

Nepal

CEDAW, A/59/38 part I (2004)

179. The Committee considered the combined second and third periodic report of Nepal (CEDAW/C/NPL/2-3) at its 630th and 631st meetings, on 13 January 2004 (see CEDAW/C/SR.630 and 631).

Introduction by the State party

180. In introducing the combined second and third periodic report of Nepal, the representative of Nepal reiterated the State party's full commitment to the implementation of the Convention, which was basic to the country's development efforts and a source of inspiration for developmental interventions aimed at achieving substantive equality for women and the elimination of all forms of discrimination against women. Civil society and development partners had collaborated with the Government in the preparation of the national report. They had also supported resource generation and social mobilization during the implementation of the Convention. That collaboration encouraged the creation of an enabling environment, gender sensitization and institutional development at the national and the village levels.

181. The representative highlighted the positive developments in Nepal since the ratification of the Convention in 1991. Women's socio-economic empowerment was well under way, gender issues were being integrated into sectoral development policies, and development partners agreed on the need to place gender issues at the top of the national agenda.

182. Equality between women and men, women's empowerment and gender mainstreaming were targets of overall development. To achieve those targets, several policies and strategies had been implemented, including formulation of the National Plan of Action on Gender Equality and Women's Empowerment; approval of a plan of action on the Convention; formulation of a national human rights action plan; approval of the National Strategy on "Education for All", aimed at eliminating gender disparity in education by 2005 and achieving gender equality by 2015; review of the existing Plan of Action against Trafficking; and preparation and finalization of the South Asian Association for Regional Cooperation Social Charter.

183. Moreover, initiatives had been undertaken in relation to governance reform, including formulation of a road map for gender-responsive governance; introduction of "mobile government" aimed at providing essential services for rural communities; establishment of a committee on reservations for marginalized communities, including women in the civil service, aimed at ensuring equal representation of

women in decision-making positions in the civil service; and provision of more opportunities for women in foreign employment.

184. Turning to institutional development, the representative stated that the National Human Rights Commission, the National Commission on Women, and the National Dalit Commission had been established. Furthermore, the capacity of gender focal points had been strengthened in order to achieve gender responsiveness in ministries. Women's development offices had been institutionalized as gender focal agencies at the district level, and a women's caucus had been established in Parliament.

185. Discriminatory laws had been reviewed by an expert Committee and a report thereon had been submitted to the Prime Minister, who had sent it to the Ministry of Women, Children and Social Welfare for the necessary action, and the procedure for safe abortion had been effectuated. A bill on domestic violence and an amendment bill on human trafficking (control) had been submitted to Parliament. Economic opportunities for women had been expanded. Other initiatives included the incorporation of gender budgeting in the national budgetary mechanism and the formulation of a programme to support families, especially women and children, affected by conflict and violence.

186. The representative noted that, despite significant progress achieved in the advancement of women, major sociocultural, governance, economic, legal and psychological challenges remained. Sociocultural challenges included the prevalence of traditional culture and customs leading to patriarchy; discriminatory social practices, negative attitudes and gender stereotypes; the prevalence of gender-based violence and the subordination of women in society; the lack of adequate gender awareness and awareness of women's rights; and the marginalization of women's issues. Challenges in the governance sector included non-existent or insufficient implementation of international instruments; insufficient institutional capacity of the government machinery for policy and programme implementation and the lack of effective law enforcement; the need to mainstream gender concerns into governance; the need to institutionalize cooperation with civil society and other partners; and the need to provide effective service delivery for marginalized sectors of the population.

187. With regard to economic challenges, the representative noted a lack of equitable access for women to productive resources in comparison with men, the feminization of poverty and the marginalization of rural women. Legal challenges included the prevalence of discriminatory legal provisions and lengthy amendment processes as well as inadequate gender sensitivity and

gender responsiveness in the legislative process. Finally, with regard to psychological challenges, the representative underlined the lack of adequate knowledge and skills to internalize the issues of gender and empowerment of women; the low participation and support of men in gender and women's issues; the lack of family and community support for increasing the psychological status of women; and the subordination of women in social and economic activities.

