Presentation by H.E. Deepak Dhital, member of the Nepali Delegation to the 71st Session of the Committee on the Elimination of Discrimination Against Women (CEDAW) to Consider the 6th Periodic Report of Nepal

Madam Chair,
Distinguished Members of the Committee,
Ladies and Gentlemen,

With permission from the Hon. Minister, leader of the Nepali Delegation, may I continue this conversation with the distinguished members of the CEDAW Committee.

1. As the Hon. Minister highlighted, at the core of the new constitution of Nepal is a guarantee for equality and non-discrimination to all people irrespective of religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, marital status, economic condition, language or region, ideology of similar other grounds. The constitution is fundamentally human rights-oriented and inclusive.

2. In line with the principles and spirit of CEDAW, the constitution guarantees the following rights to women:
   - Equal lineage rights without gender based discrimination;
   - No violence or exploitation of women on any ground or under any pretext. Such acts shall be punishable by law and the victims have the right to obtain compensation as per law;
   - Right of women in all bodies of the State on the basis of the principle of proportional inclusion;
   - Right to special opportunity for women in education, health, employment and social security on the basis of positive discrimination;
   - Equal spouse right to property and family affairs.

3. The constitutional measures for effective implementation of CEDAW are therefore very strong.

4. A number of legislative measures have been put in place to ensure and uphold the rights of women and to protect them from violence and discrimination, which have been major obstacles on the path of ensuring equality and advancement in the status of women.

5. The Government has adopted a policy of zero tolerance on domestic violence and gender based violence through enactment of relevant legislations. Similarly, with sexual harassment at workplace act, 2014 in place and the coming into effect of Civil Code, 2017 and Criminal Code, 2017, women and girls have been protected from violence and discrimination that might take place at home, in day-to-day social, cultural and economic life and at workplaces. The Human Trafficking and Transportation (Control) Act, 2007, among others, relates to safeguarding women from worst forms of violence and compensating the victim in case of violation. A number of legislations are coming to complement and supplement the human rights provisions of the constitution, 16 of them, for instance, were enacted recently.

6. Another effort in line with CEDAW is amendment of existing legislation for a change in gender discriminatory provisions. 88 laws have been amended since 2006 to free them from discriminatory provisions.

7. The historic political transformation process following the signing of the peace accord in 2006 and finally having concluded with the promulgation of the constitution in 2015, has brought with it a number of significant achievements in the field of promotion and protection of women rights. Women constitute 51.5 percent of the population of Nepal.

8. The constitutional provision of proportional inclusion has led to an increased representation of women, Dalits, indigenous/ethnic groups, marginalized as well as minority groups of the country in political decision-making positions.

9. As our reports show, internalizing CEDAW through constitutional, legal, policy, programmatic, administrative, institutional and other measures has received priority. Coherent implementation and enforcement of these measures and creating synergy out of them is fundamentally important to sustain and multiply outcomes in political, social, economic, cultural and other spheres of gender equality and ensuring non-discrimination. Nepal’s attention is sufficiently drawn towards this imperative.

10. In 2010, Nepal received the ‘MDG Achievement Award’ for outstanding national leadership, commitment and progress to achieve the target for improving maternal health. Similarly, UN has been recognizing the efforts of Nepal in achieving impressive progress in reducing maternal and child mortality.

Madam Chair,
11. Nepal is a country with diversity; it is a multi-ethnic, multi-cultural, multi-religious, multi-lingual nation with diverse topography and regional characteristics. The Constitution guarantees that all Nepali people are equal before law, and seeks to eliminate all sorts of discrimination based on origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or any other ground.

12. Building on the prevailing laws that deal with the issues of inequality and discrimination and identifying their shortcomings to address the changing needs of time, the new set of Acts - National Criminal (Code) Act, National Criminal Procedure (Code), 2017 and Criminal Offences (Sentencing Determination and Implementation) Act, 2017 have been enforced. These Acts introduce significant reforms in the effectiveness of Nepali criminal law system. It further strengthens our legal regime against discrimination in tandem with the provisions of CEDAW and other international instruments.

