



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-ninth session

Summary record of the 990th meeting

Held at Headquarters, New York, on Wednesday, 20 July 2011, at 3 p.m.

Chair: Ms. Pimentel

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(*continued*)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of Nepal (continued) (CEDAW/C/NPL/4-5; CEDAW/C/NPL/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Nepal took places at the Committee table.*

Articles 7 to 9 (continued)

2. **The Chair** invited the delegation of Nepal to continue its replies to questions raised by Committee members at the previous meeting.

3. **Mr. Pokhrel** (Nepal) said that 32.8 per cent of members of Parliament were women, as were 13.29 per cent of civil servants. Out of 225 judges, 6 were women. There were 321 women in the armed police force. Twenty per cent of spaces in the police force were reserved for women.

4. **Mr. Acharya** (Nepal) said he was not aware of any reductions in women's representation; there had in fact been a gradual increase. Seats had been set aside in various Government bodies for women and representatives of indigenous groups. A national action plan based on Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security had been prepared following extensive consultation with stakeholders and victims of conflict nationwide. The resulting five-year plan would represent a new beginning with regard to peace, women and conflict. Many provisions were to be implemented at the district level, where women's participation was strong.

5. A woman had in fact been appointed to head the Ministry of Women, Children and Social Welfare but she had decided not to take office, stating that equal participation was necessary. For the time being, therefore, the role was being filled by a man, though the issue was being taken up by the political parties. Great efforts had been made to have better female representation in the delegation, but women's issues were also men's issues. There was currently only one female ambassador, although it was hoped that some of the openings in the Ministry of Foreign Affairs could be filled by women through positive discrimination and open competition. There was national discussion regarding the representation of women not only in the

legislature, but in the cabinet as well. With time, the situation should improve.

6. Nepal had tremendous ethnic diversity. There was proportional representation in the parliament, which would be important when a new Constitution was drafted. There were 42 members of the Dalit group in the parliament, of whom 22 were women. Women were well represented as local judges. Gradually, through capacity-building, open competition would be more of a possibility, but at the moment, positive discrimination was necessary.

7. Citizenship certificates could be obtained through the mother, and a number of them had already been issued. There were no legal restrictions, although there might be administrative delays. Married women did not need the consent of their husbands to obtain a citizenship certificate.

Articles 10 to 14

8. **Ms. Zou Xiaojiao** requested clarification as to whether secondary education would also be free and compulsory under the proposed new act on compulsory education. Information on its current status and protections for girls contained in the act would also be appreciated.

9. A goal had been set for 2009 of a 50 per cent female teacher ratio and a 96 per cent net enrolment rate for girls. She wondered if those goals had been reached and what the next stage would be.

10. Updated information on school leavers broken down by gender and age was requested. According to the 2008 statistics, 86 per cent of girls dropped out of school by eighth grade and it would be useful to know if the authorities had drawn any conclusions on the reasons. The Government had many programmes to help girl dropouts return to school. She wished to know if, in addition to such programmes and scholarships for girls, there was also advocacy. Lastly, was sex education included in the curriculum?

11. **Ms. Bailey** noted that the minuscule improvement in literacy over the past decade appeared to have been in favour of males, while literacy for females had remained stagnant. She wondered what barriers existed in that respect, and how programmes could be targeted more specifically to address female illiteracy, especially among rural and older women and among ethnic minorities.

12. The announced target of women in 50 per cent of teaching posts by 2009 had not been reached, and male teachers especially predominated at the secondary level. She wondered if sexual violence, harassment and abuse in schools, committed with impunity not only by teachers but by male students, was a problem in Nepal and whether that contributed to the high dropout rates for girls.

13. The root cause of girls dropping out of school was the social obligation to marry and the expectation of bearing children. It would be useful to know if there was an act prohibiting child marriage, and, if so, how it was enforced and who could lodge a complaint. Further information on how the issue was addressed so that girls could remain in school would be appreciated, as would information on whether there was a re-entry policy for girls during or following pregnancy.

14. **Mr. Bruun** asked how the Government of Nepal was responding to low female participation in the formal labour market and the enormous wage gap between the formal and informal sectors. Nepal had ratified International Labour Convention No. 100, the Equal Remuneration Convention, which mentioned equal pay for work of equal value. It would be helpful to know how it was implemented in practice.