188. The representative described the road map for the implementation of the plan of action on the Convention and concluded by stressing the importance placed by Nepal on the elimination of discrimination against women as a way to develop the whole society. The necessity of international cooperation and assistance for the effective implementation of the Convention in the country was also emphasized.

Concluding comments of the Committee

Introduction

189. The Committee commends the State party for its combined second and third periodic report, which was frank, informative and straightforward and complies with the Committee's guidelines for the preparation of reports.

190. The Committee commends the State party for its high-level delegation, headed by the Minister of State for Women, Children and Social Welfare, and appreciates the fact that the delegation included the Chairperson of the National Commission on Women, a woman member of the Human Rights Commission, a woman member of the National Dalit Commission and representatives of different ministries with responsibility for the implementation of the Convention. It expresses appreciation to the State party for the written responses to the issues and questions posed by the Committee's pre-sessional working group and the frank oral presentation made by the delegation.

191. The Committee notes with satisfaction that the National Plan of Action on Gender Equality and Women's Empowerment covers the 12 critical areas of concern identified in the Beijing Platform for Action.

Positive aspects

192. The Committee commends the State party for identifying gender equality as a priority in its national development plan and welcomes new laws and legal reforms, such as the Country Code (Eleventh Amendment) Act, which, inter alia, enhances women's right to property; the Legal Aid Act, under which free legal aid is available in cases of abortion, trafficking, sexual exploitation and domestic violence; the Civil Service (First Amendment)

Act, containing special provisions with regard to entry regulations, career development and conditions of service for women; and the Local Self-Governance Act, which includes a quota of at least 20 per cent representation by women in local bodies. The Committee also commends the efforts made towards implementation of the Convention through a wide range of plans and programmes, including the National Plan of Action on Gender Equality and Women's Empowerment, the National Plan of Action on Education and the Second Long-Term Health Plan.

193. The Committee commends the State party for establishing the Ministry of Women, Children and Social Welfare and for creating several other institutional mechanisms, including the National Commission on Women, gender focal points in other ministries, a National Human Rights Commission, the National Dalit Commission and a national committee to monitor the implementation of the Convention.

194. The Committee commends the State party's partnership with civil society on women's issues and its cooperation with civil society in disseminating information on the Convention, including the concluding comments that followed the consideration of the initial report. It welcomes the fact that these concluding comments were translated into Nepali to foster a better understanding of the human rights of women.

195. The Committee acknowledges that the judiciary has rendered a number of gender-sensitive decisions, thereby contributing to enhancing the status of women and protecting their rights in the territory of the State party.

Principal areas of concern and recommendations

196. While noting that a high-level committee has submitted a report identifying remaining discriminatory laws to the Prime Minister and that the Ministry of Women, Children and Social Welfare has been directed to take immediate action, the Committee reiterates the concern already expressed in the concluding comments on the initial report that the State party has not taken sufficient action to amend prevailing discriminatory laws.

197. The Committee urges the State party to expedite action and to establish a specific timetable for amending discriminatory laws without further delay in order to comply with its obligation under article 2 of the Convention.

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.

200. While appreciating the work undertaken by the Ministry of Women, Children and Social Welfare, the Committee expresses concern that the national machinery for the advancement of women does not have sufficient financial and human resources to effectively promote the advancement of women and gender equality.

201. The Committee recommends that the State party strengthen the existing national machinery for the advancement of women, inter alia, by providing it with adequate financial and human resources.

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. It is also concerned about the dissolution of the House of Representatives since May 2002, as this has an adverse impact on the capacity of the State party to implement the Convention, in particular in respect of the passage of legislation.

203. The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence. The Committee also calls on the State party to ensure that legislative functions are not abandoned or neglected to the detriment of women in the period until the House of Representatives is reconvened. It encourages the State party to prepare a legislative agenda for action by Parliament.

