



Convention on the Elimination of All Forms of Discrimination against Women

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Replies of Nepal to the list of issues and questions in relation to its seventh periodic report^{*,}**

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* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



Acronyms

AATWIN	Alliance Against Trafficking in Women and Children in Nepal
AFIC	Adolescent-Friendly Information Corner
AHTB	Anti-Human Trafficking Bureau (Nepal Police)
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on All Forms of Discrimination against Women
CEHRD	Centre for Education and Human Resource Development
CICTT	Case Investigation and Contact Tracing Team
CIMS	Citizenship Information Management System
CSOs	Civil Society Organizations
CWG	Care Working Group
DDC	Districts Coordination Committee
DDMC	District Disaster Management Committee
DoFE	Department of Foreign Employment
DoHS	Department of Health Services
DONIDCR	Department of National ID and Civil Registration
DRRM	Disaster Risk Reduction and Management
ECED	Early Childhood Education and Development
ECD	Early Childhood Development
FCHV	Female Community Health Volunteer
FWEAN	Federation of Woman Entrepreneurs Associations of Nepal
GBV	Gender Based Violence
GCC	Gulf Cooperation Council
GER	Gross Enrolment Ratio
GEDSI	Gender Equality, Disability and Social Inclusion
GESI	Gender Equality and Social Inclusion
GFP	Gender Focal Person
GHG	Green House Gas
GIEN	Girls and Inclusive Education Network
GiHA-TT	Gender in Humanitarian Action Task Team
GoN	Government of Nepal
GPE	Gender Parity in Education

GRB	Gender Responsive Budget
HSERP	Health Sector Emergency Response Plan
HTTCA	Human Trafficking and Transportation Control Act
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
ILS	International Labour Standards
LDMC	Local Disaster Management Committee
LJC	Local Judicial Committee
LNOB	Leave No One Behind
MoEST	Ministry of Education, Science and Technology
MoFA	Ministry of Foreign Affairs
MoFAGA	Ministry of Federal Affairs and General Administration
MoHA	Ministry of Home Affairs
MoHP	Ministry of Health and Population
MoICS	Ministry of Industry, Commerce and Supplies
MoLESS	Ministry of Labour, Employment and Social Security
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoWCSC	Ministry of Women, Children and Senior Citizens
NCF	National Curriculum Framework
NDRRMA	National Disaster Risk Reduction and Management Authority
NGEP	National Gender Equality Policy
NJA	National Judicial Academy
NPC	National Planning Commission
NWC	National Women's Commission
OAG	Office of the Attorney General
OCMC	One-Stop Crisis Management Centre
OPMCM	Office of the Prime Minister and the Council of Minister
PDMC	Provincial Disaster Management Council
PDMEC	Provincial Disaster Management Executive Committee
PDNA	Post Disaster Needs Assessment
PDRF	Post Disaster Recovery Framework
PLGSP	Province and Local Government Support Program

PMEP	Prime Minister Employment Programme
PWD	People with Disabilities
ReMi	Returnee Migrant Workers
SaMi	Safer Migration
SIMS	Social Information Management System
SITDH	Sukraraj Infectious and Tropical Disease Hospital
SOP	Standard Operating Procedure
TVET	Technical and Vocational Education and Training
ToR	Terms of Reference
UN	United Nations
UNCT	United Nations Country Team
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UTI	Urinary Tract Infection
VAW	Violence against Women
WCSCSC	Women, Children and Senior Citizens Service Centre
WHO	World Health Organization
WLDMC	Ward Level Disaster Management Committee

Background

1. The Government of Nepal (GoN) has submitted its seventh periodic report on the implementation status of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the UN CEDAW Committee on the Elimination of Discrimination against Women on 5 July 2023 [CEDAW/C/NPL/7]. The pre-sessional working group of the CEDAW Committee has adopted the list of issues and questions in relation to the seventh periodic report [CEDAW/C/NPL/Q/7] on 22 February 2024, with a view to supplementing the seventh periodic report with additional information to enable the Committee to assess the state of implementation of CEDAW.