13. The Constitution has expanded the space through various Acts, Plans, Policies and programmes, for several affirmative actions to combat specific and inter-sectional discrimination affecting indigenous women and women belonging to disadvantaged castes/ethnic groups. The affirmative actions have expanded in all areas of health, education, employment and social security. Since 2007, around 45% of open seats in public service positions have been reserved for Women, Dalits. Indigenous people, Disabled, Madhesis and people living in disadvantaged areas. (In the year 2016/17, a total of 4,026 individuals were recruited in the allocated inclusive seats, out of which 1,383 were women, 1,026 Indigenous people, 901 Madhesis, 385 Dalits, 189 disabled people and 142 from the backward geographical areas.)

Madam Chair,

14. Nepal has been implementing National Human Rights Action Plan since 2004. The current Action Plan (2014-2019) outlines specific activities under thematic areas, and includes revision of existing laws in line with the international human rights standards to ensure rights of Women, Dalits, indigenous/ethnic groups, marginalized as well as minority groups of the country. Access, Inclusion and Equity are three important approaches taken by our Action Plan to cover inter-sectional marginalization.

15. For ensuring gender inclusion in the local development programs, the Ministry of Federal Affairs and Local Development (MoFALD), since 2010, has been implementing a separate Gender Equality and Social Inclusion (GESI) Policy. Mandatory provision has been put into force for allocating at least 10 percent of government grants to local bodies for women empowerment programs.

16. In the educational sector, Inclusive Education Policy has been adopted in 2017. Education for All (EFA) campaign is being carried out every year. Free education is being ensured for all Dalit children along with provision of day lunches and stationeries, educational and promotional allowances. Below five children of all Dalits and those from remote areas such as Dolpa, Jumla, Humla, Mugu, Kalikot, Bajhang, Achham and Rautahat districts receive protection allowances amounting to NRs 400 per person per month (529,992 children). Measures such as distribution of sanitary pads and separate toilet facilities are implemented to girl children to check their dropout rates at school due to the inconvenience during menstrual periods.

17. The GoN has been implementing Multilingual Education Implementation Guidelines, 2009, aiming to implement multilingual education in schools. To date, 24 schools have been providing such education. School course-books have already been prepared in 16 mother tongues.

18. The 14th Plan and the Labour and Employment Policy have strategically focused on ensuring that women’s employment is safe and systematic. Likewise, the policy has continued efforts to make foreign employment inclusive and pro-poor by imparting employment-oriented skill training and entrepreneurship development so as to increase access of women to employment, especially women from poor, Dalit, indigenous and disadvantaged groups.

19. The GoN is implementing Industrial Policy, 2010, as strategic platform for the development of entrepreneurship and employment creation for women.

20. The GoN is implementing National Health Policy to strengthen the system for quality delivery of health services to the people, and build the basis of equity and social justice by ensuring the access of the poor, marginalized and at risk community to the health services. In order to achieve effective results of the Policy, the GoN is implementing Nepal Health Sector Strategy, 2015-2020, with four strategic directions for delivery of quality health service for all: Equitable access to health services, Quality health services, Health system reform and Multi-sectoral approach.

21. Nepal has initiated a 10-year Zero Hunger Challenge Initiative —2025 to set a basis for ensuring that every person, including woman and child, enjoy their right to adequate food, and the GoN is in the process to develop framework legislation on right to food.
22. The 100% Girl’s Scholarship Program (GSP) has been the key intervention of the GoN in fulfilling the commitment of ensuring marginalized and disadvantaged girls’ access to education.

23. Under the Women Development Program, skills and educational training have been imparted to rural out-of-school adolescent girls as well as women.

24. The GoN is implementing special measures to accelerate gender equality and empowerment of women through programmes such as Yogamaya Women Empowerment. It aims to support those who have been at risk and suffering from economic and social backwardness, and are poor, single, affected by sexual violence and natural disasters.

25. A 10-year National Plan of Action to Combat Trafficking in Persons has been put into action since 2011. For reinforcing the prevention and control of trafficking in women and children, a National Plan of Action against Trafficking in Women and Children has been implemented since 2012.