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men. It is concerned about the low female enrolment in primary and secondary schools, high dropout rates and the very limited access for women to tertiary education. The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and

women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.

206. The Committee is concerned at the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and by deep-rooted patriarchal attitudes and conduct based on the assumed superiority of men in the public and private spheres and the strong perception that women are weak and vulnerable, which undermine women's social status and are an obstacle to the implementation of the Convention. The Committee expresses its particular concern at the situation of widows who are often marginalized and vulnerable to violence and economic deprivation as a result of entrenched mindsets.

207. The Committee urges the State party to intensify its efforts to eliminate discriminatory cultural practices and stereotypes. It also urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to men as well as women, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres. The Committee requests the State party to adopt measures to ensure that widows are able to enjoy their human rights and to improve their situation, including through job training, loan opportunities and counselling services and sensitization programmes aimed at ending the stigmatization of widows within the family and in the community.

208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and *badi* (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely.

209. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child

marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence.

210. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the continuing prevalence of this problem in Nepal. It is also concerned about the large discrepancy between reported instances of trafficking and the actual number of cases brought to court. It is further concerned that the enactment of the amendment to the Human Trafficking (Control) Act has been delayed.

211. The Committee urges the State party to intensify its efforts to address trafficking in women and girls. It recommends that its anti-trafficking strategy should include measures of prevention, the prosecution and punishment of perpetrators and increased international, regional and bilateral cooperation. The Committee requests the State party to provide in its next report information about the legal and actual situation with respect to trafficking in women and girls.

212. The Committee is concerned at the status of women's health, particularly rural women. The Committee is concerned that women have a lower life expectancy than men and that there are high maternal and infant mortality rates. It is also concerned that women's health is adversely affected by factors such as early marriage and early pregnancy, inadequate family planning services and illiteracy, which is an obstacle to obtaining and effectively using health-related information. It is further concerned at the lack of research on women's health and data disaggregated by sex.

213. The Committee recommends that the State party take further measures to improve the access of women, particularly rural women, to health-related services and information, including in regard to sexual and reproductive health, in an effort to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods, bearing in mind that family planning should be the responsibility of both partners.

It further recommends that sex education be widely promoted, particularly targeting boys and girls, with special attention to the prevention and further control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to conduct research on women's health and to provide sex-disaggregated data on access to health in its next report.

214. While noting the 5 per cent constitutional minimum for the fielding of women candidates for elections by political parties, the Committee is concerned at the very poor representation of women in decision-making positions in the political and administrative spheres. It is also concerned at the very low numbers of women within the judiciary as well as the nominal participation of women at the international level.

215. The Committee recommends that the State party intensify its efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party undertake awareness-raising campaigns on the importance of women's participation in decision-making.

216. The Committee is concerned that women's access to land is still more limited than that of men.

217. The Committee requests the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to land.

218. The Committee is concerned at the lack of information in the report about refugee women in camps in Nepal. In particular, it is concerned that women may be denied the possibility of applying for refugee status as individuals in their own right. The Committee is also concerned at information about inadequate protection and redress from gender-based violence in refugee camps.

219. The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee women in Nepalese camps, including in respect of the registration process for refugees and the means used to protect refugee women from gender-based violence and the avenues available for redress and rehabilitation.

220. The Committee regrets that the report provides insufficient statistics and sex-disaggregated data, in particular detailed information on the scope of the programmes and the impact of the measures taken by the State party to eliminate discrimination against women.

221. The Committee recommends that the State party's next report contain more specific and analytical information on the situation of women, supported by sex-disaggregated data describing the results achieved.

222. The Committee urges the State party to ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the meeting time of the Committee.

223. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in 2004, and its fifth periodic report, due in 2008, in a combined report in 2008.

224. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.

225. The Committee requests the wide dissemination in Nepal of the present concluding comments in order to make the people of Nepal, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".