

Distr.: General  
16 March 2018

Original: English

**ADVANCE UNEDITED VERSION**

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## **Committee on the Elimination of Discrimination against Women**

**Seventy-first session**

22 October-9 November 2018

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

### **List of issues in relation to the sixth periodic report of Nepal**

#### **Legal status of the Convention and definition of discrimination**

1. The State party report indicates that in 2015 a new Constitution was promulgated by the Constituent Assembly and that now discrimination on any ground is prohibited (paras. 2 and 8).<sup>1</sup> The report also indicates that a specific piece of legislation titled “Some Nepal Acts Amendment Act to end gender-based violence and maintaining gender equality, 2015” has repealed remaining gender discriminatory legal provisions and thus “brings 88 legal provisions in conformity with the principles of gender of equality adopted by the Constitution and the CEDAW” (para. 11). However, the report is silent on specific measures taken to review relevant laws to align the definition of discrimination with Article 1 of the Convention (CEDAW/C/NPL/CO/4-5, paras. 9 and 10). Please provide information on the steps taken, including the timeframe, to amend legislation in order to include a definition of discrimination against women in line with article 1 of the Convention. Please state the number of instances when domestic courts have made reference to the provisions of the Convention.

2. In accordance with the State party’s obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1 (SDG Indicator 5.1.1) to end all forms of discrimination against all women and girls everywhere, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor gender equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding legislation that governs the system for the collection, sharing and analysis of data disaggregated by sex, age, caste, ethnicity, disability, and geographic location, pertaining to all areas covered by the Convention. What concrete steps are being taken to address intersectional and multiple forms of discrimination of women and girls on the basis of caste, class and ethnicity, which are prevalent in Nepalese society, particularly among Dalit and indigenous women and girls? What measures are being taken to effectively carry out a law reform process to ensure harmonisation of the provisions of the Convention with State party laws on gender-equality and non-discrimination?

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party (CEDAW/C/NPL/6).

*Note:* The present document is being circulated in English, French and Spanish only.

**Access to justice**

3. Please provide information on measures taken to improve access to justice for women and girls who are victims of discrimination, gender-based violence including domestic violence. Please provide information on the legal aid regime that is in place and the extent to which women can access legal aid, in line with General Recommendation No. 33 (2015) on women's access to justice. Please state the measures, and provide data, being taken to improve the implementation rate of court judgements related to gender equality and women's empowerment, which is reportedly low, and to ensure that the government complies with such judgments. Please provide information on whether the judiciary collects gender disaggregated data based on adjudicated cases addressing gender equality and non-discrimination.

**National machinery for the advancement of women**

4. Please indicate whether the recent legislative changes of the National Women Commission, which upgraded it to a constitutional body, have also resulted in increased financial resources, personnel, autonomy, independence and accountability (para. 13). Please provide an update on efforts by the Ministry of Finance to institutionalise gender-responsive budgeting system as a mandatory provision in the formulation of national budgets and measures to involve Gender Focal Units to monitor its implementation (para. 17). Please state if gender-budgeting has been integrated at both provincial and local levels.

**Women, peace and security**

5. The report indicates that the State party is implementing its National Plan of Action on Implementation of the United Nations Security Council Resolution (UNSCR) 1325 and 1820 (2011/12-2015/16). Please provide information on the obstacles that impede women's participation in conflict prevention, management and resolution and the measures being taken to address them. Please state the measures that have been taken to (a) address impunity for crimes of rape and other sexual violence committed during the armed conflict and provide data on such measures; (b) comply with the decision of the Supreme Court of 2015 to amend amnesty provisions of the Truth and Reconciliation Commission Act of 2014, and to reinstate criminal proceedings for conflict-related sexual violence that were withdrawn; and (c) ensure a zero tolerance policy for sexual exploitation of women and girls by the State party's security personnel including border police, immigration officials, and peacekeeping personnel.

**Temporary special measures**

6. The Committee in its previous concluding observations (CEDAW/C/NPL/CO/4-5, para. 15), expressed concern that the State party did not systematically apply temporary special measures as a necessary strategy to accelerate the achievement of de facto equality between men and women in line with its General Recommendation No. 25 (2004) on temporary special measures. What measures are being taken, including training, to ensure that legislators, judges and law enforcement officials can acquire conceptual clarity of substantive equality? Please provide information on the specific temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women, particularly in the public sector, and the extent of their effectiveness. Please state the measures being taken to introduce legislation on temporary special measures for women, and addressing the inequality and discrimination experienced by disadvantaged groups of women particularly *Dalit* and indigenous women and girls.