15. Legislation against sexual harassment in the workplace had been pending in Parliament for quite a long time. Details on how long it had been pending and on when progress could be expected would be appreciated.

16. Extremely high numbers of girls ages 8 through 14 were employed not only as domestics, but also in industry and mining. Nepal had ratified ILO Convention No. 182, the Worst Forms of Child Labour Convention. The only way of tackling problems such as trafficking and the sexual abuse of girls was to offer alternative livelihoods for poor children. Further information on measures taken to address the issue would be welcomed.

17. He had heard that traditional forms of bonded labour were apparently still common among the Tharu ethnic minority, although they had been declared illegal. According to tradition, people were required to work as domestics or in agriculture to pay off debts incurred by previous generations. He would like to know what the Government was doing to abolish forced labour and create alternative opportunities for such workers.

18. **Ms. Rasekh** said that although the law permitted both men and women to work overseas, there was reliable information stating that 80 per cent of female migrant domestic workers were using informal, illegal channels to find work, leading to many cases of sexual exploitation, abuse and violence. There was a perception that the Government was prohibiting women from leaving the country to work as domestics overseas. Was there indeed a ban on women leaving the country to work as domestics, and if so, what was the reason? If there was no such ban, it would be helpful to know why legitimate recruitment agencies were not allowing women to use their services.

19. **Ms. Murillo de la Vega** requested comment on reports that Nepalese women were undernourished and ate less than men in 60 per cent of homes. The fact that women were emigrating in large numbers indicated that there were insufficient livelihood options. She wished to know whether there was a training centre to prepare women for the use of new technologies and what measures were being taken to encourage small businesses to train women as entrepreneurs and increase the availability of microcredit. She also wished to know if there were public health-care centres, in particular for children and the elderly, and how many there were.

20. Seventy-five per cent of single-parent families were headed by men who owned their own homes whereas the number of single-parent families headed by women who owned their own home was only 17 per cent. Information on whether co-ownership would be possible in the future would be appreciated. Data on whether there were plans to regularize or economically reward domestic work done informally by women either in their own homes or in the homes of others would also be welcome.

21. **Ms. Popescu** said that there were serious obstacles to access to basic and maternity health care and information on measures to facilitate access to health care for disadvantaged women was requested. She asked if maternity care was provided free of charge for the poor and for teenagers.

22. In the countryside, women could not be examined by male health-care providers, owing to patriarchal attitudes. Information on temporary special measures to encourage women to study medicine would be appreciated.

23. Adolescents made up a large proportion of the Nepalese population. Adolescent girls were affected by early marriage and pregnancy, anaemia and high maternal mortality. Information was requested on measures taken to prevent such problems.

24. While there was widespread awareness of the value of contraceptives, there was very little access to them, especially for young girls. Descriptions of measures to improve family planning, ensure access to safe abortion services, avoid mother-to-child transmission of HIV/AIDS and ensure free antiretroviral treatment for women were requested. She asked if measures being taken to address the specific health problems of victims of sexual violence during armed conflict included psychosocial counselling.

25. **The Chair** speaking in her capacity as an expert, said that the prevalence rate of contraceptive use had increased by less than 1 per cent since 2005, and there were disparities in access related to wealth, age and region. The prevalence of sterilization revealed that the burden of family planning was placed on women. Moreover, rural women had significantly less access to family planning than urban women. Information on Government efforts to ensure contraceptive access for all women was requested.

26. **Ms. Rasekh** said that maternal mortality remained quite high despite the Government's laudable efforts, and the report had not mentioned any long-term goals in that area. Early marriage was one reason for high maternal mortality. Information on existing programmes and their focus would be welcome. Malnutrition was also a cause of maternal mortality. Details on programmes to address food security for women and girls would be appreciated, in particular, programmes which were not short-term in nature, such as those which provided food for pregnant women, but also programmes to provide economic independence for women. Free abortions and surgery for prolapsed uterus were required by law. Details on the status and availability of those free procedures would be appreciated.

27. **Ms. Jahan** noted the importance of decentralizing gender-responsive budgeting and of rural women's participation in development programmes concerning them, given that 90 per cent of the country was rural. Details on measures to create awareness about programmes to empower women were requested, as was information on how to strengthen

implementation of the requirement that all user committees must have at least 30 per cent women.