2. On behalf of the GoN, the Ministry of Women, Children and Senior Citizen (MoWCSC) has prepared this written response with the objective of responding to the issues and questions without repeating the information provided in the Seventh Periodic Report. This response has been prepared in close coordination and collaboration with the three tiers of governments, other line agencies, and civil society organisations (CSOs). The GoN reaffirms its strong commitment to fulfilling its obligation in compliance with CEDAW in order to respect, protect and promote women's rights and gender equality in our country.

Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

Reply to paragraph 1 of the list of issues and questions (CEDAW/C/NPL/Q/7)

3. Nepal endured the unprecedented COVID-19 pandemic claiming more than 12,000 people's lives and huge economic loss.¹ Evidence showed that as in other parts of the world the severity and mortality had been at higher rates in Nepal for male patients and older adults due to the presence of underlying comorbid conditions, mainly non-communicable diseases (NCD) such as hypertension, diabetes, chronic kidney disease, respiratory disease, cardiovascular disease, liver disease, thyroid disorder, cancer, anaemia, septic shock, urinary tract infection (UTI), stroke and paralysis, meningitis, hyperkalemia and thrombosis.²

4. COVID-19 pandemic posed a significant setback to gender equality efforts in Nepal. The economic downturn and increased caregiving responsibilities due to school closures and health crises disproportionately affected women and girls. The pandemic had also led to a rise in all forms of gender-based violence and disruptions in essential health services, further compounding the unpaid care work and difficulties faced by women. Furthermore, COVID-19 pandemic reversed the on-going reform efforts and achievements in women's empowerment.

5. While the country was striving hard to recover from the setbacks caused by 2015 Gorkha earthquake, and COVID-19, it experienced another devastating earthquakes in Sudurpashchim (Doti, Achham, Bajhang and Bajura Districts) on October-November 2022, and in Rukum and Jajarkot Districts in November 2023. The impact of these earthquakes compounded challenges with the destruction of infrastructure,

¹ <https://www.worldometers.info/coronavirus/country/nepal/> (accessed 12/06/2024).

² Samir Kumar Adhikari, Kamal Ranabhat, Suraj Bhattarai, Bhuvan Saud, Kiran Paudel, Rabindra Bhandari, Pratik Khanal, Claire Marriott Keene, Vishnu Khanal. *Epidemiology of COVID-19 mortality in Nepal: An analysis of the National Health Emergency Operation Center data*. First published: 04 October 2023, available at <https://doi.org/10.1002/puh2.127>.

displacement of population, and loss of lives and livelihoods further complicating efforts to achieve gender equality and women's empowerment. Nepal also faced several emergencies, including fire, lightning, windstorms, floods, landslides, cold wave, heat wave and other public health emergencies such as dengue fever affecting thousands of families. These natural calamities, climate change and environmental degradation disproportionately impacted women, and posed additional setbacks to gender equality efforts.

6. The Government of Nepal (GoN) adopted following measures to respond to COVID-19 and its long-term impact:³

(a) Establishment of health surveillance desk in the Tribhuvan International Airport at the earliest weeks of COVID-19 pandemic to screen all incoming passengers from affected regions around the world;

(b) Setting up of 36 COVID dedicated hospitals categorizing into three levels: 16 hospitals as Level 1 hospitals responsible for treating mild cases, 16 hospitals as Level 2 hospitals for treating moderate cases, and four hospitals as Level 3 hospitals to provide advanced and specialized care for severe cases. The GoN designated the Sukraraj Infectious and Tropical Disease Hospital (SITDH) in Kathmandu as the primary hospital for COVID treatment, along with the Patan Hospital and the Armed Police Force (APF) Hospital;

(c) Allocation of specific spaces to be used for quarantine purposes throughout the country and making strict ground at the entrance in the Nepal-India cross border and the Nepal-China cross border with due attention to women (separate space, especial care for pregnant women and lactating mothers, free-of-cost sanitary pad for women);

