

NEPAL

CEDAW A/54/38/Rev.1 (1999)

117. The Committee considered the initial report of Nepal (CEDAW/C/NPL/1) at its 434th and 439th meetings, on 15 and 18 June 1999 (see CEDAW/C/SR.434 and 439).

(a) Introduction by the State party

118. The representative of Nepal informed the Committee that there was an addendum to the initial report of Nepal, which highlighted developments since the submission of the report in May 1997. He noted that in the past nine years, Nepal had ratified several international treaties, including those dealing with human rights. In conformity with the provisions of those instruments, Nepal had abolished the death penalty. The Nepal Treaties Act of 1990 provided that the provisions of an international treaty to which Nepal was a party, which was inconsistent with a national law, should supersede the national law to the extent of such inconsistency. Several decisions of the Supreme Court had also determined that such inconsistencies should be resolved in accordance with treaties.

119. The representative informed the Committee that human rights in Nepal had developed on the basis of equality. He noted that part three of the Constitution of Nepal addresses fundamental human rights. Despite those constitutional provisions, both de jure and de facto discrimination still existed in Nepal. Statutes based on traditional practices and customs that were discriminatory and inconsistent with the present Constitution still existed, including the Muluki Ain, which restricted women from independent use of their property and inheritance of parental property.

120. The representative noted that although women constituted 9.2 million, or 50.13 per cent of the total population of 18.5 million, Nepalese women faced sociocultural and economic discrimination and there were no female ministers in the present cabinet of Nepal. He informed the Committee that Nepal was multi-ethnic, multilingual and diverse, thus the status of women varied between ethnic communities. However, the traditional system of most communities in Nepal was patriarchal. The representative noted that inequality between women and men arose because of poverty, illiteracy, traditional norms and stereotypes nurtured by the patriarchal system. He informed the Committee that half of the total population of Nepal still lived in abject poverty and nearly 90 per cent lived in rural areas.

121. The representative drew attention to the eighth plan of the National Planning Commission and the provisions of article 11 (2) (3) of the Constitution, which provided for temporary special measures so that women-specific targeted development policies could be adopted in order to integrate women in the national development programmes and ensure participation in socio-economic and political sectors. Some of the programmes established under the eighth plan include the hiring of 4,150 teachers as well as free education for females. In the area of health, training programmes geared towards the improvement of the local delivery system were organized for maternal and child health-care workers, female health volunteers and traditional birth attendants. Recognizing that 57 per cent of Nepalese women were engaged in agriculture, the Government

established a Women Farmer's Division within the Ministry of Agriculture. Women-targeted income-generating programmes were also set up in the area of forestry and industry. In the area of trafficking, the representative noted that Nepal had established a self-reliance and rehabilitation programme for victims of trafficking and vulnerable girls. The victims underwent a six-month training programme.

122. The representative noted that despite efforts to improve the situation of women in Nepal, challenges remained with regard to policies and programmes. These included the lack of an effective monitoring and evaluation system, a high maternal mortality rate of 53.9 to every 10,000 births. He also noted that the average life expectancy of Nepalese women was 53.4 years, while that of the men was 55.9 years. The female literacy rate in Nepal was about 30 per cent, compared with 66 per cent for men.

123. The representative informed the Committee of Nepal's long-term concept, which dealt with the creation of a developed society on the basis of gender equality, women's empowerment and participation through gender mainstreaming in all sectors of national development. The ninth plan, 1997-2002, was directed at gender mainstreaming, including through the assessment of women's contribution to household labour within the national accounting system, development of gender-disaggregated indicators to measure women's participation in development and effective coordination between agencies and bodies engaged in the field of women's development

124. With regard to the elimination of gender inequality, the representative informed the Committee that laws and regulations that discriminated between women and men would be reviewed by a task force set up under the Ministry of Women and Social Welfare. The Ministry had formulated a national plan of action for the empowerment of Nepalese women. The plan of action was designed to create awareness among planners, policy makers and politicians on gender development issues. The Ministry would increase the number of women in Government and public service sectors through classes organized by the Government and non-governmental organizations (NGOs).

