

**Response of the Government of Nepal  
to the list of issues and questions in relations to the Sixth Periodic Report of  
Nepal adopted by the Committee on the Elimination of All Forms of  
Discrimination Against Women**

**Annexes**

**Annex I**

**List of new Acts enacted by the Federal Parliament of Nepal to implement  
Fundamental Rights**

New Acts

1. Consumers Protection Act, 2018
2. Right to Safe Motherhood and Reproductive Health Act, 2018
3. Protection of Victims of Crimes Act, 2018
4. Children's Act, 2018
5. Public Health Services Act, 2018
6. Right to Housing Act, 2018
7. Right to Food and Food Sovereignty Act, 2018
8. Personal Privacy Protection Act, 2018
9. Compulsory and Free Education Act, 2018
10. Social Security Act, 2018
11. Right to Employment Act, 2018

Amending Acts:

1. Public Security (Third Amendment) Act, 2018
2. Environment Protection (First Amendment) Act, 2018
3. Land (Seventh Amendment) Act, 2018
4. Racial Discrimination and Untouchability (Offences and Punishment)  
(First Amendment) Act, 2018
5. Rights to Persons with Disability (First Amendment) Act, 2018

**Annex II**

**Summary of the Adjudicated Cases**

Case 1: *Suman Pant Vs. The Ministry of Home Affairs and Others*, Case No. 073-WO-1054 (Certiorari/Mandamus), date of decision 23 October 2017 (NKP 2018, Issue 12, Vol. 59, PP 2083-2099).

The Petitioner, Suman Pant is a Nepali citizen belongs to sexual and gender minority community. She married with an American citizen, Leslie Luis Melnic on 18 December 2015 in Sacramento County, Sacramento, California as court marriage while she was in American for study. They came Nepal in 2016 and Leslie

submitted an application for non-tourist visa in Department of Immigration of Nepal on 29 December 2016. The Department of Immigration did not issue non-tourist visa to her without providing explicit reason. Pursuant to Rule 8 (1)(h) of Immigration Rules, 1995, a foreign citizen married with Nepali citizen, having submission of marriage registration certificate, may be issued a non-tourist visa.

The petitioner filed a petition in the Supreme Court of Nepal requesting to quash the decision, if any, of the Department of Immigration in relation to this matter by issuing the writ of certiorari and issue a writ of mandamus to provide non-tourist visa to her spouse Leslie as the act or omission of the Department of Immigration violated her fundamental and legal right to life with dignity and found a family. The Supreme Court cited the provisions of Articles 6, 7, 9, 16, and 17 of the International Covenant on Civil and Political Rights as everyone has the right to recognition everywhere as a person before the law, right to life, live with dignity, found a family, right against torture, inhuman and degrading treatment, etc. The Supreme Court specifically refers the Convention on the Elimination of all forms of Discrimination Against Women, 1979 states that the comprehensive definition of 'discrimination' covers the provisions and practices of 'impairing and nullifying' and 'distinction, exclusion or restriction' in the enjoyment of the right to equality ensured by the Convention. The Supreme Court further states that this definition of discrimination seems to be applicable to the sexual and gender minority people. The Supreme Court also refers its previous precedents on Dilu Baduja and Sunil Babu Pant and concludes that under the broader purview of the human rights and the fundamental rights guaranteed by the Constitution of Nepal, discrimination against sexual and gender minority in the form of action or omission are illegal. The Supreme Court finally issued writ of Mandamus to the Department of Immigration and ordered to issue non-tourist visa to the spouse of the applicant upon submission of necessary documents and *sanakhatat* (verification) by the applicant that the visa applicant is the same person who got married with the applicant.

*Case 2: Bhagirath Dahal (Rajesh) Vs. The Government of Nepal*, Case No.: 066-CR-0848 (Human Trafficking) date of decision: 25 March 2015 (NKP 2017, Vol. 59, Issue 6 D.N. 9824, PP 1022-1043).

The Appellant, Mr. Bhagirath Dahal, sent the victim,...to Saudi Arabia instead of promised destination, Kuwait for foreign employment. The Appellant promised the victim that he will send her in Kuwait for baby care job with monthly salary NRs. 20,000/-. Instead of sending Kuwait he sent her Saudi Arabia and she was forcibly employed in prostitution. Sometimes later, she escaped and returned in Nepal and filed a First Information Report against the Appellant in human trafficking. District Court convicted Mr. Dahal for human trafficking and sentenced 12 years imprisonment with NRs. 2,00,000.00. Appellate Court also upheld the decision of District Court. Mr. Dahal filed appeal in the Supreme Court. The Supreme Court, in its final judgment cited Article 6 of the Convention on Elimination of all forms of Discrimination Against Women, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, Article 6(1) of

the International Covenant on the Civil and Political Rights, 1966 to which Nepal is a Party and soft law instruments UN Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power (1985), and Draft Convention of Justice and Support for Victims of Crime and Abuse of Power, and to the large extent upheld the decision of District and Appellate Courts but the the Supreme Court decided to provide compensation to the victim NRs. 2,00,000/–, based on the above mentioned instruments and principle on victims justice, even though prevailing law at the time of commission of offence had no such compensatory provision.