(d) Contact tracing of those people who came into contact with carriers of COVID-19, screening of individuals arriving in Kathmandu from other parts of the country or overseas by road or by air, and symptomatic passengers to be taken directly to designated COVID hospitals and admitted, tested and treated appropriately, whereas asymptomatic passengers were kept in dedicated quarantine or advised to follow strict home quarantine, self-isolation and to avoid non-essential travel and community contact;

(e) Formulation of the Health Sector Emergency Response Plan (HSERP) to manage the spread of COVID-19 and forming Case Investigation and Contact Tracing Teams (CICTTs) at the local levels to ensure trained human resources at all levels, following standard operating procedure (SOP) for case investigation and contact tracing, mobilize female community health volunteers (FCHVs) at community levels with due attention to pregnant women and lactating mothers, perform rapid epidemiological investigations of clusters at risk for COVID-19, and ensure necessary resources and protective measures to all care providers according to the estimated level of risk;

(f) Management of quarantine and isolation centres – institutional quarantine facilities at schools, campuses, hostels, hotels and other accommodating facilities, allocating separate places for women, with the coordination of local governments.

³ Binod Rayamajhee, Anil Pokhrel, Gopiram Syangtan, Saroj Khadka, Bhupendra Lama, Lal Bahadur Rawal, Suresh Mehata, Shyam Kumar Mishra, Roshan Pokhrel and Uday Narayan Yadav. "How Well the Government of Nepal Is Responding to COVID-19? An Experience From a Resource-Limited Country to Confront Unprecedented Pandemic." *Front. Public Health*, 17 February 2021. Sec. Public Health Policy, Volume 9 – 2021 | <https://doi.org/10.3389/fpubh.2021.597808> available at <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2021.597808/full>.

Isolation facilities were also provided by the provincial governments and various public and private hospitals;

(g) Public information and awareness campaign to disseminate correct information and education to the public, including basic safety protocols such as wearing masks properly in public places, using hand sanitizer, washing hands frequently, avoiding crowds and maintaining at least three meters of physical distance as suggested by WHO guidelines;

(h) Nation-wide lockdown suspending visa-on-arrival, banning all domestic and international flights, long-distance transportation across the country and all non-essential services except for those with prior permission from local authorities, those belonging to security forces, health workers and ambulances, groceries and pharmacies operated during times as specified by the local authorities, and closing all other workplaces, government offices, schools and universities;

(i) Following economic support packages were provided targeting the poor, daily wage earners, and other marginalised groups, including women and Dalit, in the rural areas who had access to food only through daily wages and who were disproportionately affected by the lockdown:

- Establishment of “COVID-19 Prevention, Control and Treatment Fund”- to which hundreds of institutions, business firms and individuals made contributions, and distribution of grant through the fund to the needy people;
- The provincial and local governments also created fund to support COVID-19 pandemic affected people and provided grants to the affected marginalised groups;
- Nepal Rastra Bank (the Central Bank) unveiled relief packages through monetary policy to mitigate the economic effects of COVID-19, comprising an extension of loan repayment deadlines, refinance facilities, grace period extension for infrastructure projects and targeted lending in productive sectors at cheaper rates, categorizing highly affected, semi-affected, and least-affected;
- Relief package for labour, poor and marginalised people, as well as distribution of urgent foodstuffs;

(j) Vaccination strategy for the population – eight different types of vaccines have been approved by the GoN but only six have been deployed for vaccination, and a total of 59,431,338 doses have been administered by November 2022 covering complete doses of 81.06 per cent of total population.⁴

7. The Ministry of Education, Science and Technology (MoEST) adopted five-year Recovery and Accelerated (ReAL) Plan 2023-2028 with the objectives to recover the loss of learning caused by COVID-19 pandemic and institutionalise best practices for recovery and accelerated learning in schools. Trainings were provided to the teachers to prevent, respond, manage and mitigate, along with the provision of learning web portal.