125. In reviewing the Beijing Platform for Action, the Gender Equity and Women's Empowerment National Work Plan 1997, which address the 12 critical areas of the Platform, was formulated. The representative informed the Committee that a national fund, which would provide access to credit for Nepalese women, would also be established. Concluding the presentation, the representative noted that Nepalese women still suffered discrimination, but Nepal was committed to the goal of eliminating all forms of discrimination.

(b) Concluding comments of the Committee

Introduction

126. The Committee expresses its appreciation to the Government of Nepal for submitting its initial report, which follows the guidelines of the Committee. It also commends the Government on the addendum to the initial report, which updates the report and for the oral presentation of additional information. The Committee notes, however, that the report does not include sufficient reliable statistical data disaggregated by sex, and provides insufficient information relating to the implementation of a number of articles in the Convention.

127. The Committee welcomes the fact that Nepal ratified the Convention without reservations in 1990 shortly after it established a system of multi-party democracy.

128. The Committee commends the Government of Nepal for sending a high-level delegation, headed by the Secretary of Ministry of Law and Justice.

Positive aspects

129. The Committee commends the efforts made by the Government of Nepal to enact the new 1990 Constitution, prohibiting direct and indirect discrimination based on sex, and establishing an independent judiciary.

130. The Committee notes with satisfaction that as a result of the 1997 Self-Governance Act, approximately 40,000 women are now involved in local government.

131. The Committee commends the Government for the Basic Primary Education Programme, launched in 1992, which is directed at the improvement of women's and girls' education and contributes to the advancement of women's social status, as well as playing a key role in strategies for poverty alleviation.

132. The Committee welcomes the creation of the Women Development Division under the Ministry of Local Development to, inter alia, execute two central micro-credit programmes for women and to implement programmes on income generation and community development.

133. The Committee commends the Government of Nepal for the adoption of the ninth plan which places women's issues in the mainstream of development. It also welcomes Nepal's commitments to reviewing existing legislation and enacting appropriate laws in accordance with international instruments. The Committee also commends the national plan of action for gender equality and the empowerment of women formulated by the Ministry of Women and Social Welfare and endorsed by the ninth plan.

134. The Committee notes with appreciation that many NGOs play an active role in the implementation of the Convention.

Factors and difficulties affecting the implementation of the Convention

135. The Committee notes that different cultural practices and traditions and persisting highly patriarchal values and norms affecting all spheres of life are impediments to the full implementation of the Convention.

136. The Committee notes that terrorist insurgencies and the frequent governmental changes causing political instability in the young democracy of Nepal have also been obstacles to the full implementation of the Convention.

137. The Committee considers that the widespread poverty in rural and remote areas and the gap between the situation of women in urban areas and those in rural and remote areas as a major

obstacle to the full implementation of the Convention.

Principal areas of concern and recommendations

138. The Committee is concerned that the Government has not taken sufficient action to reflect the provisions of the Convention in domestic laws, or to amend prevailing discriminatory laws. The Committee is also concerned about the interpretation of discriminatory laws by the Supreme Court and the Court's view that if any laws do not conform with culture and tradition, society will be disrupted.

139. The Committee recommends that a definition of discrimination in compliance with article 1 of the Convention be included in the relevant laws. The Committee also urges the Government to amend, as a matter of priority, discriminatory laws on property and inheritance, the laws on marriage, nationality and birth registration, the Bonus Act, and discriminatory criminal laws, including the new law on abortion.

140. The Committee is concerned at the very low literacy rate amongst women, especially in rural and remote areas, and the persistence of both a quantitative and qualitative gender gap at all levels of education. It is also concerned that the Basic Primary Education Programme covers only a small number of girls and women, and that illiterate women are systematically barred from vocational training because of the minimum educational requirements for entry into vocational centres. The Committee is also concerned that school curricula and textbooks convey gender stereotypes and entrench a vision of male superiority.

141. The Committee urges the Government to introduce and implement policies and programmes for free and compulsory education for all girls at the primary level; vocational and skill development training for income generation, especially for marginalized rural women; and the facilitation of women's access to non-traditional and non-stereotypical education. The Committee also recommends that the Government take concrete measures to increase the number of women in higher education, in particular in non-traditional fields. The Committee also recommends that school curricula and textbooks be reviewed in order to eliminate gender stereotypes.

