Education Sector Reform Design, 2020 was adopted to develop an education sector plan at the federal, provincial and local levels. Likewise, a new 10-year Education Sector Plan (2021-2031) is being developed.<sup>95</sup></p> <p>The GoN allocated NPR 32,00,000/- to provide scholarships for public school students, distribute free books in primary schools and provide day tiffins for students in classes one to five in all of Nepal's districts. By early 2019, these efforts were implemented in 43</p>	

<sup>94</sup> ADB, **Performance Evaluation Report- School Sector Reform Program (Nepal)**, July 2019, pg. 7. Available at: <https://www.ecgnet.org/sites/default/files/pper-nep-school-sector-program.pdf> (accessed on 10 December 2020)

<sup>95</sup> <https://moe.gov.np/article/1381/plandevlopmentfra.html> (accessed on 11 January 2021)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>10.2 Ensure that schools are girl- and disability-friendly, within a reasonable distance of communities and have supplies of safe drinking</p>	<p>districts.</p> <p>In its annual programme in FY 2020/2021, the MoWCSC allocated a NPR 3,00,000/- budget to award scholarships and encourage education among women and girls of exceptional talents.</p> <p>Children with disabilities have been provided scholarships based on their disability type. For instance, children with severe disabilities are provided hostel accommodation, along with free meals at schools. To implement these programmes, the Ministry of Education, Science and Technology provided conditional grants to local governments.</p> <p>To enhance the capacity of teachers, provincial-level training centers have organized training programmes for teachers about encouraging inclusivity in education. However, these programmes need more experts who specialize on inclusive education to train these teachers. Furthermore, many teachers do not have access to these programmes.</p> <p>In the context of federalism, reporting the outcomes of various education sector programmes has been a challenge. As per the information received from the Ministry of Education, Science and Technology, Nepal's provincial and local governments do not have to submit programme reports to the federal ministry in order to receive grants from them. They only have to submit their expenditure details; this makes it difficult to document the information needed to assess the outcomes of these programmes.</p> <p>The Ministry of Education, Science and Technology developed a 'Programme Implementation Booklet' under which a 'School Construction Guideline' was formulated. The Guideline stipulated that schools must construct disability-friendly areas and services, such as ramps for wheelchair access. This study found that many newly constructed buildings of schools have these ramps. However,</p>	<p>In the process of implementation.</p>





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>water and separate hygienic toilets for girls (Concluding Observation, paragraph 33(b))</p>	<p>schools must also construct disability-friendly toilets and other infrastructure and many have not yet done so.<sup>96</sup> To date, there are 33 special schools, 380 integrated schools and 23 inclusive schools for children with disabilities in Nepal. There is also a government programme to ensure safe drinking water and separate, hygienic toilets for girls in public schools, and to distribute sanitary pads to girls to ensure that they attend class while on their menstrual cycles. Many NGOs also support public schools in supplying safe drinking water, constructing separate hygienic toilets for girls and distributing sanitary pads.</p>	
	<p>10.3 Address safety issues for girls in and out of school, effectively investigate and prosecute acts of corporal punishment, harassment, abuse or gender-based violence perpetrated against girls at school and endorse the Safe Schools Declaration (Concluding Observation, paragraph 33(c))</p>	<p>Since 2018, the GoN has made arrangements to place complaint boxes in schools for girls to report abuse and violence. The 'Programme Implementation Booklet' provides schools with further guidance on placing these complaint boxes in their facilities. There is also a provision to appoint a gender focal person in every school since FY 2010/2011 who can provide support to students in trouble; Female teachers are appointed as gender focal persons to the extent possible. At the local level, there have also been many self-defence trainings conducted to help students learn techniques to protect themselves from violence. With the goal of creating gender-friendly schools, the MoWCSC has also engaged concerned agencies to review school syllabi that go over "good touch" vs. "bad touch," and over policies that help empower boys to support and respect the dignity of girls during their menstruation cycles. Nepal Police has conducted several programmes in schools to raise</p>	<p>In the process of implementation.</p>

<sup>96</sup> This is the opinion of a National Validation Workshop participant; the workshop was organized on 18 March 2021 in Kathmandu.

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	10.4 Increase the proportion of female teachers at the primary through tertiary levels, including by increasing the enrolment of women in teacher training centres and colleges (Concluding Observation, paragraph 33(d))	awareness among children and their parents about crimes against children, particularly sexual violence and drug addiction, according to the Women, Children and Senior Citizens Service Directorate of Nepal Police. To further educate the public, they have distributed posters and pamphlets about these crimes. Likewise, they have produced PSAs to raise awareness on GBV and sexual violence, broadcasting them through different media outlets.	
		To increase the number of female teachers in primary and secondary schools, the Education Regulation contains a reservation for women. It mandates that 45 per cent of the total seats in the open competition group for the education service exam be reserved for various marginalized groups, and that 33 per cent of these seats go to women. Due to this provision, the proportion of female teachers has increased significantly in schools. According to the World Bank's development indicators, 44.6 per cent of primary school teachers were women in 2019 <sup>97</sup> which was 43.96 per cent in 2017 and 41.5 per cent in 2013. <sup>98</sup> Likewise, 22.94 per cent of secondary school teachers were women in 2017, which increased to 24.32 per cent in 2019, according to the United Nations Educational, Scientific and Cultural Organization Institute for Statistics. <sup>99</sup> The Scholarship Act, 2021 (1965) has a provision to create and provide study, research and training scholarships to women, indigent	In the process of implementation.

<sup>97</sup> Primary Education, Teachers (% female) in Nepal was reported at 44.6 % in 2019, according to the World Bank collection of development indicators, compiled from officially recognized sources. In: **Trading Economics**, <https://tradingeconomics.com/nepal/primary-education-teacherspercent-female-wb-data.html> (accessed on 5 January 2021)

<sup>98</sup> Statista Research Department, **Share of female primary education teachers Nepal 2010-2019**, March 2021. Available at: <https://www.statista.com/statistics/733550/nepal-female-primary-education-teachers/> (accessed on 21 April 2021)

<sup>99</sup> UNESCO Institute for Statistics, **Secondary Education - Female Teachers %**, **Nepal data**. Data as of September 2020, uis.unesco.org. In: <https://data.worldbank.org/indicator/SE.SEC.TCHR.FE.ZS?locations=NP> (accessed on 6 January 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Article 11 : Right to Employment/ (Employment/ Women migrant workers)</b></p>	<p>10.5 Accede to the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education. (Concluding Observation, paragraph 33(e))</p> <p>11.1 Raise awareness among women employed in the formal and informal sectors, in particular among home-based workers, on their right to social protection and gather sufficient resources for the implementation of the protections provided for in the Contributions-</p>	<p>people, people with disabilities, indigenous people and people from rural areas.<sup>100</sup> Similarly, the Medical Education Act secures scholarships for women to study medicine. Implementation of these laws supports in higher education for women in different fields.</p> <p>Nepal has yet to accede to the Convention against Discrimination in Education, which was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1960.</p> <p>Before acceding to international instruments, the GoN has pursued a policy to build the requisite legal and institutional foundation, which it outlined in its national report to the Human Rights Council for the third Universal Periodic Review.<sup>101</sup></p> <p>The FEB has conducted consultation programmes about safe foreign employment, Prime-Minister Employment Programme and contribution-based social security scheme among media personnel in Province 1, Gandaki Province and Lumbini Province, with the goal of encouraging journalists to report about it in local media outlets.<sup>102</sup> Under the contribution-based social security scheme, the family member or foreign employment worker are entitled up to NPR 7,00,000/- in case s/he suffers mutilation from an accident or dies while working abroad.<sup>103</sup> Likewise, the children of the foreign employment worker up to the age of seventeen are entitled to scholarship if their parent suffers mutilation from an accident or dies</p>	<p>Not implemented.</p> <p>In the process of implementation.</p>

<sup>100</sup> Scholarship Act, 2021 (1965), Section 3(a).