Madam Chair,

26. The National Human Rights Commission (NHRC) of Nepal is an accredited ‘A’ status independent constitutional body.

27. Apart from it, the National Women Commission (NWC) has been upgraded from a statutory to a constitutional body. The Commission has been empowered with legal tools to implement the broad constitutional mandate. It now carries major responsibilities of policy formulation, review and monitoring of the implementation of treaty related to women’s rights and gender equality, monitoring and evaluation of women development programs, carrying out research and studies on issues of gender equality and reinforcing gender justice.

28. The Gender Coordination and Empowerment Unit established at the Office of the Prime Minister and Council of Ministers (OPMCM) in 2010 has been instrumental for necessary coordination and facilitation for enhancing access of victims to justice mechanism. This Unit also runs a hotline and has been receiving calls from people experiencing difficulties in lodging complaints against the cases of Sexual and Gender-based Violence.

29. Ministry of Finance has a Gender Responsive Budget Committee established and operated under the Gender Responsive Budget Formulation Guidelines, 2013. The Committee has been carrying on its responsibility to ensure gender responsive budget of Federal Government. In the FY 2007/08 portion of gender responsive budget was 11.30% out of the total budget and it has been increased to 23.10% in FY 2016/17. The Federal Government is planning to bring gender responsive budget planning at the Provincial and Local Levels.

30. Parliamentary Committees have been set up for the issues of women’s rights and gender equality, and have made significant efforts to monitor the implementation of human rights treaties and ensure gender equality.

31. A National Steering Committee under the Prime Minister to address Gender Based Violence (GBV) has been operational in speeding up the measures for effective implementation and monitoring. After announcing the year 2010 as the year against GBV, national campaign against GBV has been further accelerated.

32. The Judgment Execution Directorate established within the Supreme Court has been monitoring the implementation of court judgments which is instrumental in realizing women’s rights and gender equality in Nepal. The OPMCM has also set up Judgment Execution Coordination Committee to facilitate the implementation of court judgments.

Madam Chair,

33. The Constitution guarantees compulsory and free education up to basic level and free education up to secondary level. It ensures, amongst others, the right of children to education from families and the State. Nepal has made excellent progress in ensuring equal access to education with increasing net enrolment rate at primary level from 64 percent in 1990 to 96.6 percent recently.

34. Eighth amendment of Education Act, in 2016 further ensures free education up to secondary level. Gender disparity in primary and secondary education has been eliminated in Nepal as targeted by the MDGs. In 2015, such ratio of girls to boys at all levels of school education has been achieved as 1.0. Gender equity index at Basic Level education (1-8) and class (9-10) stood at 1.03 and 1.04 respectively. This shows that the number of girl students in class (1-10) is higher than that of boy students.

35. Since the 13th plan (2014/15), the GoN has provided a monthly stipend of Nrs. 1,500 to 3,000 to low-income students of Dalit, Chepang, and Raute communities who have passed the School Leaving Certificate Examination with first division from public schools. The current budget has also provisioned to bear all costs
for the students belonging to Dom, Badi, Chamar and Musahar of the Dalit community to study engineering and medicine at the graduate level.

36. The GoN has also been providing scholarships for intelligent persons with disabilities, conflict affected, freed Kamlari, marginalized and Dalit students. The mid-day meal program being implemented in Karnali Zone and neighbouring 14 districts has been extended to the children belonging to the endangered communities like Badi, Dom, Chamar, Musahar, Chepang and Raute.

37. Scholarships have been provisioned to technical diploma study for one thousand people from Haliya, Kamlari, Chepang, poor Muslims, Madhesi Dalits communities and 10 backward districts of the Far-West and Mid-West Regions with special allocation of Nrs. 110 million for this purpose.

38. The GoN provides free basic health care services to all with special focus on socially and economically disadvantaged people, gender, caste, community and sector.

39. The National Safe Motherhood Program is being implemented with the goal to improve the maternal and neonatal health through preventive and promotional activities as well as by addressing avoidable factors that causes complications in pregnancy and childbirth. The maternal mortality ratio has declined from 415 deaths per 100,000 live births in 2005 to 170 in 2013. The proportion of women delivering at an institution increased from 11 percent in 1996 to 55 percent in 2014. Life expectancy at birth for women in 2006 was 65 years which has increased to 69 years in 2012.