**Stereotypes and harmful practices**

7. The Committee in its previous concluding observations expressed concern about deep-rooted stereotypes and patriarchal attitudes that discriminate against women, which are entrenched in the State party's social, cultural, religious, economic and political institutions and structures, including the media (CEDAW/C/NPL/CO/4-5, para. 17). Please provide information on the concrete measures being taken to eradicate stereotypes that perpetuate discrimination against women such as son preference and the restriction on lactating mothers, up to two years, from seeking foreign employment. What steps have

been taken to develop policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large?

8. The report indicates that the State party, in collaboration with civil society organisations, is implementing campaigns to address a number of harmful practices such as forced and early marriages and accusations of witchcraft (*boxi*) (para. 27). However, information before the Committee indicates that despite the prohibition of child marriages by law, the practice remains common in the State party. Please provide information on the measures taken under the National Strategy to End Child Marriage adopted in 2016 to eradicate the practice of child marriages and to amend the Penal Code which punishes minors for marrying below the minimum legal age of marriage. What measures are being taken to harmonise the Civil Code and the Criminal Code, which have contradictory provisions with regard to the legality of a child marriage? Please also provide information on (a) progress achieved in eradicating the practice of *Chhaupadi* (isolating menstruating women and girls) following the issuance of directives by the Supreme Court of Nepal in 2005; (b) concrete measures taken to protect and reintegrate former *Kamlaris* (girls who were offered for domestic work to families of landlords); (c) measures to eradicate the *deuki* tradition (offering girls to deities to fulfil religious obligations), and (d) measures being taken to address forced inter-sex genital mutilation and discrimination against inter-sex persons, including reported cases of abuse, infanticide and forced marriage.

#### **Violence against women**

9. The report states that a National Steering Committee under the Prime Minister to address gender-based violence has been operational in speeding up measures for effective implementation and monitoring (para. 32). The report further states that the Gender Coordination and Empowerment Unit has assumed the lead role in mobilising national capacity for managing and monitoring reported cases of violence against women (para. 32). Please provide information on challenges and achievements in the operationalization of the “GBV Information Management System (GBVIMS)” in order to collect nationwide data on cases of different types of violence against women and girls including domestic violence (para. 36). Please provide an update on the results following the implementation of the Sex and Gender-Based Violence and Gender Empowerment Strategy and Work Plan (2012/13-2016/17) (para. 41). Please also state the progress made to raise funds for the “GBV Elimination Fund and Emergency Child Rescue Fund”.

10. Please provide information on the number of cases involving violence against women including domestic violence that have been reported, investigated, prosecuted and the nature of sanctions imposed on perpetrators. Please indicate whether the State party has any plans to further extend the statutory limitation beyond 6 months for the crime of rape or to eliminate it in order to fight impunity (para. 35). What measures are being taken to combat marital rape, including to increase sanctions so that they are commensurate with the gravity of the crime? Please also provide updated information on the current situation with regard to support services, protective measures and shelters available to women and girls in all regions of the State party, including by disadvantaged groups of women such as *Dalit* and indigenous women and girls.

#### **Trafficking and exploitation of prostitution**

11. Please provide information on the concrete steps being taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and to integrate its provisions into domestic law. Information before the Committee indicates that women and girls are trafficked for purposes of sexual exploitation and domestic work. Please provide information on the progress and challenges in the implementation of the National Plan of Action to Combat Trafficking in Persons of 2011 and the National Plan of Action against Trafficking in Women and Children of 2012 to combat all forms of trafficking in women and girls (para. 47). The report indicates that a fund for the rehabilitation of survivors of trafficking has been established in each district (para. 48). Please provide information on the number of women and girls who are victims

of trafficking that have benefited from the rehabilitation fund. What measures are being taken to increase the number of rehabilitation homes and centres, and what services exist for victims of trafficking in the State party, particularly women and girls? Please provide details on efforts to provide support to women and girls at risk of trafficking following the earthquake in 2015 and specifically on existing mechanisms for access to justice and alternative livelihood options. Please also provide updated information on any measures taken, including entering into bilateral and regional agreements with neighbouring countries in order to combat trafficking in women and girls (CEDAW/C/NPL/CO/4-5, para. 22(d)).

### **Participation in political and public life**

12. In its previous concluding observations, the Committee expressed concern about the low representation of women, particularly *Dalit* and indigenous women, in high-level decision-making positions, public service, the judiciary, the diplomatic service (CEDAW/C/NPL/CO/4-5, para. 23) and in academia. Please provide information on the representation of women in these areas and the specific measures that the State party is taking to address their underrepresentation. The report in para. 52 indicates that in 2016 the government submitted an amendment on the Local Bodies' Election (Procedure) Act, 1991, which seeks to ensure at least 50 per cent candidacy of women from each political party in the election. Please provide information on the status of the amendment bill and whether sanctions for non-compliance are envisaged. Please state if any measures are being taken to reform electoral quotas to ensure that specific quotas are introduced to allow women to participate in the two electoral systems in order to grant them the opportunity to contest in elections. What other strategies and programmes are in place to address obstacles for women such as discriminatory cultural and traditional beliefs and gender stereotypes that prevent them from participating in political and public life?