<sup>101</sup> Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21\*, 3 November 2020, pg 3, para 12, A/HRC/WG.6/37/NPL/1. Available at: [https://www.upr-info.org/sites/default/files/document/nepal/session\\_37\\_-\\_january\\_2021/a\\_hrc\\_wg.6\\_37\\_npl\\_1\\_e.pdf](https://www.upr-info.org/sites/default/files/document/nepal/session_37_-_january_2021/a_hrc_wg.6_37_npl_1_e.pdf) (accessed on 12 February 2021)

<sup>102</sup> Foreign Employment Board Secretariat, Annual Progress Report FY 2018/2019, Kathmandu, 2019, pg. 18

<sup>103</sup> Foreign Employment Board Secretariat, Prawash Diary, Kathmandu, 2019, pg. 46 and 47

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>based Social Security Act (Concluding Observation, paragraph 35(b))</p> <p>11.2 Raise awareness of employers and employees in the public and private sectors on the anti-sexual harassment code of conduct and the Sexual Harassment at the Workplace (Elimination) Act to break the culture of silence surrounding sexual harassment, establish a confidential and safe complaint mechanism and facilitate access to justice for victims of sexual harassment in the workplace (Concluding Observation, paragraph 35(c))</p>	<p>while in foreign employment. However, in order to receive this compensation, the foreign employment worker/parent must have made an annual contribution of NPR 1500/- to Nepal's welfare fund.</p> <p>The MoWCSC has been disseminating information regularly about the Sexual Harassment at the Workplace (Elimination) Act, 2071 (2014) and the Sexual Harassment at the Workplace Elimination Code of Conduct, 2074 (2017) to stakeholders.</p> <p>According to the Women, Children and Senior Citizens Service Directorate of Nepal Police:</p> <ul style="list-style-type: none"> <li>• Nepal Police adopted a Gender Policy, 2069 (2013) that contains a provision against sexual harassment in the workplace. Continuing to prioritize this issue, Nepal Police issued a circular about it and sensitized police officials on preventing and stopping sexual harassment in the workplace.</li> <li>• The Ministry of Home Affairs adopted a Code of Conduct on GBV for Police Officials, 2071 (2014) and conducted orientations about it among police officials.</li> <li>• Nepal Police recently adopted the 'Directive on Code of Conduct to be implemented by Nepal Police Officials, 2077 (2020)'. The FEB provides a compulsory three-day pre-departure orientation training to people before they leave for foreign employment. During this training, women are informed about the possible risks of working abroad, including sexual harassment and abuse in the workplace.<sup>104</sup> They are also taught various precautions to take in the workplace.<sup>104</sup> The FEB has a special arrangement for women who attend this training, reimbursing them NPR 700/- for completing it.<sup>105</sup> To raise</li> </ul>	<p>In the process of implementation.</p>

<sup>104</sup> Foreign Employment Board Secretariat, **Prawash Diary**, Kathmandu, 2019, pg. 5

<sup>105</sup> Ibid.





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>11.3 Guarantee all women equal access to employment within and outside the State party, including by repealing discriminatory restrictions imposed on women endeavouring to work abroad and by expediting the ongoing revision of the guidelines on women migrant domestic workers (Concluding Observation, paragraph 37(a))</p>	<p>awareness about these issues, the FEB has also published and distributed leaflets on 'Precautions to be taken by women in foreign employment as domestic workers,' under the SaMi project.</p> <p>The FWLD has also provided expert services to seven or eight international NGOs to add a provision prohibiting sexual harassment to their organization policies. The staff members of these NGOs have also received orientations about the policy. The Judicial Service Training Center also covered this topic during training sessions for judicial service officials.</p>	Not implemented.
	<p>11.4 Include the standards provided for in the National Labour Act, including those for domestic work, in all bilateral agreements and</p>	<p>The Directive to Manage Domestic Workers in Foreign Employment, 2072 (2015) was approved by the Council of Ministers in 21 April 2015 and amended for a third time on 16 March 2017. Section 3(3) of the Directive restricts women below age 24 from traveling abroad to work as domestic workers in eight countries (Saudi Arabia, Qatar, Kuwait, the U.A.E., Oman, Bahrain, Lebanon and Malaysia). This provision has not yet been amended. A second amendment to the Directive on 3 May 2016 added Section 3 sub-section 4, banning women from traveling abroad to work as domestic workers if they have infants below age two. This provision has also not been amended yet. These provisions introduced in the name of safeguarding women have the effect of discriminating against them.</p> <p>The FEB provides a compulsory three-day pre-departure orientation training to migrant workers, including women, prior to their departure. The training provides information on safety precautions to take at work, laws on foreign employment, information about the destination country, the labour laws of the destination country and tips on what to do if the work given upon arrival is not in their work</p>	In the process of implementation.

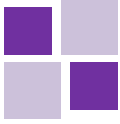
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>enhance gender-sensitive pre-departure and post-arrival orientation services, to include legal awareness about foreign employment, the rights of migrant women in the country of destination and under the Foreign Employment Act and information on how to claim those rights (Concluding Observation, paragraph 37(b))</p>	<p>agreement or if he or she becomes a victim of violence and abuse.<sup>106</sup> The FEB reimburses women NPR 700/- for completing this training. To raise awareness about these issues, the FEB has also published and distributed leaflets on 'Precautions to be taken by women in foreign employment as domestic workers,' under the SAMI project. However, gender-sensitive orientation trainings for returnee migrant workers to receive post-arrival have not been arranged yet.</p>	
	<p>11.5 Adopt a policy and enhance service provision for the social reintegration of Nepali migrant women who return to the State party (Concluding Observation, paragraph 37(c))</p>	<p>The FEB has developed a detailed roadmap of programmes to reintegrate migrant workers who have returned to Nepal from abroad, including women.<sup>107</sup> The budget for this programme has been approved. To implement it, a draft Reintegration Programme (Operation and Management) Procedure, 2076 (2020) was prepared and sent to the Ministry of Labour, Employment and Social Security for approval. This draft Procedure contains a provision to utilize the experience of returnee workers in Nepal by developing a programme that provides them with free trainings, counselling and financial and technical support to enhance their self-employment and entrepreneurship. It also makes arrangements to conduct special programmes for indigent, pregnant, lactating mothers and people with disabilities. The Procedure primarily focuses on economic reintegration and has few provisions on the social reintegration of returnee workers.</p>	<p>In the process of implementation.</p>

<sup>106</sup> Foreign Employment Board Secretariat, **Prawash Diary**, Kathmandu, 2019, pg. 5

<sup>107</sup> Foreign Employment Board Secretariat, **Annual Progress Report FY 2018/2019**, Katmandu, 2019, pg. 18







