



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
11-29 July 2011

List of issues and questions with regard to the consideration of periodic reports

Nepal

The pre-session working group examined the combined fourth and fifth periodic report of Nepal (CEDAW/C/NPL/4-5).

General

1. Please describe the manner in which the provisions of the Convention are reflected in national development strategies and in instruments such as the poverty reduction strategy papers and the Millennium Development Goal reports.
2. The report contains limited statistical data disaggregated by sex on the situation of women in areas covered by the Convention. Please provide information on the status of data collection in the country in general, and to what extent such data collection takes place on a sex-disaggregated basis. Please indicate how the State party intends to improve the collection of data disaggregated by sex pertaining to the areas of the Convention so as to support policymaking and programme development and to measure progress towards implementation of the Convention.
3. Please indicate measures put in place to widely disseminate the Optional Protocol and raise women's awareness about the possibility to submit a case under this instrument.

Legislative and institutional framework

4. Despite the enactment in 2006 of the Gender Equality Act, which amended some 56 discriminatory provisions in various acts, including the Country Code of 1963, while also ensuring additional rights for women, a study conducted by Forum for Women, Law and Development in 2009 reveals that there are still 103 discriminatory legal provisions and 82 schedules in various acts and regulations, including in the Interim Constitution, and that, as a result, substantive discrimination exists in the field of citizenship, property rights, family, health, court



proceedings, sexual offences, identity and employment. Please provide information on what concrete steps the State party has taken or intends to take to amend all laws that are discriminatory against women and not in compliance with the Convention.

5. The report of Nepal (CEDAW/C/NPL/4-5, para. 17) refers to a budget of over 32 billion Nepalese rupees allocated in fiscal year 2008/09 under the heading “Women’s empowerment, transformation of living standards” expected to directly benefit women. Please clarify whether this budget was allocated directly to the national machinery and indicate in detail how and to what extent this programme has benefited women. Please indicate as well measures that have been taken in response to the Committee’s previous recommendation to strengthen the existing national machinery for the advancement of women, inter alia, by providing it with adequate financial and human resources (A/59/38, para. 201).

6. Please indicate what measures have been taken to ensure the independence of the National Commission on Women so as to prevent direct political interference in its work, such as referred to in the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office in Nepal (A/HRC/13/73 and Corr.1, para. 54). Please further indicate whether the proposal to give constitutional status to both the National Commission on Women and the National Dalit Commission has been retained in the latest draft of the new Constitution to be promulgated in May 2011.

Stereotypes and harmful practices

7. In the previous concluding observations (A/59/38, para. 205), the Committee called on the State party to ensure that school textbooks do not carry stereotyped images of women. In the reporting period, what actions has the State party taken to remove and eliminate stereotyped images of women from all school textbooks? What measures have been taken to ensure that gender equality is first taught through childhood/elementary education and is maintained in the curriculum throughout the educational system?

8. In paragraph 68 of its report, the State party acknowledges that the dowry system, son preference, child marriage, widowhood and polygamy are some of the traditional practices that are still socially and culturally accepted. It is further noted that as a result of Government initiatives, such harmful practices have been significantly reduced. Please provide statistical data, if available, illustrating a drop in such harmful practices in Nepal. Please also provide information on measures taken by the State party aimed at the abolishment of such practices.

Violence against women

9. Please provide information on the concrete measures taken by the State party to address the phenomenon of violence, including beating, torture, public humiliation and killings in extreme cases, against elderly rural women and widows perceived as witches, in particular following the Supreme Court decision that the State party should enact a law to punish the perpetrators and to conduct awareness campaigns to eliminate such acts of violence against women (*Reshma Thape v. HMG Nepal*, 2004).

10. The report of Nepal refers to the Domestic Violence (Offence and Punishment) Act enacted in 2009 as a major instrument in protecting women from domestic

violence (para. 73), but fails to give sufficient details as to the content of such a law. Please provide details about the forms of violence covered in this law and the penalties for such violence, as well as the use, by victims, of this law since its adoption in 2009. Please clarify whether the law provides for mediation as an option for the resolution of domestic violence disputes.

11. Bearing in mind the Committee's general recommendation No. 19 regarding violence against women, please describe steps taken to develop a comprehensive strategy to combat all forms of violence against women, including the adoption of legislation and the introduction of capacity-building and awareness-raising programmes for various groups (such as the police, lawyers, health workers and the judiciary) and the general public.