8. Under the leadership of NWC a committee was formed for monitoring the situation of gender-based violence (GBV) during the COVID-19 pandemic. The NWC circulated the findings of the monitoring to the concerned organisations for taking necessary actions.

⁴ Sunit Chhetri, Srista Manandar, Sunny Chhetri, Astha Acharya, Swapnil Regmi, Dil Bahadur Gurudhami, Thinley Dorji, *Enablers and barriers of COVID-19 vaccination efforts in Nepal*, First published: 09 February 2023.

9. The Post Disaster Needs Assessment (PDNA) and Post Disaster Recovery Framework (PDRF), conducted by the GoN after the 2015 Gorkha earthquakes, recognised women and marginalised groups as among the most vulnerable of those affected by the earthquakes.⁵ Since then, Nepal's Gender in Humanitarian Action Task Team (GiHA-TT) has served as United Nation Country Team (UNCT)'s flagship mechanism to support the government and the community for ensuring that the women and the country's most vulnerable and excluded groups are not left out during humanitarian interventions. The GiHA-TT was reactivated in April 2020 to mainstream Gender Equality and Social Inclusion (GESI) in all responses to the pandemic. Chaired by the UN Women Nepal, the GiHA-TT is a multi-stakeholder mechanism comprised of government, civil society organisations (CSOs), development partners, and UN agencies. It serves as a virtual platform that facilitates constructive dialogues, honours a diversity of voices, demonstrates thought leadership, and enables greater clarity with regard to coordinating GESI efforts in humanitarian work.⁶

10. Nepal always remains at risk of various disasters, including earthquakes, floods, landslides, and public health emergencies. The GoN in support of national and international organisations continues on-going humanitarian response and early recovery work in the most affected districts, developing a joint recovery plan. In the first half of 2024, Nepal has faced several disasters, including fire, lightning, windstorms, monsoon torrential rain, floods, and landslides. These emergencies have affected thousands of families. Additionally, both the seasonal cold waves and heat waves in the plain land of *Terai* led to school closures for three to seven days, disrupting education for children, and affecting elderly populations, particularly those living below the poverty line. In recent years, there is increase in the number of reported cases of dengue fever, which is normally observed during every summer and rainy season, and the situation is being closely monitored as the monsoon approaches.

11. The National Disaster Risk Reduction and Management Authority (NDRRMA) is in place to respond during disaster and humanitarian crisis, and the GoN's efforts to respond to the humanitarian situation are supported by various agencies including the UN agencies. There is a provision for coordination of national and international cooperation under the National Disaster Response Framework (NDRF), 2070 (2013). There is a cluster system for disaster relief and emergency response from the national to the local level supported by UN agencies and other international partners. The cluster includes 'protection' along with search and rescue, health, WASH, food security, nutrition, education, camp coordination/management, early recovery, logistics, and emergency communication.⁷ At the national level the 'Protection Cluster' which pay especial attention to women's, children's, senior citizens' and people with disability (PWD)'s needs during disaster/crisis is led by the MoWCSC and supported by UNHCR/UNICEF/UNFPA.

12. Keeping in mind of women's involvement in subsistence agriculture and household economy, various other measures have also been taken to ensure the equal

⁵ Government of Nepal, National Planning Commission, *Nepal Earthquake 2015: Post Disaster Needs Assessment*, Vol. B: sector reports, 2015. Singha Durbar, Kathmandu; available at https://www.npc.gov.np/images/category/PDNA_volume_BFinalVersion.pdf.

⁶ Gender in Humanitarian Action Task Team (GiHA -TT) Nepal, "GESI Mainstreaming in COVID-19 Response: Building upon Lessons Learned and Good Practices in 2020," *Gender Equality Update*, 31 June 2021; available at https://un.org.np/sites/default/files/doc_publication/2021-06/GE%20Update%2031.pdf.

