



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-first session

Summary record of the 435th meeting

Held at Headquarters, New York, on Tuesday, 15 June 1999, at 3 p.m.

Chairperson: Ms. Schöpp-Schilling (Vice-Chairperson)

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In the absence of Ms. González, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.

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)

Initial report of Nepal (continued)
(CEDAW/C/NPL/1)

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

Article 6 (continued)

2. **Ms. Goonesekere** stressed that trafficking for prostitution was a contemporary form of slavery. The persistence of older customs of temple prostitution, such as *deuki*, reinforced the modern commercial form of sexual exploitation of girls. Trafficking was facilitated by the failure to enforce laws against early marriages or to encourage girls to complete their education, since many girls were abducted into prostitution on the pretext that they were to be child brides. Hence, the problem was due not only to poverty but to attitudes. It was important for the Government to adopt an interventionist policy to deal with the gross violation of the right of girls and women to personal security and to avert a serious health risk to the entire population. She would like to know what was being done in terms of cross-border controls and police enforcement, what procedures were followed when girls were reported missing and what recourse was available to families.

3. She would also like to know what bilateral arrangements had been made for repatriating trafficking victims, and what the Government's position was on the provisions of the draft Convention on Preventing and Combating Trafficking in Women and Children for Prostitution proposed by the South Asian Association for Regional Cooperation (SAARC).

Article 7

4. **Ms. Khan** said that she was pleased to see that Nepal was one of six countries in the world that had a minimum quota for women in Parliament. However, she was concerned that, while representation was mandated in Parliament and at the ward level, women

were largely absent from the intermediate levels, so that no sustainable links were being created to higher political office. Efforts to include women in decision-making could most effectively begin with public service quotas. She would welcome information on the recommendations of the Administrative Reform Commission for increasing women's participation in the civil service, and on their implementation.

Article 9

5. **Ms. Shalev** said she was deeply concerned that under Nepalese law unmarried mothers were not allowed to register their children, in clear violation of article 9, paragraph 2, of the Convention. The Committee wished to know how many children were in that situation, whether they were deprived of political rights or rights to health services and education and whether any distinction was made between girls and boys.

Article 10

6. **Ms. Taya** said that the Basic Primary Education Programme launched in 1992 was a commendable step forward in promoting women's education. She would be interested to learn what percentage of the national budget was allocated to education, year by year and in comparison with the years prior to 1992. She would also like to know whether the programme included reform of the curriculum and elimination of outmoded stereotypes from school textbooks, or any special measures to promote girls' enrolment in the western portions of the country. The usefulness of the programme could be enhanced by providing a direct link to vocational training.

7. **Ms. Kim Yung-chung** noted with concern the discrepancy between the ambitious literacy targets set in government plans and the low figure of 28 per cent for women in 1998, well below the national rate. Illiteracy was a real hindrance to skills training programmes or projects to advance rural women.

8. With regard to compulsory education, in view of the high drop-out rates among girls, she would welcome more information on specific measures under the Eighth Plan to achieve the goal of equal access to educational programmes for women and girls, particularly in rural areas. Another aspect of the Plan was to provide free textbooks for girls up to the fifth grade. She wondered whether that was the upper limit

of compulsory education, and further whether the textbooks incorporated a gender perspective. With regard to higher education, information would be welcome on women's percentage enrolment, areas of study, access to science and technology fields and encouragement to enter non-traditional careers through, for example, counselling or financial aid.

9. In view of the unusually low percentage of women teachers (10 per cent), she would be interested to learn of any incentives programmes for teachers to work in remote areas. Lastly, clarification would be welcome on how functions were coordinated between the Ministry of Education, Culture and Social Welfare and the Ministry of Women and Social Welfare.

10. **Ms. Ryel** said that education, in addition to enhancing earning power, was essential to enable women to know their legal rights. The mention of scholarships for girls prompted her to ask whether primary school education in Nepal was compulsory or optional and whether it was paid or free. She would appreciate a fuller explanation of the rationale for appointing at least one female teacher in each primary school, with a view to increasing female enrolment. In addition, information on enrolment in private schools and their quality relative to public schools would be valuable.

11. **Ms. Goonesekere** said that, although Nepal accepted the concept that treaty law should prevail, in practice many of its nationality laws were in violation not only of the Convention but also of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Since the Supreme Court had decided, in the case of Mira Gurug regarding her right to a visa, that the country's nationality laws were contrary to the Constitution and to international law, she would like to know what relief had been provided and what legal changes had been made or were contemplated as a result. She wondered why the nationality provisions of the 1963 Constitution, which were in line with international standards, had been altered in 1990.

12. **Ms. Khan** said that since 90 per cent of economically active women in Nepal worked in agriculture, for long hours, and it could be assumed that the work involved intensive manual labour, she wished to know whether any projects were under way to modernize agriculture. She would welcome more information on land ownership patterns and women's

opportunity to own agricultural land. Further details would be valuable on the provisions of the Labour Act of 1992 pertaining to women. With regard to the Women's Skill Development Training Programmes to promote self-employment, the Government should provide statistics on the number of women trained and additional information on any related microcredit programmes, particularly for rural women. It would also be of interest to know whether Nepal had equal pay legislation and, if so, whether it covered agricultural work.

13. **Ms. Goonesekere** inquired about government provisions, in force or contemplated, to ensure the occupational health and safety of girls in the 16 to 18 year age group in home-based industries such as carpet-making and to protect them from sexual harassment or violence. She asked whether recent child labour initiatives extended to that age group.