Case 3: *Narayan Mani Lamichhane Vs. Sarita Shrestha*, Case No.: 073-CI-0131 (Maintain Relationship), date of decision: 30 April 2017 (NKP 2017, Vol. 59, Issue 6 D.N. 9833 PP 1128-1136).

Mr. Narayanmani Lamichhane and Ms. Sarita Shrestha fell in love and had sexual relationship since February 2001. Mr. Lamichhane has also assured her that he had divorced with his previous wife 5-6 years before. Mr. Lamichhane helped her to get the job where she was working. They stayed as husband and wife but didn't register their marriage. On 31 July 2008, Mr. Lamichhane in order to convince her signed a deed stating that he had married Sarita and she is his wife. But on 18 May 2011 they had had discussion on this matter at Violence against Women Victim Community Service Center, Damauli. At that Meeting he refused to accept her as wife. She filed the case in District Court, Tanahun on 22 May 2011 to establish their relationship as husband and wife. He refused the relationship as husband and wife. However, the District Court established their relationship as husband and wife on 11 July 2013. Mr. Lamichhane appealed against the decision of District Court in the Appeal Court, Pokhara and the Appellate Court upheld the decision of the District Court. Mr. Lamichhane filed application for revision of the case in the Supreme Court. While responding the questions as to why she did not mention her husband's name while applying for job and why she did not obtain her citizenship certificate in her husband's surname, the Supreme Court stated that under Article 16 of the CEDAW, woman has right to choose her family name and surname. The Supreme Court stated that not to mention husband's name in the job application form or not to obtain citizenship certificate based on her husband's surname does not make any significant effect in the establishment of husband and wife relationship. Finally, the Supreme Court upheld the decision of the District and Appellate Court.

### Annex III

#### Representation of Women in Politics

Table 1  
Representation of Women in the House of Representatives

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

Source: Election Commission 2017

Table 2  
Representation of Women in the National Assembly

S.N.	Province	Elected		Total
		Female	Male	
1.	Province 1	3	5	8
2.	Province 2	3	5	8
3.	Province 3	3	5	8
4.	Gandaki Province	3	5	8
5.	Province 5	3	5	8
6.	Karnali Province	3	5	8
7.	Province 7	3	5	8

	Nominated	1	2	3
	Total	22	37	59
	Percentage	37.29	62.71	100

Source: Election Commission 2017

**Table 3**  
**Representation of Women in the Province Assembly**

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

Source: Election Commission 2017

**Table 4**  
**Representation of Women in the Local Executive**

S. N.	Sex	Chair/Mayor	Percentage	Vice Chair/Deputy Mayo	Percentage	Ward Chairperson	Women member	Dalit Women Member	Others	Total	Percentage
1	Female	18	2.39	700	92.96	61	6742	6567	264	14353	40.96
2	Male	735	97.61	53	7.04	6681	0	0	13220	20689	59.04

	Total	753	100	753	100	6742	6742	6567	134 84	350 41	
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Source: Election Commission 2017

## Annex IV

### Representation of Women in Public Sector

Table 5  
Representation of Women in Civil Service

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

Source: Department of Civil Personnel Records, 2018

## Annex V

### The number of girls entering technical and vocational education and training

Table 6

#### The number of girls entering technical and vocational education and training and the nature of the course pursued

Academic year 2014/15			Academic year 2015/16			
Programme	Male	Female	Total	Male	Female	Total
Health	2,989	6,751	9,540	2,701	6,845	9,546
Engineering	3,500	507	4,007	3,632	555	4,187
Agriculture	1,167	724	1,891	1,434	867	2,302
Hospitality	72	36	108	71	29	100
Total	7,532	8,014	15,546	7,839	8,295	16,135
Special Health	489	391	480	70	170	240
Engineering	441	36	477	144	23	167
Agriculture	211	146	357	14	24	38
Other	0	0	0	20	19	39
Grand Total	8,373	8,587	16,960	8,087	8,531	16,619

Source: Council for Technical Education and Vocational Training 2017

Table 7

**The number of girls entering technical and vocational education and training under the special scholarship program for the Dalit and Muslim girls for the fiscal year 2016/17**

S.N	Name of Diploma program	Mountain and Hill District Muslim Girls	Two Terai Districts				Far and mid western district		Grand Total
			Jhapa		Chitwan		per district quota	total	
			Dalit	Muslim	Dalit	Muslim			
1.	Diploma entrepreneurship	5	6	2	5	2	5	20	40
2.	Diploma in Agriculture	5	6	2	5	2	5	20	40
3.	Diploma in Civil Engineering	5	6	2	5	2	5	20	40
4.	Diploma in Auto mobile Engineering	5	6	2	5	2	5	20	40
5.	Diploma in Pharmacy	10	12	4	10	4	10	40	80
6.	Diploma in Nursing	15	10	4	8	3	10	40	80
7.	Intermediate level General Medical Science	15	10	4	8	3	10	40	80
	<b>Grand Total</b>	<b>60</b>	<b>56</b>	<b>20</b>	<b>46</b>	<b>20</b>		<b>200</b>	<b>400</b>

Source: Council for Technical Education and Vocational Training 2017