⁷ Center for Excellence in Disaster Management & Humanitarian Assistance (CF-EDM), *Nepal Disaster Management Reference Handbook – Nepal* (September 2023), available at: <https://reliefweb.int/report/nepal/disaster-management-reference-handbook-nepal-september-2023>.

and meaningful participation of women and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights, such as strengthening of small holding agriculture for addressing food insecurity; increasing investment in agriculture, providing subsidies, seed, fertilizers and storage facilities; fixing minimum support prices for farm products; providing access to technical services, processing and markets; increased investment in research for draught resistance varieties; development of rural road networks; increased access to psychosocial services and trauma counselling especially for women and children; and healthcare services and nutrition programme especially targeting children, pregnant women and lactating mothers.

13. It is also important to note that the GoN, National Planning Commission (NPC) has adopted the "Integrated National Social Protection Framework" on 7 December 2023 which intends to coordinate and integrate the 'social protection initiatives implemented by 13 different Federal Ministries and other Agencies at all levels. The Framework has provided a mechanism at the national and provincial level to coordinate and integrate social protection programmes which address the needs of those who are at the high risk during disasters such as women, single women, pregnant women, children, people with disability (PWD), senior citizens, *Dalit* and marginalised people.⁸ (Please refer to Annex 2 for more details). The GoN has adopted the 16th Plan beginning from this fiscal year (16 July 2024) with necessary strategies and major programmes to realize gender equality, social justice and inclusive development in all spheres of the economy and interventions of all three levels of government.⁹

Constitutional and legislative framework and discriminatory laws

Reply to paragraph 2 (a) of the list of issues and questions

14. Through the constitutional and legal reforms, Nepal is endeavouring to end all forms of discrimination against all women and girls. Article 18 of the Constitution of Nepal guarantees rights to equality and Article 38 provides rights to women. Article 10 of the constitution includes that no citizen of Nepal will be deprived of the right to obtain citizenship. Article 12 of the same includes that a person who is entitled to obtain the citizenship of Nepal by descent in accordance with the constitution may obtain a certificate of citizenship of Nepal with gender identity by the name of his/her mother or father.

15. The Nepal Citizenship (First Amendment) Act, 2079 (2023), opens the door for thousands of children of the parents who got citizenship by birth to acquire citizenship by descent. Now the Act allows everyone born from Nepali parents who have acquired Nepali citizenship by birth before 12 September 2015 to acquire citizenship by descent.¹⁰ Similarly, the Act also has paved the way for a child born in Nepal to a Nepali woman and whose father is unidentified to get citizenship by descent. The applicant can choose either the surname and address of their mother or father while acquiring citizenship. Similarly, one can get citizenship through gender identity in line with the Article 12 of the Constitution.

⁸ Government of Nepal, National Planning Commission, *Integrated National Social Protection Framework, 2080 (2023)* (in Nepali)

<https://npc.gov.np/images/category/240223035116एकिकृत%20राष्ट्रिय%20सामाजिक%20सुरक्षा%20संरचना%20२०८०%20Final.pdf>.

⁹ https://npc.gov.np/images/category/240607021743_सोहो%20योजना.pdf.

¹⁰ Section 3 (4) of the Nepal Citizenship Act, 2006.

16. Section 99 of the National Civil Code, 2074 (2017) provides that if divorce is to be effected because of the husband, the concerned court shall cause partition of property to be effected between the husband and wife before effecting divorce, and if it takes a long time to effect partition the court shall order the husband to provide the wife with monthly expenses as alimony according to the property and income of the husband until the partition is effected.

17. Pursuant to Section 8 of the Foreign Employment Act, 2067 (2007), no gender discrimination shall be made while sending workers for foreign employment.

Reply to paragraph 2 (b) of the list of issues and questions

18. Detail information of the landmark decisions of the Supreme Court of Nepal is provided in Annex 1. The GoN is fully aware of prompting the improvement of laws by integrating the Supreme Court's decisions/orders.