142. The Committee urges the Government to take effective measures, including incentives, to ensure that parents comply with the obligation of compulsory education. It recommends that massive social awareness campaigns be undertaken to encourage women's education.

143. The Committee is concerned that there is a need to ensure greater gender sensitivity, knowledge and training in gender-related issues among groups charged with implementation of policies and programmes to achieve equality for women.

144. The Committee urges the Government to launch gender sensitization and advocacy programmes aimed at the civil service and opinion leaders, political decision makers, health professionals and law enforcement officials so as to ensure that a clear understanding of the obligations under the Convention is achieved.

145. The Committee notes that the report does not include sufficient reliable statistical data

disaggregated by sex, and provides insufficient information relating to the implementation of a number of articles in the Convention.

146. The Committee recommends that statistical data disaggregated by sex be included in the next report and that information be provided with regard to all articles of the Convention.

147. The Committee expresses concern at the current law, which criminalizes abortion, including in cases of pregnancy through rape or incest. The Committee considers that the current law on abortion contributes both to the high maternal mortality rate in Nepal and the higher number of women prisoners in that State. It is also concerned that the proposed amendments to the current law continue to be restrictive, allowing abortion only when the mother's health is in danger.

148. The Committee urges the Government to revise existing legislation and to reconsider the proposed amendments so as to provide services for safe abortions. The Committee recommends that the Government prioritize prevention of unwanted pregnancy through family planning services and sex education. In these efforts, the Committee suggests that the Government take account of general recommendation 24 on article 12, "Women and health".

149. The Committee is concerned about the high incidence of prostitution and the increase in trafficking in women and girls, in particular for the purpose of prostitution. It expresses concern that girl children are taken across the border for the purpose of child marriage.

150. The Committee urges the Government to take effective steps to review existing legislative provisions on prostitution and trafficking in women and their compatibility with the Convention, and to ensure their full implementation and compliance. It also calls upon the Government to initiate regional and bilateral cooperation, taking into account subregional, regional and international agreements and standards on this issue. It urges the Government to review its criminal code, to punish persons who procure women for prostitution or for trafficking, to establish repatriation and rehabilitation programmes, and to support services for victims of trafficking.

151. The Committee is concerned that, although the Constitution guarantees that political parties should reserve for women at least 5 per cent of places on electoral lists of candidates for elections to the House of Representatives, and that at least three seats should be reserved for women in the National Assembly, representation of women in the National Legislature remains very low. It is also concerned with the very low participation of women in government administration.

152. The Committee recommends that the Government take appropriate steps, including the introduction of temporary special measures in accordance with article 4.1 of the Convention, to ensure greater participation by women at all levels of decision-making.

153. The Committee expresses concern that tradition customs and practices detrimental to women and girls, such as child marriage, dowry, polygamy, deuki (a tradition of dedicating girls to a god or goddess, who become "temple prostitutes", which persists despite the prohibition of the practice by the Children's Act) badi (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derive from the caste system are still prevalent.

154. The Committee recommends that the Government, in coordination with civil society, including women's groups and non-governmental organizations, initiate policies and programmes to eliminate discriminatory cultural attitudes towards women and girls. It recommends implementation of an extensive public awareness campaign in order to increase the understanding of gender issues and human rights of women amongst the people of Nepal.

155. The Committee is concerned that women are concentrated in low-skill jobs. It is concerned about both the gender disparity in wages and the unequal income distribution caused by the concentration of the vast majority of women in unpaid family work.

156. The Committee urges the Government to adopt labour legislation prohibiting wage discrimination. It recommends that the Government introduce special measures to encourage women to participate in all sectors of employment, and develop special credit facilities for women to enable them to establish small enterprises and that it introduce special measures to encourage women to participate in all sectors of employment.

157. The Committee notes with concern that there is little information on the situation of women in the rural areas, where the majority of the population lives and where the majority of women are engaged in the agricultural sector.

158. The Committee requests the Government to include in its next report more information and data on the situation of rural women, as well as minority women, in particular with respect to their access to public services.

159. The Committee requests the Government to respond to the concerns in these concluding comments in its next report.

160. The Committee requests the wide dissemination in Nepal of the present concluding comments in order to make the people, and in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, and the Beijing Declaration and Platform for Action.