Article 12

14. **Ms. Shalev** said that, in view of the serious health problems affecting women in Nepal, she would like to draw the Government's attention to the Committee's General Recommendation No. 24 on women's rights in relation to health. Paragraphs 11 and 14 of that text were relevant to recent efforts to amend the abortion law; they made it clear that a law allowing abortion only with spousal consent or denying abortion to unmarried women would not be in compliance with the Convention. Paragraph 15 contained helpful suggestions for dealing with gender-based violence as a health issue, including health-care protocols on treating victims of abuse, gender-sensitive training for health-care workers and prohibition of marriage of girl children on health grounds. Paragraph 18 was concerned with the treatment of those with HIV/AIDS, including victims of trafficking. In that regard, the Government should realize that confinement of rescued victims of sex-trafficking and those seriously affected with HIV/AIDS in "quarantine-like" residential facilities, as contemplated in its national plan of action against trafficking in children and their commercial sexual exploitation, was contrary to human rights standards and was medically unnecessary, since AIDS victims were not contagious on normal personal contact.

15. Paragraph 16 of the Recommendation also asked States parties to ensure adequate protection and health services for vulnerable groups, which would include

women refugees from Tibet and Bhutan. In its efforts to develop a pro-active policy on women's health, the Government might usefully heed the advice in paragraph 31 (c) to prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance.

16. **Ms. Abaka** joined with Ms. Shalev in urging the State party to adhere to General Recommendation No. 24 on women and health. Given that the Convention also covered indirect discrimination, the assertion, made in paragraph 111 of the report, that women in Nepal suffered no discrimination of any type in the field of health care was clearly misleading. Moreover, the statement in paragraph 24 that a large proportion of Nepalese women were anaemic contradicted the claim in paragraph 111 that women received adequate nutrition during pregnancy and lactation. The Committee welcomed the prioritization of Safe Motherhood in the new national health policy as reported in paragraph 112. It was vital, however, that all women should be afforded access to the limited gynaecological and maternity facilities available, including through improved transport infrastructure in rural areas. The delegation should explain the high maternal mortality rate (para. 21) and comment on the reportedly high incidence of post-natal complications. The Committee also wished to know whether any particular ethnic group was unable to benefit from gynaecological and maternity services. It was important to ensure that the occupational and environmental health of women was properly safeguarded, especially in view of the large numbers of women employed in the textile industry.

17. The report failed to provide information on a number of health issues, such as the impact of poverty on the mental health status of women and drug and substance abuse among women, including tobacco consumption, the State party should also indicate whether the laws on abortion differentiated between abortion and miscarriage.

18. **Ms. Goonesekere** stressed that there could not be no Safe Motherhood in the case of child marriages; children should not be giving birth for health reasons. The current laws on abortion, which were no doubt a colonial legacy, created a situation in which even rape victims were forced to go through with their pregnancies. The State party should seriously consider amending its legislation, especially considering that the

corresponding law in United Kingdom had been revised to embrace the concept of medical termination of pregnancy. The Committee would appreciate information on the impact of the abortion laws on infanticide and the abandonment of children, as well as details of any State facilities available to rape victims who had no wish to keep their child.

Article 14

19. **Ms. Feng Cui** commended the Government's efforts to enhance the status of women in Nepal and said that the Committee would welcome details of any overall policy containing specific targets for improving literacy rates for rural women, reducing maternal mortality rates, improving water quality and so forth. The delegation should explain how government allocations to rural constituencies (para. 127) were benefiting women and provide further details of the Production Credit for Rural Women Project (para. 125), including any plans to extend the scheme. Information on measures to combat any traditional practices violating the human rights and personal dignity of women would also be appreciated.

20. **Ms. Regazzoli** requested further information on the programmes for rural women referred to in paragraphs 123 to 127, including a comparative analysis of funding provided. Did such women typically own the land they cultivated?

Article 16

21. **Ms. Kim Yung-chung** urged the State party to repeal all discriminatory marriage and family laws. In reference to paragraph 143, she said it was encouraging that female lawyers were at the forefront of action against discriminatory laws, but it was a matter of concern that the Supreme Court, despite ordering the Government to amend offending legislation, had also instructed it "to preserve deep-rooted social systems". Given the importance of human rights training for law-enforcement personnel, teachers and health care professionals, the State party should provide details of any initiatives in that regard.

22. **Ms. Goonesekere** further expressed concern that both the judiciary and the legislature were being undermined by the Government's failure to implement the order of the Supreme Court to repeal discriminatory laws. Moreover, Nepalese family law appeared to contain a number of contradictory

provisions requiring amendment. A woman's right to property could hardly be protected by the State party if inheritance laws were discriminatory. Most countries made registration of marriages compulsory in order to facilitate enforcement of the law on the minimum age of marriage. Finally, the State party should indicate whether the traditional practice of forcibly dedicating a child to a deity had been eliminated de facto.

23. **Ms. Ryel** said that, although there might exist differing views on acceptable grounds for divorce, there could be no doubt that provisions should be the same for men and women. It was not clear from paragraph 136 whether a woman could file for divorce in cases where bodily injury inflicted by the husband was not deemed to be "serious" enough. In any event, national legislation on domestic violence should be reviewed.

24. **Ms. Khan**, commenting on the alarming prevalence of polygamy in Nepal, said that it constituted a major threat to women's security in marriage. According to some sources, as many as 64 per cent of marriages were polygamous, even though the practice was prohibited by law. The State party should describe efforts made to ensure that second marriages were declared null and void, including any research conducted in that area. Information should also be provided on whether maintenance support was provided for divorcees, and in what circumstances. The Committee further wished to know which spouse was typically granted custody of children.

25. Given that dowry prohibition legislation had proved a useful instrument for women in other South Asian countries, the State party should indicate whether it planned enacting similar legislation. The Committee also wished to know whether there was any universally applicable law on marriage and family relations in Nepal, or whether different castes were governed by their own customs and religious beliefs.

The meeting rose at 4.20 p.m.