



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

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Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Nepal, at the Committee's seventy-first session, held in November 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/NPL/CO/6](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 51 on follow-up to the concluding observations, the Committee requested Nepal to 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) of the concluding observations.

The Committee welcomes the follow-up report received in February 2021 ([CEDAW/C/NPL/FCO/6](#)) under the CEDAW follow-up procedure. At its seventy-ninth session, held remotely due to the ongoing COVID-19 pandemic in June 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 31 (a)** of the concluding observations, urging the State party to **“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 ([A/HRC/31/9](#), paras. 122.2, 122.67–70 and 123.23)”**:

The Committee notes the information by the State party that constitutional provisions on the acquisition of citizenship and that the Act Relating to Children grants birth registration for children. However, the Committee regrets the lack of information on steps taken to amend or repeal all discriminatory provisions in the Constitution, such as articles 11 (3), 11 (5) and 11 (7), which limit women's autonomy with regard to nationality and the ability to transmit citizenship through marriage and to their children. The Committee considers that the State party has taken no action to implement the recommendation. It considers that the recommendation has **not been implemented**.

The Committee notes that the information provided by the State party information received from the State party is vague and incomplete and that it fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

In relation to the recommendation made in **paragraph 31 (b)** of the concluding observations, urging the State party to **“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**

His Excellency  
Mr. Mani Prasad Bhattarai  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Nepal  
to the United Nations Office at Geneva

Email: [mission.nepal@bluewin.ch](mailto:mission.nepal@bluewin.ch)

**line with the Convention, including by removing requirements regarding consent and assistance of the husband or the husband's family and documentation of the whereabouts and identity of the husband;”:**

The Committee welcomes the information by the State party on the adoption of the National Identity Card and Registration Act in 2020, which replaced the Birth, Death and other Personal Event Registration Act and abolished the requirement of consent and assistance by the husband or the husband's family to register a child's birth. The Committee takes note of the information that the Act allows the father, the mother, or any family member, in case of the absence of the parents, to register the child after thirty-five days of the birth. However, the Committee is concerned that unmarried women, young mothers and women without citizenship face additional barriers in registering their child's birth. The Committee notes with appreciation the Presidential Ordinance, issued in May 2021, to the Nepal Citizenship Act, 2006. In accordance with this Ordinance, citizenship can be granted to children of Nepali parents who acquired citizenship by birth; and to the children of Nepali mothers whose (child's) father is not identified. According to information before the Committee, the Ordinance clarifies and facilitates procedures to obtain citizenship by eligible persons whose father is not known through self-declaration by mother or when the mother has died through self-declaration of the person. Nevertheless, the Committee remains concerned that the amendment bill to the Citizenship Act has not been adopted yet by the Federal Assembly since its submission in 2018. The Committee considers that the State party has taken substantial action towards the implementation of the recommendation, but that this action fails to respond fully to the recommendation. It considers that the recommendation has been **substantially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 31 (a)–(b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**(a) 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; and**

**(b) Harmonize its legalization and accelerate the adoption of the bill to amend the Citizenship Act and the related rules to ensure that women, in particular single mothers, are not denied citizenship certificates and registration of their children.**

In relation to the recommendation made in **paragraph 43 (b)** of the concluding observations, urging the State party to “**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 of the Criminal Code on the minimum age of marriage**”:

The Committee takes note of the information by the State party that the National Identity Card and Registration Act requires within thirty-five days the registration of all marriages by both partners, as well as divorces by either side. Nevertheless, the Committee remains concerned about the lack of measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages. The Committee notes the information that the State party has been implementing Criminal Code since its entry into force in August 2018 which declares child marriages null and void. However, the Committee regrets the lack of detailed information on such implementation, particularly while taking into account that the



provisions of the Civil Code is not in line with the Criminal Code, and that section 173 (1) and (3) of the Criminal Code imposes punishments on children in early marriages. The Committee considers that the State party took steps towards the implementation of the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regard to the recommendation made in **paragraph 43 (c)** of the concluding observations, urging the State party to **“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 relationships;”**:

The Committee notes the information on the implementation of the national strategy to end child marriage (2016), which was based on multi-sectorial approach and included a systemic review of laws and policies to harmonize laws in the areas of property rights and gender-based violence. The Committee takes note that, according to the Multiple Indicator Cluster Survey (MICS) 2019, women aged 20-24 who are married before 18 years of age has decreased from 49.5 % in 2014 to 32.8 % in 2019. Similarly, reduction can be seen among girls age 15-19, which decreased from 24.5 in 2014 to 19.3 in 2019. However, the Committee remains concerned about the lack of action or information to ensure that children in early marriages are not punished and that they have access to their rights upon termination of those relationships. Thus, the Committee considers that the State party has taken substantial action towards the implementation of the recommendation, but that this action fails to respond fully to the recommendation. It considers that the recommendation has been **substantially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 43 (b) and (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

(a) **Adopt legal measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages and fully implement the provisions of the Criminal Code on the minimum age of marriage;**

(b) **Continue its efforts to eradicate the practice of child marriage and to ensure that children in early marriages are not punished and that they have access to their rights upon termination of those relationships.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Louiza Chalal

Rapporteur on follow-up

Committee on the Elimination of Discrimination against Women