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation						
<p><b>Article 12: Right to Health (Health)</b></p>	<p>11.6 Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (Concluding Observation, paragraph 37(d))</p> <p>12.1 Incorporate age-appropriate and gender-sensitive comprehensive sexuality education curricula that include information on sexual and reproductive health and rights, responsible sexual behaviour and measures to prevent early pregnancy and sexually transmitted infections, at all levels of education, and train teachers to deliver those curricula (Concluding</p>	<p>Nepal has not yet ratified the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).<sup>108</sup> Before ratifying such international instruments, the GoN has pursued a policy to build the requisite legal and institutional foundation, as stated in Nepal's national report to the Human Rights Council for the third Universal Periodic Review.<sup>109</sup></p> <p>The Ministry of Education, Science and Technology incorporated comprehensive sexuality education<sup>110</sup> into basic school curriculums, targeting children between the ages of five and eighteen. However, the curriculum's structure and teaching methods must be improved. The following topics are covered in the current sexuality curriculum for classes one to ten:<sup>111</sup></p> <p><b>Table 7: Comprehensive sexuality curriculum for classes one to ten</b></p> <table border="1" data-bbox="836 607 1072 1301"> <thead> <tr> <th>Class 1-3</th> <th>Class 4-5</th> <th>Class 6</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>• Adolescence</li> <li>• Physical changes in adolescence</li> <li>• Sexuality education and its importance</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• Reproductive health</li> <li>• Personal hygiene</li> <li>• Introduction to outer reproductive</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• Reproductive health</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul> </td> </tr> </tbody> </table>	Class 1-3	Class 4-5	Class 6	<ul style="list-style-type: none"> <li>• Adolescence</li> <li>• Physical changes in adolescence</li> <li>• Sexuality education and its importance</li> </ul>	<ul style="list-style-type: none"> <li>• Reproductive health</li> <li>• Personal hygiene</li> <li>• Introduction to outer reproductive</li> </ul>	<ul style="list-style-type: none"> <li>• Reproductive health</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul>	<p>Not implemented.</p>
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			<p>In the process of implementation.</p>						

<sup>108</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460) (accessed on 10 February 2021)

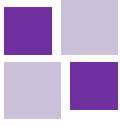
<sup>109</sup> Human Rights Council, **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21\***, 3 November 2020, pg 3, para 12, A/HRC/WG.6/37/NPL/1. Available at: [https://www.upr-info.org/sites/default/files/document/nepal/session\\_37\\_-\\_january\\_2021/a\\_hrc\\_wg.6\\_37\\_npl\\_1\\_e.pdf](https://www.upr-info.org/sites/default/files/document/nepal/session_37_-_january_2021/a_hrc_wg.6_37_npl_1_e.pdf) (accessed on 12 February 2021)

<sup>110</sup> Comprehensive sexuality education is an instruction method that aims to give students the knowledge, attitudes, skills and values to make appropriate and healthy choices in their sexual lives.

<sup>111</sup> Yuwa and Right Here Right Now, **Multidisciplinary Concept of Sex Education: Advocacy Paper to Institutionalize Sex Education in Nepal (Nepali Version)**, March 2020, pg. 4-5

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation							
	<p>Observation, paragraph 39(a))</p>	<table border="1"> <tr> <td data-bbox="376 1070 667 1312"> <ul style="list-style-type: none"> <li>• Outer reproductive organs of males and females</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul> </td> <td data-bbox="376 837 667 1070"> <ul style="list-style-type: none"> <li>• Hygiene techniques for outer reproductive organs</li> <li>• Reasons for cleanliness</li> </ul> </td> <td data-bbox="376 589 667 837"> <ul style="list-style-type: none"> <li>• Menstruation and hygiene</li> <li>• Introduction to illness and caring for sick people</li> <li>• Introduction to HIV and AIDS</li> </ul> </td> </tr> <tr> <td data-bbox="667 1128 927 1312"> <p><b>Class 7</b></p> <ul style="list-style-type: none"> <li>• Phases of adolescence</li> <li>• Importance of sex and reproductive health education</li> <li>• Dreams, semen production, process of fertilization</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul> </td> <td data-bbox="667 958 927 1128"> <p><b>Class 8</b></p> <ul style="list-style-type: none"> <li>• Responsible sexual behaviour</li> <li>• Safe motherhood</li> <li>• Concept and importance of comprehensive sexuality education</li> </ul> </td> <td data-bbox="667 779 927 958"> <p><b>Class 9</b></p> <ul style="list-style-type: none"> <li>• Adolescent sexual education</li> <li>• Reproductive health rights</li> </ul> </td> <td data-bbox="667 589 927 779"> <p><b>Class 10</b></p> <ul style="list-style-type: none"> <li>• Sexually transmitted diseases (AIDS, syphilis, gonorrhoea, caneroids)</li> <li>• Safe motherhood</li> <li>• Motherhood health services</li> <li>• Adolescent</li> </ul> </td> </tr> </table> <p>The present curriculum for classes one through five is not age appropriate. The curriculum for classes six through eight does not</p>	<ul style="list-style-type: none"> <li>• Outer reproductive organs of males and females</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul>	<ul style="list-style-type: none"> <li>• Hygiene techniques for outer reproductive organs</li> <li>• Reasons for cleanliness</li> </ul>	<ul style="list-style-type: none"> <li>• Menstruation and hygiene</li> <li>• Introduction to illness and caring for sick people</li> <li>• Introduction to HIV and AIDS</li> </ul>	<p><b>Class 7</b></p> <ul style="list-style-type: none"> <li>• Phases of adolescence</li> <li>• Importance of sex and reproductive health education</li> <li>• Dreams, semen production, process of fertilization</li> <li>• Hygiene techniques for outer reproductive organs</li> </ul>	<p><b>Class 8</b></p> <ul style="list-style-type: none"> <li>• Responsible sexual behaviour</li> <li>• Safe motherhood</li> <li>• Concept and importance of comprehensive sexuality education</li> </ul>	<p><b>Class 9</b></p> <ul style="list-style-type: none"> <li>• Adolescent sexual education</li> <li>• Reproductive health rights</li> </ul>	<p><b>Class 10</b></p> <ul style="list-style-type: none"> <li>• Sexually transmitted diseases (AIDS, syphilis, gonorrhoea, caneroids)</li> <li>• Safe motherhood</li> <li>• Motherhood health services</li> <li>• Adolescent</li> </ul>	
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Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>provide enough information on sexual and reproductive health, rights and sexuality. Furthermore, the curriculum for classes nine and ten features important content covered under the subject 'Health, Population and Environment,' which was made an optional subject since last year; this has deprived many students from learning about it. Comprehensive sexuality education is also confined to school-going children, preventing out-of-school children from accessing it.<sup>112</sup></p> <p>In January 2021, the Ministry of Health and Population, in partnership with UNFPA, UN Women and four organizations, published a flipchart called 'Comprehensive Sexuality Education for Adolescent Girls and Boys.' This flipchart is a useful resource for educators who teach comprehensive sexuality education for adolescents and youths.<sup>113</sup></p> <p>The Education Sector Development Plan (2016-2023), which was adopted by the Ministry of Education, Science and Technology, stresses the need to conduct programmes to enhance the capacity of educators to teach sexuality education. Likewise, the Ministry published a 'Trainers' Guide on Comprehensive Sexuality Education' in 2017 to enhance teachers' capacity to teach and provide counselling on this subject. To reach that goal, the National Centre for Educational Development (NCED), UNFPA and Skill Information Society Nepal (SISO Nepal) published the 'Comprehensive Sexuality Education: Training Guide' and 'Resource Materials for Teachers' in March 2018.</p>	