28. In addition, she wished to hear about measures for ensuring greater representation of women in decision-making in local government and whether there were quotas for women's participation in local elections.

29. The wide gaps between men's and women's access to health care, safe water, nutrition, productive resources, education, technology and training opportunities were not in line with policy commitments, and she would like to know how those gaps would be addressed.

30. Rural women walked long distances to collect water and firewood, endangering their health and life. Their lack of options was leading to ecological degradation. She wished to hear about measures to provide access to safe drinking water and alternative sources of fuel, including solar ovens.

31. Policy interventions to train and educate rural women on natural resource use and management were needed. Given the importance of land for rural women, the law on land reform and land use policy should incorporate a gender dimension.

32. Village mediation outside the criminal justice system led to widespread impunity and the prevalence of a discriminatory culture. There was a need to raise women's awareness of their rights, including their constitutional rights. Lastly, information on the existence of legal aid programmes was requested.

Articles 15 and 16

33. **Ms. Halperin-Kaddari** asked if traditional mediation applied to divorce proceedings, how women were notified of their rights upon divorce and whether legal aid was available to them for such cases.

34. There was contradictory information regarding bigamy which needed to be clarified. It appeared that theoretically, bigamy was criminalized and punishable by payment of a fine and imprisonment. However, after the penalties had been paid, the bigamist could continue the bigamous relationship and it was regarded as valid. She wondered why the Government did not invalidate bigamous relationships.

35. The report and responses to the list of issues and questions had dealt very superficially with the

economic consequences of divorce. No details had been provided as to the wife's share of the property or how she could obtain it. While the report described the current situation as satisfactory, more concrete information was needed regarding the property regime during marriage and de facto relations which were not formal marriages, whether the wife's share of property was equal to the property which was in the husband's name and whether it included pension rights, employment-related rights, savings and severance payments. The ban on transmitting ancestral property to married daughters, was also unclear.

36. The report mentioned a 2007 decision ordering recognition of the rights of lesbians, gays and bisexuals to marriage and cohabitation. Clarification was requested as to the extent to which the rights of same-sex couples were recognized in Nepal.

37. **Mr. Awasthi** (Nepal), on the subject of the education of girls, said that the increase in the number of girls entering the school system had been very encouraging, but persuading them to continue was a challenge. Support was being provided in the form of scholarships and other incentives, such as providing school supplies.

38. The Government had made a commitment to provide free education to all students, including those in rural areas, up to grade 12. Encouraging girls to continue their education through that grade was a central part of that commitment. To that end, female teachers and school managers were being hired, with 33 per cent of teaching posts being reserved for women. Pre-service training programmes for female teachers had been established, and female teachers were being redeployed to cover shortages in rural areas. Efforts under way to provide an enabling environment for girls included construction of basic facilities.

39. A project to be implemented in 2012 based on means testing was designed to provide special support to keep children in school through the higher levels. A special teacher training incentive programme would also be introduced. Teaching in the native language of the children and use of curricula oriented towards local contents had been introduced to encourage children to remain in school.

40. Because of traditionally high examination failure rates in the lower grades, a continuous assessment system had been introduced, with abolition of the final

examination in the early stages of basic education. That was particularly helpful for girls, who were likely to fail examinations and would be encouraged by early success. Particular encouragement was being given to girls who had family responsibilities, and scholarship incentives and mother-friendly schools were being used to encourage young mothers to return to school. Attention was being paid to "soft" development and support mechanisms, in a multi-pronged approach involving awareness-raising at the local level, with networks of parents, teachers, journalists, NGOs and other organizations. Special positions had been created for Dalits and marginalized groups, including children with disabilities. Sex education was part of secondary education, beginning in the lower secondary grades.

41. High illiteracy continued to be an area of challenge, and literacy programmes had not been very successful thus far. A nationwide census of illiterate persons was being conducted by local-level technical and vocational training schools, to be followed by establishment of livelihood skills programmes linked with local employment possibilities. Future literacy programmes would therefore use more targeted and focused interventions. Partnerships with NGOs and the private sector had been very helpful for the delivery of literacy programmes across Nepal.

42. The school drop-out rate was particularly high between grades 1 and 2. Basic education from grades 1 through 8 was now being treated as a single package, to further discourage dropouts. Curricula were being revised to make education more meaningful to children.