Reply to paragraph 2 (c) of the list of issues and questions

19. The Constitution explicitly forbids discrimination on various grounds including gender, marital status, pregnancy, physical condition, among others. It also prohibits discrimination against in the application of general laws on various grounds including sex, physical condition, condition of health, marital status, pregnancy. Similarly, gender discrimination is prohibited on remuneration and social security, as well as inheritance of property. The Constitution also guarantees every woman equal lineage right without gender based discrimination. Besides the Constitution, the National Penal Code, 2074 (2017) encompasses many facets of discrimination and violence against women and girls (VAWG). It criminalizes acts of violence and wilful discrimination and harmful social practices; which include rape, incest, paedophilia, polygamy, forced marriage, non-consensual marriage, child marriage, *chhaupadi*, dowry system, sex-determination and forced abortions, trafficking of women, sexual harassment at workplace, slavery and servitude, and so on. National Civil Code, 2074 (2017) prohibits discrimination on any ground in the public places and in the use of public services and utilities. It forbids discrimination in wages and social security for the same work on the basis of sex. It establishes equal inheritance rights for daughters and sons, and equal spousal rights to property.

20. There are other special laws which strictly prohibit discrimination and violence in the public and private spheres and guarantee remedies for the victims, such as:

(a) The Human Trafficking and Transportation (Control) Act, 2064 (2007) criminalizes trafficking in persons for sexual exploitation and illegal organ extraction or as such;

(b) The Domestic Violence (Offence and Punishment) Act, 2066 (2009) classifies domestic violence as a criminal offence;

(c) The Caste based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) criminalizes activities that discriminates people on the basis of caste or untouchability;

(d) The Sexual Harassment at Workplace (Prevention) Act, 2071 (2014) protects the right of every individual to work in a safe environment without discrimination;

(e) The Witchcraft Related Accusation (Crime and Punishment) Act, 2072 (2015) prohibits accusing or assaulting women on charge of practising witchcraft;

(f) The Labour Act, 2074 (2017) ensures equal pay for equal value of work for both men and women. It also keeps provision for 98 days of maternity leave;

(g) The Right to Safe Motherhood and Reproductive Health Act, 2075 (2018) firmly establishes the sexual and reproductive rights of all women and girls. The Act provides 98 days of paid leave to women working in the governmental, non-governmental and private organisation or institutions, and arrangement should be made for the women employees for breast-feeding to the baby during the office hours up to two years from the birth of the infant. Under Section 15 of the Act, women can undergo safe abortion with their consent up to 12 weeks of pregnancy and 28 weeks in case of pregnancy due to rape or incest;

(h) The Act Relating to Compulsory and Free Education, 2075 (2018) establishes the constitutional right of every child to receive free basic and secondary education. Public funded schools are required to provide easily accessible admission, and ensure that there is no expulsion from the school. Scholarships and day meals are to be provided to the students of marginalized communities;

(i) Similarly, the Crime Victims Protection Act, 2075 (2018) ensures the right to justice for the victims of crimes throughout the investigation, adjudication and social rehabilitation phases of criminal proceedings. It reaffirms non-discrimination, and provides special arrangements for cases related to rape and sexual violence;

(j) Nepal's legal frameworks are continually evolving, and in that context, the existing laws may be amended and new laws may be enacted, as appropriate, to address gender discrimination if it is found that the existing framework does not address all forms of gender discrimination.