<sup>112</sup> Ibid, pg. 2-4

<sup>113</sup> MoHP, UNFPA et al., **Comprehensive Sexuality Education for Adolescent Girls and Boys** (*Nepali version*), January 2021. Available at: <https://nepal.unfpa.org/en/publications/cse-flip-chart> (accessed on 24 March 2021)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>12.2 Amend the Safe Motherhood and Reproductive Health Rights Act to fully decriminalize abortion in all cases, to legalize it at least in case of risk to the health of the mother, in addition to the cases for which it is already legalized, including in cases of rape, incest, severe foetal impairment and risk to the life of the mother, and allocate sufficient resources to raise awareness of safe abortion clinics and services (Concluding Observation, paragraph 39(b))</p>	<p>The Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) legalizes abortion in certain conditions and criminalizes it in other conditions specified under the law. Thus, the Act has not fully decriminalized abortion in all cases, as recommended by the CEDAW Committee.</p> <p>Chapter Four, Section 15 of the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) provides legal conditions under which a pregnant woman has the right to get a safe abortion performed.</p> <p>According to this provision, all women have the right to get an abortion up to 12 weeks of their pregnancy with their free consent, regardless of the reason they are seeking the procedure.</p> <p>Women also have the right to get an abortion up to 28 weeks of their pregnancy in the following situations:</p> <ul style="list-style-type: none"> <li>• The pregnancy is a result of rape or incest.</li> <li>• The pregnancy poses a danger to the woman's life or her physical or mental health may deteriorate if the pregnancy continues.</li> <li>• A severely disabled infant will be born if the pregnancy continues.</li> <li>• There are severe defects in the foetus.</li> <li>• The pregnant woman has HIV or another incurable disease.<sup>114</sup></li> </ul>	<p>In the process of implementation.</p>

<sup>114</sup> **Section 15. To perform safe abortion:** A pregnant woman shall have the right to get safe abortion performed in any of the following circumstances:

- (a) Foetus (gestation) up to twelve weeks, with the consent of the pregnant woman,
- (b) Foetus (gestation) up to twenty-eight weeks, as per the consent of such woman, after the opinion of the licensed doctor that there may be danger upon the life of the pregnant woman or her physical or mental health may deteriorate or disabled infant may be born in case the abortion is not performed,
- (c) Foetus (gestation) remained due to rape or incest, foetus (gestation) up to twenty-eight weeks with the consent of the pregnant woman,





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>The law prohibits abortion in circumstances other than these. For instance, forced abortions and abortions after determining the sex of the foetus are prohibited.</p> <p>Along with this Act, the National Criminal Code, 2074 (2017) also has provisions on abortion. However, they are contradictory in some aspects, creating confusion among health workers and law enforcement bodies when determining which law to apply.<sup>115</sup> For instance, Section 189 of the National Criminal Code states that pregnant woman can get abortions “anytime” if the pregnancy poses a risk to the woman’s life, will affect her physical or mental health, will result in a disabled infant,<sup>116</sup> or if the pregnant woman has HIV or another incurable disease.<sup>117</sup> However, the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) states that abortion is only legal in pregnancies “up to 28 weeks” under those same conditions.</p> <p>On the other hand, the National Criminal Code, 2074 (2017) stipulates that women whose pregnancies are a result of rape or incest are only legally allowed to get an abortion “up to 18 weeks” of pregnancy. In contrast, the Right to Safe Motherhood and Reproductive Health Act stipulates that women facing those same circumstances can get a legal abortion “up to 28 weeks.”<sup>118</sup> To effectively implement safe abortion</p>	

(d) Foetus (gestation) up to twenty-eight weeks with the consent of the woman who is suffering from HIV or other incurable disease of such nature,

(e) Foetus (gestation) up to twenty eight weeks with the consent of the woman, as per the opinion of the health worker involved in the treatment that damage may occur in the womb due to defects occurred in the foetus (gestation), or that there is such defect in the foetus of the womb that it cannot live even after the birth, that there is condition of disability in the foetus (gestation) due to genetic defect or any other cause

<sup>115</sup> Center for Reproductive Rights (CRR), FWLD and JuRI-Nepal, **Joint Submission to the Universal Periodic Review of Nepal**, 2020. Available at: [www.fwld.org](http://www.fwld.org)

<sup>116</sup> National Criminal Code, 2074 (2017), Section 189(b)

<sup>117</sup> National Criminal Code, 2074 (2017), Section 189(d)

<sup>118</sup> National Criminal Code, 2074 (2017), Section 189(c) and the Right to Safe Motherhood and Reproductive Health Act, 2057 (2018), Section 15(c)

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>12.3 Reinforce measures and allocate adequate resources to ensure that all women and girls, including those in rural and remote areas, have access to high-quality and age-appropriate sexual and reproductive health care, in line with commitments made in the context of the universal periodic review (Concluding Observation, paragraph 39(c))</p>	<p>laws, Section 15 of the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) and Section 189 of National Criminal Code, 2074 (2017) should be amended in line with each other.</p> <p>The Center for Reproductive Health Rights and FWLD drafted a model bill to amend the existing law. It will be presented before the government and the Parliament for discussion.</p> <p>The MoWCSC allocated a separate budget for the aviation rescue of pregnant women and lactating mothers in remote areas whose lives are at risk. A total of 183 pregnant women and lactating mothers have been rescued and brought to health centers for services since FY 2018/2019.</p> <p>According to the Ministry of Health and Population:</p> <ol style="list-style-type: none"> <li>The Family Welfare Division has a NPR 330 crore budget to ensure women access to safe motherhood services, including in remote areas; this budget was allocated to the federal, provincial and local levels in FY 2020/2021. Under this initiative, pregnant women and lactating mothers are given incentives to receive antenatal care (ANC), such as free reproductive health services and free travel to health centres.</li> <li>Many initiatives have been taken in the safe motherhood and reproductive health sector. For instance, there are free ANC and prenatal care (PNC) services, free maternity services and safe abortion services. Nurses in remote areas provide ultrasounds to rural women. There are a number of programmes to enhance the capacity of health workers in maternal and neonatal health (MNH) services and there is also a maternal and perinatal death surveillance and response (MPDSR) programme, Nepal has also adopted and enforced the following policies: the Safe</li> </ol>	<p>In the process of implementation.</p>





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
		<p>Motherhood and New-born Health (SMNH) Roadmap, 2030; the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018); and the Right to Safe Motherhood and Reproductive Health Regulation, 2075 (2018). It has also amended the Skilled Birth Attendance (SBA) Strategy.</p> <p>Province 2 and its local governments are currently carrying out the 'Beti Bachawo' ('Protect Daughters') programme. Under this programme, women are given financial allowances after giving birth to daughters.<sup>119</sup></p>	
	<p>12.4 End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and</p>	<p>Section 29 of the Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) prohibits discrimination against people seeking health services in family planning, reproductive care, safe motherhood, safe abortion, emergency obstetric, and new-born care and morbidity care. This includes discrimination from healthcare providers on the grounds of one's origin, religion, colour, caste, ethnicity, sex, community, occupation, business, sexual and gender identity, physical/health condition, disability, marital status, pregnancy, ideology, state of being infected with or vulnerable to any disease or germ, state of morbidity, personal relationship or any similar grounds. The Act makes this discrimination a criminal offense,<sup>120</sup> with up to six months of imprisonment, a fine up to NPR 50,000/-, or both for the offender.<sup>121</sup> It also requires the offender to give compensation to the victim.<sup>122</sup></p>	<p>In the process of implementation.</p>