40. Nepal has achieved most of the health related MDGs. Nepal was awarded the MDG Achievement Award in 2011 for its achievement in reducing maternal mortality rate, the Motivational Award for its significant achievement in reducing child mortality rate, and the Resolve Award by Global Leaders Council for Reproductive Health for considerable achievement in reproductive health.

41. In the FY 2013/14, national level Antenatal Check-up first visit has increased to 86 percent. Institutional delivery has increased to 50 percent in FY 2013/14 as compared to 44 percent in FY 2011/12.

42. The GoN has been providing food assistance to Pregnant and Lactating Mothers (PLM) and children aged 6 to 36 months through the Mother and Child Health Care (MCHC) activity of the Country Programme since 2001 in alignment with the Government’s long-term and interim strategic plan under the nutrition and safer motherhood programs. The GoN is making efforts to increase the rate of child immunization from existing 83 percent to 100 percent and has formulated the National Immunization Operation Rules, 2013.

43. National Adolescent Sexual and Reproductive Health program is being gradually scaled up to meet the Nepal Health Support Program of making 1,000 public health facilities adolescent friendly by 2015.

Madam Chair,

44. The Poverty Alleviation Fund (PAF) has reached to 60 districts out of 77 districts. The Fund has extended benefits to around 900,000 individuals. Out of them, 78 % of beneficiaries are women. In order to reach out to the needy people collectively, this fund has created 32,000 groups.

45. Of the total 45,632 key position holders in Poverty Alleviation Fund supported Community Organizations, 63 percent are female. Likewise, among the women position holders, a remarkable portion of participation is from Dalit and Indigenous women.

46. Under the Youth and Small Entrepreneurs Self-Employment Fund, easy collateral free periodic wholesale loan of Nrs. 200,000 per person has been provided through banks and cooperatives so as to make better the lifestyles of economically deprived groups including the rural, Dalit and conflict affected women with traditional skills by increasing their incomes through agricultural, vocational and service oriented businesses.

47. Nepal’s constitutional provisions and Community Forestry Act recognize rights of local indigenous and disadvantaged groups to have access to the benefits of land and forest resources. Women’s participation is remarkably high (69%) in community forestry.

48. Land and property ownership by women is encouraged through the provision of rebates in land registration fees in women’s name.

49. Affirmative actions taken by the Government have shown results in public sector employment, such as in civil service, women now comprise 23% of the public sector civilian workforce. Women’s engagement in teaching profession is also on an increasing trend with 50.6 percent posts held by women.

50. There has been a gradual increase of female wage earners in non-agricultural sector with figures standing at 32 percent in 2004 and 45 percent in 2011.

51. There has been a big increase in the number of women going on foreign employment - from 0.2 percent of the total in 2007 to 6.4 percent at present.
52. Regarding **women’s engagement in peace**, at least one-third members of over 1,725 Local Peace Committees formed in all districts are women. Women have participated in UN Peacekeeping Missions as women police personnel. A total of 329 women police officials have already served in such positions.

53. The government has been providing **social security benefits** through various programs to the most vulnerable groups in the country since 1994/95. Major recipients of social security allowances are senior citizens, single women, persons with disabilities, targeted marginal communities, and other women and children. The second largest chunk of social security allowance system is being distributed to single women.

**Madam Chair,**

54. The Constitution guarantees **equal right to identity for every Nepali citizen** as a fundamental right irrespective of gender. Article 10 (1) of the Constitution provides that no citizen of Nepal be deprived of the right to obtain citizenship.

55. A **foreign woman married to a Nepali man is entitled to attain citizenship with due process of law.** The citizenship of Nepali woman married with foreign man and residing in foreign country will be continued unless she chooses to revoke her Nepali citizenship or she chooses to take citizenship of foreign country.

56. The **Department of Civil Registration (DoCR)** has been implementing **Strengthening System of Social Protection and Civil Registration Project** to increase the effective coverage of Civil Registration.

57. The **Civil Code 2017** on ‘Partition of Family Property’ does not discriminate between son and daughter as both are granted equal status with regard to family property partition. Unlike the past practice, daughters are not required to return their property after marriage to their parents or brothers.

58. Pursuant to the **Civil Code**, the wife, irrespective of age or duration of marriage, is entitled to the share of her husband’s property. The existing legal framework provides the same entitlement to the divorced wife. Women are entitled to ancestral property or the property of their husband even after the dissolution of marriage.