### **Nationality**

13. In its previous concluding observations, the Committee expressed concerns, inter alia, regarding (a) the obstacles affecting women in the transfer of citizenship to their children and foreign husband and married women who wish to obtain citizenship certificates and; (b) the persistence of underlying conditions obstructing access to citizenship, including poverty, geographic isolation and onerous administrative requirements (CEDAW/C/NPL/CO/4-5, para. 25). Please provide updated information on the steps taken to address these concerns, particularly ensuring that women can transmit nationality on an equal basis as men. Please provide information on measures being taken to remove the restrictions placed on women by the Constitution of 2015 to independently pass on their citizenship to their children and remove all administrative obstacles that impede women from obtaining citizenship certificates in order to prevent statelessness. Please also provide information on measures being taken to ensure universal birth registration in the State party. What steps are being taken to amend the Birth, Death and Other Personal Events Act of 1976 to remove barriers for women to independently register the birth of their children?

### **Education**

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

levels for disadvantaged groups of women and girls, including indigenous, *Dalit*, and women and girls with disabilities.

### **Employment**

15. Please provide information on measures being taken to eliminate horizontal and vertical segregation in the labour market, reduce the gender wage gap in the public and private sectors. The report indicates in para. 80 that the agricultural sector remains the main employer with 75 per cent of women engaged in agricultural occupations where 10 per cent are paid in kind. Please indicate the steps taken to ensure access to social protection and benefits, including their right to basic health care, for women in the informal sector. What measures are being pursued to eliminate wage discrimination between men and women, especially in the informal sector? Please also provide data on the number of complaints filed and investigated under the Sexual Harassment at Workplace (Offence and Punishment) Act, 2014 (para. 83). What steps are being taken to effectively implement this law?

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

### **Health**

17. The report indicates that the implementation of the Safe Motherhood and Newborn Health Long Term Plan (2006-2017) has brought positive impacts on “infrastructure development and delivery of maternal health services at rural level” (para. 87). Please describe the specific impacts that the Safe Motherhood and Newborn Health Long Term Plan (2006-2017) has had in reducing maternal and child mortality, and the measures being taken to adopt a new plan. Please also provide information on access to health services for women victims of the earthquake in 2015 and the existence of an integral health policy for women and girls with disabilities, including facilities for leprosy and cancer rehabilitative services.

18. The report states that the HIV Investment Plan 2014-2016 was implemented with a view to ensuring gender-sensitivity in addressing sexually transmitted infections, HIV/AIDS and sexual and reproductive health issues (para. 92). Please provide information on measures being taken to adopt a new plan and to ensure that an assessment is conducted regarding the challenges and opportunities in implementing the 2014-2016 plan. Please provide (a) data, disaggregated by age group, on the number of women and girls who are HIV positive in the State party, and (b) information on measures to increase the availability of contraception, particularly in rural areas. What steps are being taken to amend the Country Code (Muluki Ain) to decriminalise abortion in all cases? Please also provide an update on progress made to adopt the Reproductive Health Bill. Please also provide information on whether sexual and reproductive health education is (a) targeted at both girls and boys; (b) pays special attention to the prevention and control of sexually transmitted infections; and (c) easily available in remote and rural areas.

### **Rural women and disadvantaged groups of women**

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

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

**Disaster risk reduction and climate change**

21. Following the earthquake in 2015, please provide information on the steps being taken to ensure that all humanitarian preparedness and response programmes and policies are gender-responsive and address specific need of women and girls during and after emergencies. What steps are being taken to ensure the full participation of women in the development and implementation of policies and strategy on climate change mitigation and adaptation? What steps are being taken to develop gender disaggregated databases in the federal, provincial and local levels of government, on impact of disaster and post-earthquake response on women and girls?

**Marriage and family relations**

22. In light of the Committee's previous concluding observations (CEDAW/C/NPL/CO/4-5, para. 43), please provide information on progress achieved in revising discriminatory laws that perpetuate bigamy, unequal inheritance rights for married daughters and unequal share of marital property upon dissolution of marriage.

**Amendment to article 20 (1) of the Convention**

23. Please indicate any progress made with regard to the amendment to article 20 (1) of the Convention.

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