<sup>119</sup> Report of Province 2 (Internal report of NWC), 2020

<sup>120</sup> The Right to Safe Motherhood and Reproductive Health Act, 2075 (2018), Section 25(1)

<sup>121</sup> Ibid, Section 26(a)

<sup>122</sup> Ibid, Section 27

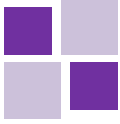
Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	encouraging reporting (Concluding Observation, paragraph 39(d))	Though some incidents of health workers discriminating against women from marginalized groups <sup>123</sup> have been publicised, no complaints have been reported to the police, according to the Women, Children and Senior Citizens Service Directorate of Nepal Police.	
<b>Article 14: Groups of women deprived of facilities (Disadvantaged groups of women)</b>	14.1 Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples (Concluding Observation, paragraph 41(a))	The Constitution of Nepal has not yet been amended to incorporate the rights of indigenous women, in particular their right to self-determination. However, NGOs have constantly lobbied for the Constitution to guarantee indigenous women their rights, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples, 2007. Rather than being generalized with women, Indigenous women in Nepal have been fighting for their distinct identity to be recognized within the Constitution, and within many other laws, policies, plans, programs and budgets, so as to ensure their meaningful participation at the decision-making level. Because the Constitution of Nepal sees women as a homogenous group where women's distinct identities as 'Indigenous' are not reflected, issues specific to Indigenous women are not visible and are excluded from laws, policies, plans, budget and programs. <sup>124</sup>	Not implemented.
<b>Article 16: The right to marriage and family relations</b>	16.1 Repeal the provisions of the Civil Code on automatic marriage, by	Section 74(1) of the National Civil Code, 2074 (2017) states that if a woman gives birth to a child, she is automatically married to the father of that child. This provision of "automatic marriage" between a	In the process of implementation.

<sup>123</sup> For instance, sex workers report harassment and invasion into their personal lives, judgmental behavior, inappropriate touch, withholding medication, verbal abuse, sexual overtures, sexual abuse from the health workers on knowing about their identity. When a sex worker shares her HIV positive status in hospitals, the stigma and accompanying discrimination gets more pronounced. The trauma of sex workers who are raped or have faced brutal abuse from the police and try to access health services is more severe. Health-care providers refuse to touch sex workers or attend to their injuries. In: Joint submission by Jagriti Mahila Mahasangh, National Federation of Sex Workers and its Partners Collectives to CEDAW Committee, 2018, pg. 3-4. Available at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT\\_CEDAW\\_CSS\\_NPL\\_32558\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32558_E.pdf) (accessed on 2 April 2021)

<sup>124</sup> Cultural Survival et al., **Joint Submission on the Violations of Indigenous Peoples' Rights in Nepal**, 3rd Universal Periodic Review, 37th Session, July 2020, pg. 3. Available at: <https://www.culturalsurvival.org/sites/default/files/Nepal%20UPR-CS-2020.pdf> (13 March 2020)







Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><i>(Discriminatory laws in marriage and family)</i></p>	<p>which a woman who bears a child is automatically married to the father of that child, in order to outlaw all forms of bigamy and polygamy, and establish legal safeguards to ensure that women enter into marriage only with their free and full consent (Concluding Observation, paragraph 43(a))</p>	<p>woman and a man upon bearing a child together – without taking into consideration the consent of both parties – has yet to be, repealed or amended. However, the Act to Amend Some Nepal Acts Relating to the National Code, 2075 (2018) includes clause (d) to Section 74(2) in the National Civil Code; it states that if a woman bears a child after having intercourse with a man who is married to another person, they are not considered automatically married to prevent polygamous marriage. As a result, the automatic marriage provision of the National Civil Code is ineffective in cases of polygamous marriages. In Section 74(1) of the Code, the ‘automatic marriage’ provision – which is issued without requiring consent from the woman – controls and restricts a woman’s sexual independence. Women should be legally protected from this situation. This issue has been raised by NGOs, including the Center for Women’s Awareness and Development (CWAD) in their submission of a legal analysis paper before the Ministry of Law, Justice and Parliamentary Affairs on 31 December 2020.</p>	
<p>16.2 Adopt legal measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages, provide for the mandatory registration of all marriages, including religious and customary marriages, and fully implement the provisions</p>		<p>Nepal’s existing laws do not protect the rights of women in unregistered marriages and their rights upon the dissolution of polygamous marriages and child marriages. However, children who are born as a result of such marriages receive all their legal rights, including their right to identity, name, birth registration and their share of parental property. Section 76 of the National Civil Code, 2074 (2017) contains a provision stating that marriages should be registered before a concerned authority. Since the law does not specify what <i>kind</i> of marriage should be registered, it can be legally interpreted to mean any kind of marriage, which includes religious and customary marriages. However, the language of this law is vague and does not</p>	<p>In the process of implementation.</p>

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>of the Criminal Code on the minimum age of marriage (Concluding Observation, paragraph 43(b))</p>	<p>make it mandatory to register marriages. The National Identity and Registration Act, 2076 (2020) requires citizens to register their marriages within 35 days of entering into the marriage.<sup>125</sup> However, in reality, marriages can be registered at any time by paying a fee.<sup>126</sup> According to the Women, Children and Senior Citizens Service Directorate, Nepal Police organized 831 awareness-raising programmes on child marriage in FY 2018/2019 and 793 awareness-raising programmes in FY 2019/2020 under the Community-Police Partnership Programme. Other programmes on GBV have included information on child marriage.</p> <p>In Chireswarnath municipality of Dhanusha district some girls in the Musahar Dalit community are leading a movement against child marriage after learning about the minimum age of marriage and the consequences of this practice from the local organizations.<sup>127</sup></p>	
	<p>16.3 Eradicate the practice of child marriage and ensure that all child marriages are declared void, that children in early marriages are not punished and that they have access to their rights upon termination of those</p>	<p>The National Civil Code, 2074 (2017) and the National Criminal Code, 2074 (2017) make marriages between parties who are under age 20 illegal and renders those existing marriages void.<sup>128</sup> Despite this law, child marriage is still in practice across Nepal. According to a UNICEF study, 37 per cent of girls in Nepal marry before age 18.<sup>129</sup> To eliminate this practice, the three tiers of government and various NGOs have organized many programmes.</p> <p>The National Criminal Code, 2074 (2018), under Section 173 sub-</p>	<p>In the process of implementation.</p>

<sup>125</sup> National Identity and Registration Act, 2076 (2020), Section 18(1)

<sup>126</sup> National Identity and Registration Act, 2076 (2020), Section 19(3)

<sup>127</sup> Annapurna Post, **Those who are stopping child marriage**, Kathmandu, 8 February 2021

<sup>128</sup> National Civil Code, 2074 (2017), Section 72(1)(c) and National Criminal Code, 2074 (2017), Section 173