43. **Mr. Acharya** (Nepal), regarding the possibility that sexual harassment of girls was as a contributing factor in secondary school dropout, said that no pattern of that type had been seen in the country. The social environment was a greater factor in the drop-out problem than the school environment.

44. With respect to child labour, effective long-standing cooperation programmes with ILO, combining support, monitoring, and rehabilitation programmes, had been in existence for about 10 years, particularly in carpet-making and other industries. The support received from the international community and the effective mechanisms within Nepal had reduced the child labour problem. When such situations were found to exist, the chief district officer was responsible for making inspections and addressing the matter.

Implementation of control mechanisms was a challenge, but progress was being made.

45. Consultations were under way with various stakeholders concerning how to provide legal protections for domestic workers. As for the Kamaiya or bonded labour system, attention had been focused on that problem in recent years, with the Government providing land, loans, home-building training, and support for people leaving the system. Progress had been made, but vestiges remained.

46. **Mr. Ghimere** (Nepal) said that more than a millions persons aged 14 and over had received technical training through the Council for Technical Education and Vocational Training. The Self-Employment Scheme Fund granted non-collateral loans of up to 200,000 rupees for unemployed youth. Six thousand persons had participated in technical training courses, in which priority had been given to victims of conflict, inhabitants of rural areas, and women. Training in various skills had been provided to 20,716 persons in fiscal 2008-2009 and to 20,800 persons in fiscal 2009-2010. The Ministry of Industries had provided 22,000 persons with various types of enterprise development assistance in fiscal 2009-2010.

47. With respect to foreign employment, there was no discrimination on the basis of sex, but court-ordered measures had been put in place to protect women from exploitation. For example, women were encouraged to use recruitment agencies rather than individual agents. In another example, reimbursement of departure expenses had been paid to some 1,018 women migrants.

48. The Foreign Migration Tribunal had heard 224 cases since its establishment in 2010. It had been effective in preventing illegal migration and exploitation of workers. The Government had recently adopted guidelines for foreign employment, and had established safe homes in four countries, especially for trafficked women suffering from slavery-like conditions. There were orientation programmes before departure for foreign employment.

49. The Poverty Alleviation Fund had launched a number of activities, including a programme to help 543,260 persons organized in 14,827 community-based organizations to secure their livelihood through various projects. Twenty-nine per cent of the organization member beneficiaries were Dalit, 27 per cent were of various nationalities and 62 per cent were women. The

Government had been working on policy and legislation concerning equal pay for work of equal value.

50. Provisions guaranteeing employment and a national development policy were being worked out. Technical and vocational training was to be provided to 21,000 persons, including Dalit and other nationalities and indigenous peoples, and women. Ten million rupees were to be allocated for a development fund for women.

51. As of December 2009, 21,649 out of 27,500 former Kamaiyat (bonded-labour) families had been emancipated, and 122,966,000 rupees and 194,770 cubic metres of wood had been distributed to 13,170 ex-Kamaiyats.

52. Two recent developments with respect to child labour included the establishment and implementation of the Emergency Child Rescue Fund and a ten-year Action Plan. Between 2006 and 2010, 16,000 child workers had been rescued and 17,000 children had been protected from a similar fate.

53. **Ms. Sharma** (Nepal) said that, as required by the Constitution, the Government had been providing free health care, particularly to rural and marginalized people in remote areas. Partnering arrangements were in place with university hospitals in remote areas, and there was increased availability of outpatient care at health centres, many of which operated around the clock. Primary health care was offered at 72 sites, 538 health posts, and 312 sub-posts. Twenty-two medications were provided free of charge at sub-posts, 32 at health posts, 40 at primary health-care centres, and 40 at district level. Inpatient services were provided free of charge to poor, vulnerable, and marginalized people at district hospitals. Campaigns were being carried out during the current fiscal year to raise awareness of access to medical services and information.

54. Progress had been made in the area of maternal mortality. The ratio of deaths per 100,000 live births was 539 in 1996, 281 in 2006, and had dropped to 229 in 2011. Cash incentives to encourage women to go to birth clinics had been offered since 2005.