12. The report of Nepal refers (para. 55) to several amendments in the Country Code, including the criminalization of marital rape and the widening of the definition of rape. Please indicate how the definition of rape has been widened, in particular whether the requirement that sexual assault be committed by force or violence has been removed and whether it covers other forms of sexual assault. Please also explain the reasons for the State party's delay in implementing two recent Supreme Court orders, one in relation to extending the current 35-day statute of limitation in cases of rape and the other one in relation to reviewing the law on marital rape, particularly its provision for a penalty of only three to six months of imprisonment.

13. The report of Nepal refers to part IV of the Interim Constitution, which provides for the establishment of a high-level Truth and Reconciliation Commission to investigate acts constituting grave violations of human rights and crimes against humanity committed during the course of conflict, and to create an atmosphere of reconciliation in society (para. 227). Information before the Committee indicates that a draft Truth and Reconciliation Commission bill is pending since 2007. Please elaborate on the current status of the draft Truth and Reconciliation Commission bill and indicate whether the bill adequately provides justice to women who were victims of the conflict, particularly of sexual violence, as well as whether it includes provisions for victim witness protection, for the formation of a special committee for women to investigate crimes against women, including sexual violence, and whether it provides measures for ensuring that women are fully and equally represented in the Truth and Reconciliation Commission.

14. Given the impact of the conflict on women and girls, please provide details on the steps that are being taken to provide rehabilitation and support programmes, including psychological recovery and social reintegration, for women and girls who were victims of violence.

Trafficking and exploitation of prostitution

15. Please provide data and information, if available, on the number of women and young girls engaged in prostitution. Please elaborate on laws or measures adopted to prevent and punish the exploitation of prostitution, as well as measures taken to provide rehabilitation and support for the social reintegration of women who wish to leave prostitution.

16. The report of Nepal (para. 77) refers to a lack of reliable data on the prevalence of trafficking in women and girls in Nepal. Please inform the Committee

on the steps the State party has taken or envisages to take to develop a data-collection system.

17. The report indicates that the Human Trafficking and Transportation (Control) Act (2007) has broadened the scope of reporting, investigation, prosecution and adjudication, along with procedural and substantive provisions and that it has incorporated important provisions, to provide justice from the perspective of victims. Please provide further details with regard to the new Act in the areas of prevention and protection, in particular victim assistance and compensation and victim and witness protection. Please provide information on the number of cases brought to Court under the new legislation and on the outcomes of such cases.

18. Information before the Committee indicates that traffickers use ties with some Government officials, including some politicians, business persons, State officials, police, customs officials and border police, to facilitate trafficking in girls and women. This information further reveals that many dance bars, “cabin restaurants” and massage parlours in Kathmandu that facilitate trafficking for the purpose of sexual exploitation are reportedly co-owned by senior police officers and army officials. Please comment on this information and explain whether the State party has taken any action to investigate, prosecute and convict Government officials who are complicit in trafficking in girls and women.

Participation in political and public life and representation at the international level

19. Paragraph 106 of the report refers to stereotypical cultural practices as major impediments to women’s substantive participation in public and political life. Please elaborate on concrete measures carried out or measures envisaged to eliminate the stereotypes and patriarchal attitudes so as to achieve women’s full and equal participation and representation in these areas, taking into account the Committee’s general recommendation No. 25, on article 4, paragraph 1, of the Convention, and general recommendation No. 23, on women in political and public life.

20. Please provide information, including statistical data, on the participation of women in international organizations and high-level diplomatic and consular missions.

Education

21. The report indicates that girls dropping out of education is seen both in pre- and post-marital status and that the social obligation of marriage and the expectation of bearing children are the root causes of dropouts (para. 127). Given that one out of five adolescent girls are already mothers or pregnant with their first child (para. 146), please indicate what educational programmes are available for girls and women who have left school before school-leaving age and graduation. What are the policies in place to provide enabling conditions for those girls and women so that they may be reintegrated into the formal education system?

22. Based on the Nepal Labour Force Survey 2008, the literacy rate between adult males and females shows a wide gender disparity, with only 43.3 per cent literate females against 70.7 per cent literate males. Please provide detailed information on measures taken to improve female literacy rates, in particular in rural areas, including detailed information about the results already achieved though the

national plan mentioned in paragraph 121 of the report of Nepal, which aims at achieving 66 per cent and 75 per cent female literacy rates by 2009 and 2015 respectively.

Employment

23. The report contains limited information about the situation of women in the labour market. Please provide information on women's unemployment rates compared with those of men, on the wage gap between men and women and on occupational segregation, and on trends over time. Please also elaborate on social protection measures available to women in both the informal and formal sectors and the number and percentage of women who, in practice, have access to them.

24. Please provide information on measures taken to address sexual harassment and violence against women in the workplace. What is the current status of the bill on sexual harassment in workplaces, which is pending before the Parliament since its submission in May 2009?

25. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO), in charge of supervising the Equal Remuneration Convention (No. 100) of ILO, noted in its 2008 observation that article 13, paragraph 4, of the Interim Constitution, providing that there should be no discrimination with regard to remuneration and social security between men and women for the same work, was not in conformity with the Convention. The Committee drew the State party's attention to the fact that the concept of "work of equal value" went beyond equal remuneration for the same work and urged the State party to ensure that the Convention's provisions were taken into account in the preparation of Nepal's future Constitution and the future labour legislation. Please indicate whether the State party envisages adopting legislation guaranteeing equal pay for work of equal value so as to narrow and close the wage gap between women and men in line with the Committee's general recommendation No. 13 and the ILO Equal Remuneration Convention.

Health

26. Please indicate the HIV/AIDS infection rate among pregnant women and what treatment is available to women living with HIV/AIDS, and describe the financial support available for such efforts and from what sources. Please provide information on whether any existing programmes to combat HIV/AIDS integrate a gender perspective, including the availability of antiretroviral medication to prevent mother-to-child transmission of HIV. Please also indicate whether the State party has requested and received assistance from international donors in support of measures that address HIV/AIDS in women.

27. Please indicate whether education on sexual and reproductive health and rights is included in the school curricula and at which levels. Please further indicate what services are in place to reach out to and educate women and girls, including those with disabilities, about sexual and reproductive health and HIV/AIDS.

28. Given the significant impact of the armed conflict on women's health, what measures are in place to address the mental health needs of women, particularly trauma counselling for women victims of sexual violence by armed forces.

29. Please provide information on preventive health-care services, including screening for cervical and breast cancer, malnutrition, hypertension, etc., available for women.

Disadvantaged groups

30. The State party recognizes that Dalit women, women with disabilities, ethnic minorities and women infected with HIV/AIDS are still vulnerable to discrimination and are not treated as equal members of Nepalese society. Please explain in greater detail legislative and other types of action that the State party has taken to address these challenges. What specific initiatives, including national awareness-raising campaigns, have been implemented to protect these marginalized women and promote their inherent rights?

31. Please provide information on laws and policies that ensure accessibility of women with disabilities to the labour market and in terms of safe and easy access to their workplaces.

Internally displaced persons and refugees

32. Please provide information about the situation of women who are former or current refugees or internally displaced women, particularly women whose husbands are missing, widows and abandoned women. In this regard, indicate what steps have been taken to facilitate family reunification and repossession of property, as well as provision of reconstruction and reintegration assistance to this vulnerable group of women.

Equality before the law and in civil matters

33. The report acknowledges that women's access to fixed property and credits is still limited (para. 196). Please indicate measures taken to ensure women's equal access and right to property.

Marriage and family relations

34. Information before the Committee indicates that polygamy persists despite its prohibition in law, that polygamists are subjected to a two-month jail term and fine, but that the second marriage is not invalidated and that violence surrounding polygamy remains a problem. Please indicate measures taken to ensure that the law prohibiting polygamy is widely known and duly enforced.

35. The report of Nepal (para. 204) indicates lack of effective implementation of laws in the areas of marriage, divorce and other family matters. Please provide information on measures taken or envisaged to be taken to effectively enforce the family laws and existing acts in Nepal. The report (para. 202) also indicates that the existing legal framework in Nepal provides the same entitlement for the divorced wife. Please provide information whether the legal framework includes regulations governing the distribution of assets and properties upon divorce. Please provide further information on the economic consequences of divorce on Nepalese women.

Nationality

36. The report of Nepal indicates (para. 107) that the discriminatory condition that existed in the previous Constitution of 1990 and Citizenship Act which precluded

women from passing their nationality to their children has been repealed in article 8 of the Interim Constitution, which recognizes that Nepalese women can transfer their citizenship to their children and that children can obtain citizenship in the name of either of the parents. It further indicates that a new Citizenship Act has been enacted in the spirit of the Interim Constitution and in conformity with article 9 of the Convention. Please indicate what measures have been taken to inform the authorities responsible for issuing citizenship certificates about the new Citizenship Act and train them adequately so as to ensure proper issuance of citizenship certificates on the basis of the mother's citizenship alone.

37. The report of Nepal recognizes that while the Interim Constitution grants measures to acquire naturalized citizenship for a foreign woman married to a Nepalese male citizen, such measures do not exist for a foreign male spouse of a Nepalese female citizen and indicates that this issue has been taken into consideration (para. 108). Please indicate measures taken to ensure that the new Constitution will provide for equal and full citizenship rights for women in compliance with article 9 of the Convention.

Article 20, paragraph 1

38. Please indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.