<sup>129</sup> According to UNICEF, 37 per cent of girls in Nepal marry before age 18. Ten percent are married by age 15. UNICEF, State of the World's Children data, <http://data.unicef.org/child-protection/child-marriage.html> In: Human Rights Watch, **Our Time to Sing and Play: Child Marriage in Nepal**, 2016, pg. 23. Available at: [https://www.hrw.org/sites/default/files/report\\_pdf/nepal0816\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/nepal0816_web.pdf) (accessed on 1 March 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
	<p>relationships (Concluding Observation, paragraph 43(c))</p>	<p>section 1 and 3 penalizes children who enter into marriages. According to this provision, if any person marries or causes another person below age 20 to marry, the person who enters into marriage and the person who causes it face up to three years of imprisonment and a NPR 30,000/- fine. However, no initiatives have been taken to amend this provision, which punishes children who have been victims of child marriage.</p> <p>Since child marriages are automatically void under the law, it has been challenging to ensure that children born during these marriages access their rights (e.g. property rights) upon the termination of their parents' marriage. However, Section 21(3) of the National Identity and Registration Act, 2076 (2020) clearly stipulates that the births of children born during child marriages can be registered. Further, Section 5(4) of the Children's Act, 2075 (2018) affirms children's rights against discrimination in education and healthcare and care from their own parents, even when their parents' marriage has been deemed void.</p> <p>In 2018, various NGOs, including FWLD, submitted a memorandum before the Ministry of Law, Justice and Parliamentary Affairs to amend the National Civil Code's provisions on child marriage.</p>	
<p>16.4 Eliminate the practice of unilateral divorce (talaq) through legal and policy measures that promote equality in matters of marriage and divorce (Concluding Observation, paragraph 43(d))</p>		<p>The unilateral divorce (three talaq custom) is in practice in Muslim communities even though Nepali law does not recognize it as a legal divorce. The National Civil Code, 2074 (2017) makes it mandatory for spouses to file divorce applications in the district court. The practice of unilateral divorce (three talaq custom) needs to be eliminated by raising awareness about Nepal's divorce laws and procedures in Muslim communities.</p>	<p>In the process of implementation.</p>
<p>16.5 Enforce the legal</p>		<p>Although the Constitution of Nepal and the law guarantee women and</p>	<p>Not implemented.</p>

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<b>Data collection and analysis</b>	<p>provisions on the equal rights of women and men to inherit property, including land (Concluding Observation, paragraph 43(f))</p>	<p>men equal rights to inherit ancestral property, including land, implementation of these laws is a challenge. Many people are still unaware about new legal provisions that guarantee equal rights to women, including married women (daughters), to inherit ancestral property provided under National Civil Code, 2074 (2017). A study by FWLD (with the support from UNDP) on the implementation status of laws pertaining to equal property rights recommended that the Land Revenue Office be required to ask families about their daughters and ensure that daughters are present when ancestral property is partitioned. In practice, the rights of daughters to ancestral property are not fully ensured.</p>	
	<p>Expedite the revision of the Census Act to collect data, disaggregated by sex, gender, age, ethnicity, caste, marital status, disability and profession, and make the collection of such data through all State policy and programmes mandatory. (Concluding Observation, paragraph 45)</p>	<p>The Statistics Bill was drafted to amend the Statistics Act, 2019 (1963) and tabled before the National Assembly of the Parliament on 11 March 2020. The Bill does not contain a provision specifying requirement to collect data disaggregated by sex, gender, age, ethnicity, caste, marital status, disability and profession. However, it does contain a provision for the GoN to make separate guidelines on the collection of data and the method of data collection.<sup>130</sup> It is possible that this guideline will include a requirement to collect disaggregated data.</p> <p>The GoN approved a questionnaire for the 2021 Census that contains questions to collect data based on sex, gender, age, ethnicity, caste, marital status, disability and profession. For instance, the questionnaire asks for sex-based disaggregated data for family members and provides three options: male, female and other. Likewise, it asks how many male and female family members hold bank accounts. The questionnaire also has a category to provide</p>	<p>In the process of implementation.</p>

<sup>130</sup> Statistics Bill, Section 33. Available at: <https://na.parliament.gov.np/np/bills?type=reg&ref=BILL> (accessed on 12 December 2020)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<b>Dissemination</b>	Ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in	information about property owned by women, types of disabilities among family members, age when married, etc. <sup>131</sup> The questionnaire does not contain an option to write the sex of the head of the family, although it does provide space to write their name. According to the Women, Children and Senior Citizens Service Directorate of Nepal Police, the Directorate keeps analytical data of offences related to GBV (like domestic violence, rape, attempted rape, polygamy, child marriage, witchcraft allegations, ethnic untouchability, illegal abortion, child sex abuse and unnatural sex) and prepares updated data on cases monthly. This study found that the majority of other government institutions do not prepare reports with disaggregated data. For instance, until FY 2018/2019, the Supreme Court's annual reports did not contain disaggregated data based on sex and other grounds. However, the Supreme Court has affirmed that it will adopt a strategy to collect and analyse sex-disaggregated data in its next annual reports. The Court will revise its internal software to collect sex-disaggregated information for court cases and judges' profile. <sup>132</sup>	
	Ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in	The NWC published 1,000 English-language copies of a document titled 'Key Resources Related to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)' and another 1,000 copies in Nepali. This resource compiles information about CEDAW, its Optional Protocol of 1999, the Concluding Observations on the Sixth Periodic Report of Nepal and the UN Guidance Note on CEDAW and COVID-19, with the goal of informing the public and sensitizing government officials on these materials. Its softcopy was also uploaded on the NWC's official	In the process of implementation.

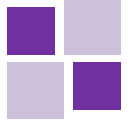
<sup>131</sup> Government of Nepal, Nepal Gazette, Part 70, No. 20, Kathmandu, 31 August 2020. Available at: <http://rajpatra.dop.gov.np/> (accessed on 15 December 2020)

<sup>132</sup> Supreme Court, **Annual Report of Supreme Court : FY 2018/2019**, Nepal, 2019, pg. 57

Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Ratification of other treaties</b></p>	<p>particular to the Government, the Federal ministries, the Federal Parliament and the judiciary, to enable their full implementation. (Concluding Observation, paragraph 48)</p>	<p>website for wider dissemination; it is available at <a href="http://www.nwc.gov.np/publication">http://www.nwc.gov.np/publication</a>. The NWC has also regularly conducted discussion programmes with stakeholders at the provincial and local levels to sensitize them on CEDAW and the Committee's Concluding Observations to Nepal.</p> <p>In December 2018, the FWLD published and disseminated 1,000 English-language copies of the CEDAW Committee's Concluding Observations on the sixth periodic report of Nepal and another 1,000 copies in Nepali. It has also uploaded a softcopy of the Committee's Concluding Observations to its official website (<a href="https://fwld.org/publications">https://fwld.org/publications</a>) and its <i>Mero Adhikar</i> app, with the goal of raising awareness about them. The FWLD also organized five consultation programmes with various stakeholders, including the gender focal persons of the Federal Ministries and Parliamentary members, in an effort to sensitize them about the Committee's ppConcluding Observations and recommendations.</p>	<p>Not implemented.</p>

<sup>133</sup> UN Treaty Body Database, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN) (accessed on 2 January 2021)