55. Many health-care providers, especially in maternal care, were women. Free care during delivery including caesarean section and blood transfusions was offered at 110 sites, while 141 sites offered basic

emergency obstetric care. Nurse-midwives were being trained to provide advanced care. There were now 2,288 skilled birth attendants, of whom 108 were doctors, 2,116 were nurses, and 20 were advanced birth attendants. Abortion services were also being provided. In 2005, 19 per cent of births had taken place in health-care centres. By 2011 that percentage had increased to 28.8 per cent and close to 20 per cent for rural districts, for a national average of 40 per cent. The fertility rate had dropped from 4.3 to 4.1.

56. Planning was under way for long-term development of human resource strategies, through training of paramedical personnel to provide specialized tasks. Doctors were being offered incentives to work in remote areas, and doctors who had been granted scholarship assistance were being required to serve for two years in rural areas.

57. Contraceptives were available to all women regardless of marital status and age. Special satellite clinics and community outreach programmes were being established.

58. To prevent mother-to-child transmission of HIV, the Pediatric and Neurodevelopmental Therapy Centre (PNTC) programmes were providing prophylaxis from the fourteenth week of pregnancy onward. In 2010, 88 of 114 HIV-positive women representing 77 per cent coverage, had received antiretroviral treatment. PNTC sites, which were being expanded from 3 hospitals to 21 sites, with 3 additional community-based sites, were handling detection and reporting.

59. Treatment for prolapsed uterus was provided free of charge, and was being given priority. The number of cases of surgery had increased in the past three years, from 2,400 women in 2008-2009 to 14,062 women in 2009-2010 and 25,273 women in 2010-2011.

60. **Mr. Acharya** (Nepal) said that given the concentration of the population in rural areas, decentralization and increased local governance were being given priority. There had been strong participation, including by women, at all stages of the numerous microfinance programmes. Collecting firewood and water were important issues. The programme to promote use of biogas as a replacement for wood had been very successful, and had led to major changes in villages. Improved water supply facilities were being developed in rural areas, but expanding availability was a major challenge.

61. Paralegal services were important in communities that did not have courts. Paralegal mediation was used for civil cases, but criminal cases had to be tried in the regular court system.

62. **Mr. Kedar Poudyal** (Nepal) said that the existence of paralegal services enhanced access by women to justice. Free legal aid, recognized by the Constitution as a fundamental right, was provided by the Nepal Bar Association and other legal aid agencies.

63. A bill was currently under consideration in Parliament to forbid the practice of polygamy. Husbands and wives had equal property rights in marriage and divorce, but de facto inequality did exist. Women were able to sue for divorce in the courts.

64. A policy on LGBT issues was being developed in the legislature. Same-sex marriage was not yet permissible in Nepal.

65. **Ms. Sharma** (Nepal) said that within the four to five years preceding June 2010, 402,000 abortions had been performed by 1,261 providers at 416 sites. A medical abortion programme now existed, with 150 providers at 49 sites.

66. **Ms. Rasekh** asked if the new Constitution would contain a definition of discrimination along the lines of the definition contained in article 1 of the Convention, and a provision concerning mother-to-child transfer of citizenship when the mother was married to a non-Nepalese man.

67. **Ms. Patten** underlined the importance of including such a definition in the new Constitution, in particular as there was no such definition in the interim Constitution or in the Gender Equality Act of 2006.

68. **Ms. Šimonović**, noting that the Draft Bill on Truth and Reconciliation Commission (TRC) of 2010 would increase the statute of limitations for reporting rape from 30 to 90 days. Applying that standard to rapes committed during the war would amount to de facto impunity, however, and she asked how the Government planned to address the problem.

69. **Ms. Bareiro-Bobadilla** asked when the Interim Constitution would no longer be in force. It was important that the Committee's concluding observations and recommendations on the periodic report should be sent to the Constituent Assembly for consideration in the drafting of the new Constitution. Some effort must be made to increase women's

participation in the drafting process to ensure that their rights were given due consideration.

70. **Mr. Acharya** (Nepal) said that note had been taken concerning the issues of the definition of discrimination and citizenship, and that the outcome would become evident as the Constitutional process moved forward. Discussions with respect to political participation by women were continuing. The Draft Bill on Truth and Reconciliation Commission (TRC) of 2010 was still under deliberation in Parliament. The process of inclusiveness and empowerment was a work in progress at all levels, but especially at the lower levels.

71. In closing, he said that progress had been made in the preceding five years, but lack of resources and institutional challenges had prevented full implementation of plans and more time would be needed.

The meeting rose at 5.15 p.m.