**Madam Chair,**

59. The GoN has also taken several measures to eradicate harmful practices by strict enforcement of laws, raising awareness, as well as through the issuance of relevant directives and guidelines. The newly enforced **Child Rights Act, 2018** has incorporated provisions to prohibit all forms of harmful practices that affect children. The **Penal Code** prohibits and criminalizes the sex-selective abortion. The Children’s Act safeguards the right of equal treatment between son and daughter in line with the CRC provision.

60. Nepal is a member of the South Asia Initiative to End Violence against Children, which links Nepal to the broader regional network on ending child marriage in South Asia.

61. The **annual budget and program** for the FY 2018/19 provides budget for conducting awareness programmes against superstitious beliefs, harmful practices and violence against women. Local Governments have been allotted budgets for addressing the issues related to child marriage, gender based violence, untouchability, dowry, Chaupadhi, Kamlari, child labour, human trafficking along with all kind of evil social practices.

62. The Penal Code criminalizes the practice of **Chhaupadi** during the period of menstruation or during the postnatal period or similar discrimination of untouchability or inhuman behaviour. The components on population and **reproductive health** have been incorporated in school curriculum to raise awareness about health and hygiene during menstrual periods.

63. **Witchcraft related Accusation (Offence and Punishment) Act, 2015** aims at eliminating the superstitions surrounding harmful traditional practice of witchcraft allegation against vulnerable women and men. It criminalizes the practices of inflicting torture, cruelty, inhumane and degrading treatments upon persons accused of witchcrafts. The Act incorporates the provisions on victim support and compensation.

64. According to the GoN’s record, there were 9,490 **Kamlaris** in six districts who have been now freed. The freed **Kamlaris** have been socially reintegrated and are receiving scholarships under the **Freed Kamlari Education Scholarship Guidelines 2011.** They are also receiving economic and livelihood opportunities. A total of 12,000 Kamlaris have been able to access education including vocational training since the development of National Plan of Action against Child Bonded Labour in 2009.

65. Existing law strictly prohibits the tradition of offering girls to deities to fulfil religious obligation. Now, this tradition has been completely abolished. The GoN has adopted measures to abolish **Badi** practice of abusing women and girls in sex business. The **Badi Community Upliftment and Development Board** has been implementing programmes for the overall development and reintegration of the **Badi** community.
66. Positive activism manifested by the Judiciary has encouraged the process of legal and administrative reforms along with developing institutional capacity to respond to the cases of harmful practices against women. The national human rights institutions have expanded actions against such practices by strengthening institutional capacity, surveillance systems and watchdog activities. Law enforcement agencies are acting very focused against such practices.

Madam Chair,

67. As per the provisions of the Sexual Harassment at Workplace (Control) Act, 2014, complaint hearing mechanisms are being established within office/workplace premises. Pursuant to the Act, any form of verbal or physical harassment, gestures or pornographic messages are punishable by imprisonment or fine.

68. Available data shows that in the year 2016/17, 579 domestic violence cases were filed at courts. 14,543 cases regarding domestic violence were registered in eight rehabilitation centres. Out of this, 91% cases have been settled.

69. Bigamy is a punishable offence under the Penal Code. In the year 2016/17, a total of 763 cases were filed, out of which convictions were made in 272 cases and acquittal 132 cases.

70. The Nepal Police has established Gender Based Violence information management system to collect nationwide data on cases of violence against women and girls. The system maintains data of all cases reported to the Nepal Police. Nepal Police has further established dedicated mechanisms for handling the cases of violence against women and Girls at the local level. 246 Women and Children Service Centers cover all districts of Nepal with specialized police personnel accountable for handling gender based violence cases.

71. The GoN has established various service mechanisms to provide services and support to victims of gender based violence. Standard Operating Procedure (SOP) for Prevention and Response to gender based violence, 2011 developed in operation to provide medical treatment, psychosocial counselling services and legal support in an integrated manner from a victim-centric approach. The GoN has established one stop Crisis Management Centre in 46 districts. As of 2018, around 12,000 women victimized by violence have received support services in the rehabilitation centers.

72. The Gender-based Violence (Elimination) Fund and the Child Rescue Fund are being used for rescue, medical support, legal aid, counselling and rehabilitation for survivors of GBV.