<sup>134</sup> Human Rights Council, **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21\***, 3 November 2020, pg 3, para 12, A/HRC/WG.6/37/NPL/1. Available at: [https://www.upr-info.org/sites/default/files/document/nepal/session\\_37\\_-\\_january\\_2021/a\\_hrc\\_wg.6\\_37\\_npl\\_1\\_e.pdf](https://www.upr-info.org/sites/default/files/document/nepal/session_37_-_january_2021/a_hrc_wg.6_37_npl_1_e.pdf) (accessed on 12 February 2021)





Issues related to CEDAW	CEDAW Committee's Concluding Observations to Nepal	Implementation Status of Concluding Observations	Overall status of implementation
<p><b>Follow-up to the concluding observations</b></p>	<p>not yet a party. (Concluding Observation, paragraph 50)</p> <p>Provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31 (a)–(b) and 43 (b) and (c) above. (Concluding Observation, paragraph 51)</p>	<p>The GoN submitted a follow-up report to the CEDAW Committee's Concluding Observations on 1 February 2021. It provides information on steps taken to implement the CEDAW Committee's recommendations contained in paragraphs 31 (a)–(b) and 43 (b) and (c) on citizenship issues, harmful traditional practices and child marriage.<sup>135</sup></p>	<p>Fully implemented.</p>

<sup>135</sup> Committee on the Elimination of Discrimination against Women, **Information received from Nepal on follow-up to the concluding observations on its sixth periodic report of Nepal**, 3 February 2021, CEDAW/C/NPL/FCO/6, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FICO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FICO%2f6&Lang=en) (accessed on 18 March 2021)



## Chapter 4

# Conclusion and Recommendations

### 4.1 Conclusion

Following its constitutional and legal mandate to monitor Nepal's obligations under international treaties, the NWC conducted this study to make a mid-term evaluation of the implementation status of the recommendations provided by the CEDAW Committee in its Concluding Observations on the sixth periodic report of Nepal in 2018. This is the first time that the NWC has undertaken an initiative to monitor how the three tiers of government are implementing these recommendations and protecting women's rights since Nepal transitioned to federalism. This report was prepared based on information collected from different stakeholders at the federal, provincial and local levels through consultations, interactions and key informant interviews with government bodies and NGOs.

On 14 November 2018, the CEDAW Committee issued its Concluding Observations on the sixth periodic report of Nepal in which it provided recommendations on 21 issues<sup>1</sup> mostly under Articles 1 to 16 of the Convention. Based on the CEDAW Concluding Observations Monitoring Framework,<sup>2</sup> the longer recommendations of the Committee were divided into parts to ease in tracking the implementation status. As a result, 75 of the CEDAW Committee's recommendations were abridged, bringing the total number of recommendations to 84.

Out of 84 recommendations, this study found that four recommendations (4.8 per cent) have been fully implemented, while 60 recommendations are in the process of implementation, with steps being actively taken. The remaining 20 recommendations have not been implemented yet. This means, most of the CEDAW Committee's recommendations (71.4 per cent) are in the process of implementation, while nearly one-fourth of the recommendations (23.8 per cent) have not been implemented at all.

The implementation status of the Concluding Observations are as follows:

1. Four recommendations have been fully implemented (4.8 per cent).

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1 The 21 issues are as follows: constitutional and legislative framework and discriminatory laws; access to justice, national machineries for the advancement of women; CSOs and national human rights institutions; temporary special measures; stereotypes and harmful practices; gender-based violence; women and peace and security; human trafficking and exploitation against sex workers; women's participation in political and public life; discrimination in nationality, education and employment; women migrant workers; health; disadvantaged groups of women; discriminatory laws in marriage and family; data collection and analysis; dissemination and ratification of other treaties; and follow-up to the Concluding Observations.

2 The CEDAW Concluding Observation Monitoring Framework was developed to strengthen the institutional capacity of the NWC to monitor the implementation status of Nepal's obligations under the CEDAW treaty, as per its constitutional mandate. This monitoring framework focuses on the CEDAW Committee's recommendations pursuant to several articles of the CEDAW treaty and also looks at the outcomes, specific activities, time periods, responsible bodies, supporting bodies, indicators and the means of verification for each outcome.





2. Sixty recommendations are in the process of implementation (71.4 per cent).
3. Twenty recommendations have not been implemented (23.8 per cent).

The following four recommendations of the CEDAW Committee have been fully implemented:

1. Three Commissioners have been appointed to the NWC.<sup>3</sup>
2. The National Civil Code, 2074 (2018) was amended in line with the National Criminal Code, 2074 (2017), nullifying marriages between individuals younger than age 20.
3. Nepal acceded without any reservations to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000 on 16 June 2020.
4. The GoN submitted a follow-up report to the CEDAW Committee's Concluding Observations on 1 February 2021, outlining the steps it has taken to implement the CEDAW Committee's recommendations in paragraphs 31 (a)–(b) and 43 (b) and (c) on citizenship issues, harmful traditional practices and child marriage.<sup>4</sup>

The recommendations of the CEDAW Committee that are in the process of being implemented mostly pertain to drafting laws and policies; conducting programmes on different gender issues (including eliminating GBV and harmful traditional practices), as well as capacity development and awareness-raising programmes; making institutional arrangements; and allocating an adequate budget and targeted financial support to women facing intersecting and multiple forms of discrimination. The CEDAW Committee called upon the three tiers of Nepal's government and CSOs to implement these recommendations.

Most of the CEDAW Committee's recommendations that have not yet been implemented concern formulating non-discriminatory laws, amending discriminatory laws and ratifying international treaties. The GoN should prioritise and conduct discussions with concerned stakeholders to take the necessary steps toward these legal reforms.

Overall, the study shows that Nepal's three tiers of government have formulated laws, policies, regulations, plans and programmes; allocated budgets for the women's rights sector; and supported the implementation of Nepal's international commitments to women's rights. Still, there are areas where Nepal's commitment under CEDAW needs to be fulfilled by implementing all the recommendations provided by the CEDAW Committee in its Concluding Observations. To advance women's rights, ensure women's representation in all organs of the State and eliminate all forms of discrimination against women, it is necessary to strengthen collaboration and coordination among Nepal's three tiers of government, CSOs and the private sector.

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<sup>3</sup> Honourable Jaya Ghimire and Honourable Sabitra Kumari Sharma have been appointed as the members of NWC on 24 June 2021.

<sup>4</sup> Committee on the Elimination of Discrimination against Women, **Information received from Nepal on follow-up to the concluding observations on its sixth periodic report of Nepal**, 3 February 2021, CEDAW/C/NPL/FCO/6, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fFCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fFCO%2f6&Lang=en) (accessed on 18 March 2021)

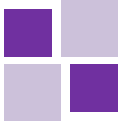


## 4.2 Recommendations

1. Prioritise the implementation of the CEDAW Committee's recommendations to amend discriminatory laws against women, formulate non-discriminatory laws and ratify/accede to international conventions.
2. Ensure the effective implementation of existing laws on women's rights and gender equality at the federal, provincial and local levels.
3. Repeal all the remaining constitutional and legal provisions that discriminate against women and girls in the area of nationality.
4. Ensure compulsory consultations with the NWC in the process of drafting acts, ordinances, regulations or policies on gender equality and women's rights. Likewise, engage CSOs working on gender equality and women's rights during the law making and planning process.
5. Ratify international conventions in line with recommendations in the CEDAW Committee's Concluding Observations to protect the rights of women and vulnerable groups, and enable the effective implementation of recently ratified human rights standards.
6. Enhance interagency coordination and collaboration among all three tiers of government to develop and implement policies, and allocate adequate budget on gender equality and women's empowerment, in Nepal's federal structure.
7. Disseminate information at the federal, provincial and local levels about Nepal's commitment to the international women's rights treaty to which Nepal is party. Likewise, provide capacity development trainings and orientations for government officials, including the judiciary, on CEDAW, the CEDAW Committee's Concluding Observations, gender equality and social inclusion.
8. Enhance the institutional capacity and provide the adequate human resources, budget and mandate for units or divisions set up at the provincial and local levels to work on gender equality and the rights of women, children and excluded groups.
9. Enhance the capacity of the provincial and local governments to formulate and implement a gender-responsive budget, and establish a system to track and monitor their expenditure to assess the impact of the budget on the lives of women and girls.
10. Encourage provincial and local governments to allocate at least 10 per cent of their budget for women, and create a separate targeted budget for women facing intersecting and multiple forms of violence.
11. Continue and scale up the awareness-raising programmes on GBV and harmful traditional practices that are already being conducted at all three levels of government.
12. Prioritize and implement community-level interventions and awareness programmes that focus on social norms and gender discriminatory attitudes and behaviours across Nepal.
13. Allocate an adequate budget toward operating the GBV Elimination Fund at the provincial and local levels and ensure that GBV survivors have easy access to the fund.



14. Allocate adequate resources to address GBV; review and operationalize existing funding provisions and mechanisms under various laws and policies for responding to GBV; ensure the alignment of existing GBV-related funds and their mechanisms within the federal structure to enable access to GBV services; prioritize and implement interventions focusing on changing social norms; and provide unhindered access to GBV response services and justice, particularly by rolling out a comprehensive package of essential services.
15. Ensure access to justice for women from marginalized groups and those facing intersecting forms of discrimination (such as those relating to caste, ethnicity, disability status, gender minorities and sexual orientation, migration) through special programmes and multisectoral services, such as legal aid, psychosocial counselling, shelter and economic empowerment.
16. Ensure the timely and effective implementation of the Supreme Court's landmark verdicts and rulings related to gender equality and women's empowerment since they are also linked to several of the CEDAW Committee's Concluding Observations.
17. Strengthen collaboration between the government and NGOs to operate shelter homes for GBV survivors; allocate an adequate budget for these shelter homes, while ensuring a timely release of the budget; and formulate a minimum standard for the shelter homes' operation, including in the context of the COVID-19 pandemic.
18. Make necessary arrangements to lift the restriction on female domestic workers from travelling abroad, while simultaneously strengthening administrative and criminal enforcement. Prioritize the most vulnerable migrant workers – especially those who are undocumented – for repatriation and provide them with sustainable reintegration packages.
19. Ensure meaningful participation of women, including those facing intersecting forms of discrimination, while formulating local budgets, plans and programmes.
20. Ensure the non-duplication of NGO programmes on gender equality and women's empowerment, while maintaining that target populations have equal access to these programmes.
21. Conduct targeted research and studies on the situation of women and other vulnerable groups to gather insights that can help inform evidence-based policies and programming.
22. Document the “lessons learned” during programmes related to gender equality and women's empowerment, ending GBV and women's access to justice implemented by government bodies, CSOs, development partners and UN agencies, in order to replicate and scale up best practices.
23. Develop an integrated system of disaggregated data collection, reporting, monitoring, and analysis on key results and achievements made in women's rights and gender equality across the three tiers of government, as it is currently lacking. The reporting system should also be made effective, operational and robust in the context of the COVID-19 pandemic and natural disasters.



## Annex 1

### Local levels selected for the information collection (Pursuant to Chapter 1, Number 1.4)

Table 8: Selected local levels for information collection

Province	Local levels selected for the information collection
Province 1	Biratnagar Metropolitan City
Province 2	Janakpur Sub-Metropolitan City Chireswarnath Municipality Laxminiya Rural Municipality
Bagmati Province	Kathmandu Metropolitan City
Gandaki Province	Pokhara Metropolitan City Badigaun Rural Municipality
Lumbini Province	Butwal Sub-Metropolitan City Sainamaina Municipality Gadaihawa Rural Municipality
Karnali Province	Birendranagar Municipality Bhagwatimai Rural Municipality
Sudurpaschim Province	Dhangadi Sub-Metropolitan City Kailari Rural Municipality



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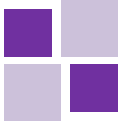
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2. Compulsory and Free Education Regulation, 2077 (2020)
3. Constitution of Nepal (2015)
4. Convention on the Elimination of All Forms of Discrimination against Women, 1979
5. Directive to Manage Domestic Workers in Foreign Employment, 2072 (2015)
6. National Civil Code, 2074 (2017)
7. National Criminal Code, 2074 (2017)
8. National Identity Card and Registration Act, 2076 (2020)
9. Nepal Treaty Act, 2047 (1990)
10. Safe Motherhood and Reproductive Health Right Act, 2075 (2018)
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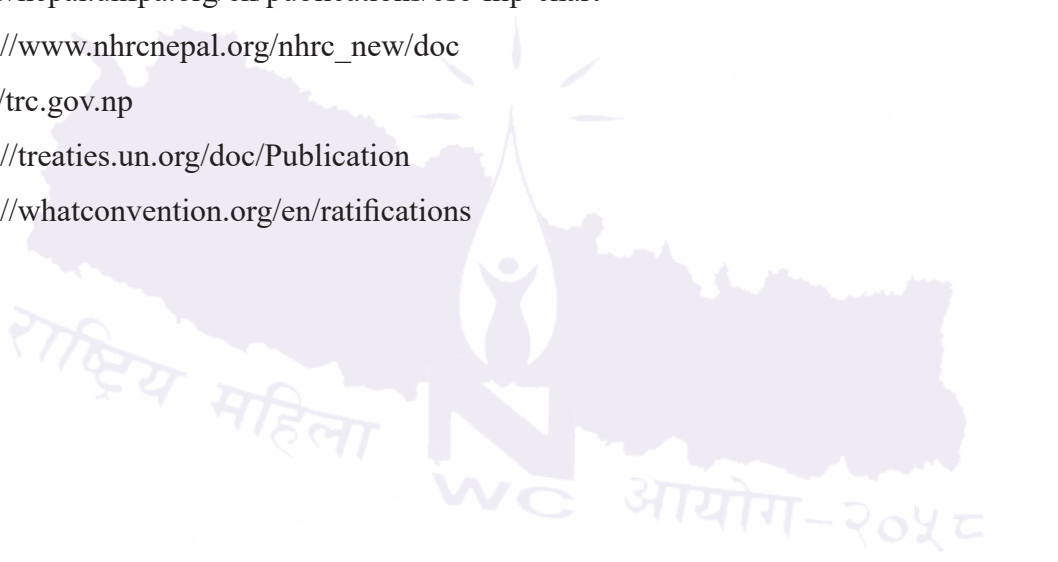
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## **National Women Commission**

**Bhadrakali Plaza, Kathmandu, Nepal.**

**Phone : 4256701, 4259411, Fax : 4250411**

**Email : [info@nwc.gov.np](mailto:info@nwc.gov.np), Website : [www.nwc.gov.np](http://www.nwc.gov.np)**