73. Separate Anti-trafficking Cell within the structure of MoWCSC and within Nepal Police are in place to effectively manage anti-trafficking interventions. Fast track court proceedings are applied in the cases of human trafficking and sexual abuse. The GoN has launched various programmes against human trafficking in coordination with Civil Society Organizations.

74. The GoN has been supporting ten major rehabilitation centres for the victims of trafficking in Nepal and one in Kolkata, India. There are 36 Safe Houses for victims of trafficking, and one long term rehabilitation centre.

75. A fund for rehabilitation of survivors has been established. Currently, 732 Local Committees have been formed and are functional.

76. Major services available for the victims and survivors of human trafficking include: rescue, repatriation, foods and shelter, medical treatment and free legal aid, psycho-social counselling, education, skills/trainings and income generation support. In the fiscal year 2016/2017, within the first eight months, rehabilitation centres in 10 districts rescued 911 women trafficking victims and provided subsequent services.

77. The Foreign Employment Promotion Board has supported three transit shelters within the country and has supported Nepali diplomatic missions in seven Gulf and Middle-East Countries to rescue and repatriate and extend other necessary support to victim migrant workers. The GoN has planned to establish at least one rehabilitation centre at each Province during the FY 2018/19 under the President Women Upliftment Program.

78. Nepal is trying to make labour migration safe, secure and dignified by signing labour agreements with destination countries. As the current Chair of Colombo Process and Deputy Member in the Governing Body of ILO, Nepal is working jointly with member countries for safe, orderly, and regular migration. Promotion of gender equality in migration is one of the thematic areas of action under the Colombo Process.

79. The Foreign Employment Act, 2007, prohibits gender discrimination. A man or woman has the right of equal opportunity for foreign employment. Moreover, the Labour Act, 2017 requires an employer to follow non-discrimination principle and ensure equal pay for equal value of work.

80. Foreign Employment Welfare Fund has been set up to provide assistance to the migrant workers and their families. The fund is utilized to provide financial assistance to the migrant workers in case of injury or job loss and need to return home, and to their families in case of death.
Madam Chair,

81. Learning from the lessons of the past including the devastating earthquakes of 2015, a Disaster Risk Reduction Policy, 2017 has been adopted. The GoN is working to incorporate gender component as regards to climate change. The GoN has introduced the Disaster Reduction and Management Act, 2017, which provides special focus to women, children, senior citizens, and persons with disability during the relief delivery in times of crisis.

Madam Chair,

82. The Supreme Court of Nepal (SC) has referred to various provisions of CEDAW in a number of landmark decisions which contributed to establishing the rights of women.

83. The right to Free Legal Aid is provided under the constitution and relevant law. Each court in Nepal finances to keep a pool of lawyers to provide free legal services in the cases not represented by lawyers. There are several other free legal mechanisms that exist also under Nepal Bar Association (pro-bono service), and various commissions including NWC, Dalit Commission and other Non-Governmental Organizations (NGOs).

84. Fast track court proceedings are applied in the cases of human trafficking and sexual abuse. Investigation procedures for human trafficking have been incorporated in the training curricula of Nepal Police. Police personnel, prosecutors and judges have been receiving regular training on investigation procedures of human trafficking cases through Nepal Police Academy and Judicial Academy respectively.

Madam Chair,

1. Efforts of civil society organizations as partners in our development process have been instrumental in bringing changes in behavior and practice as far as gender equality, non-discrimination and socio-economic empowerment of women are concerned. We are glad to see such an enthusiastic participation of our civil society representatives here today.

2. It is important to infuse quality education and awareness in society and ensure adequate resources to implement relevant programmes and projects. It requires availability of requisite infrastructures and resources at the domestic level as well as an enabling environment through international cooperation and technical assistance.

3. Nepal reaffirms its commitment to protection and promotion of women’s rights by collecting better disaggregated data and information on the impact of multiple forms of discrimination and intersectionality of challenges.

4. Finally, chair, while appreciating the deep knowledge, insights and experience of this distinguished Committee, the delegation of Nepal led by the Hon. Minister looks forward to a constructive dialogue with you.

5. I thank you for your kind attention.