Women's access to justice

Reply to paragraph 3 (a) of the list of issues and questions

21. Realising the need to improve the quality of legal aid and increase effectiveness in service delivery by expanding the scope of legal aid especially for women, *Dalit*, PWD, gender and sexual minorities, poor, disadvantaged, and other marginalized sections of the society, the GoN has adopted the Integrated Legal Aid Policy (ILAP) on 30 December 2019. The ILAP has following key features:

(a) Criteria of identifying the economically and socially disadvantaged people on a practical and scientific ground who are entitled to free-legal aid services, such as recommendation provided by the local government or those having legal ID card to prove that they belong to disadvantaged group; senior citizens; children; victims of domestic violence, GBV and armed conflict; and victims of caste and other social based untouchability or discriminatory crimes; economically, socially and educationally marginalised women; *Dalit*; indigenous/ethnic group; *Madheshi*; *Tharu*; minorities; PWD; marginalised; Muslim; indigent class; gender and sexual minorities, economically poor *Khas Aarya*; labour; peasant; oppressed and citizen of backward area; and people with court order entitled to have free legal aid;

(b) Provision of providing free-legal aid in sign language to those who have hearing- and speech-impairment, and providing free-legal aid with the best interest of children as a primary consideration;

(c) Outreach programmes of legal awareness education, psychosocial counselling, mobile free-legal aid services at the district and local levels in coordination and collaboration with the local governments;

(d) Provision of minimum qualification for the legal aid service providers and providing free-legal aid to targeted beneficiaries through enlisted legal experts and pro-bono lawyers, as well as women lawyers to the women victims of domestic violence and GBV;

(e) Capacity development of free-legal aid service providers;

(f) Provision of providing free-legal aid in a coordinated and integrated manner through the central legal aid committee, district legal aid committees, court-paid lawyers and pro-bono lawyers arranged by the judiciary, Nepal Bar Association (NBA), national organisations related to human rights, other government agencies, and non-governmental organisations;

(g) Establishment of a separate free-legal aid fund, in order to avail required financial and material resources and enhance the capacity of human resources;

(h) Provision of code of conduct for free-legal aid service providers;

(i) Three tiers of institutional structures – National Legal Aid Council and its Secretariat at the Federal Level, Province Legal Aid Committee at the provincial level, and District Legal Aid Committee at the district level; and

(j) Provision of a regular monitoring and evaluation of legal aid and the improvement of service delivery based on the feedback provided by the beneficiaries.

22. Article 20 (10) of the Constitution of Nepal includes that any indigent party shall have the right to free-legal aid in accordance with the law, and according to the Legal Aid Act, 2054 (1997) free-legal aid is being provided to realise the right to justice by making the legal remedy system accessible. Furthermore, the principle approval has been provided to the draft of the Bill to Amend and Consolidate the Law relating to Legal Aid on 21 March 2024 and the discussion on the draft is in progress.¹¹

23. Additionally, the MoLJPA in collaboration with UNDP has been implementing “Enhancing Access to Justice through Institutional Reform Project” to strengthen the legal aid service system and enhance the capacity of the authorities to effectively manage and deliver legal aid services to poor and indigent people to increase their access to justice in a sustainable and quality manner; and to build the capacity of justice sector institutions to provide effective legal/judicial remedies as well as protection of human rights in line with national and international standards and empowering people, in particular women, *Dalit* PWD, gender and sexual minorities, poor and other marginalized groups to claim their rights and participate in judicial governance/civic life.¹² The first phase (2018-2021) of the project was closed in 2021, and the second phase is being carried out for the period from 2022 to 2026.¹³ Under the project, 21 training and consultation programmes had been conducted targeting the legal aid providers since 2018. A total of 812 legal aid providers had benefitted from the programmes. During this six year period, a total of 1,533 legal awareness programmes had been carried out outreaching a total of 104,625 populations. Among them more than 62 per cent were women. Similarly, a total of 24,748 people were benefitted from the legal aid. Among them more than 68 per cent were women.¹⁴

¹¹ Government of Nepal, Ministry of Law, Justice and Parliamentary Affairs.

¹² <https://www.undp.org/nepal/projects/closed-enhancing-access-justice-through-institutional-reform-project-a2j>.

¹³ Enhancing Access to Justice through Institutional Reform (A2J) Project II, Baseline Survey Report: Access to Justice Project Phase II in the Selected Locations, Babarmahal, Kathmandu, August 2022.

¹⁴ Government of Nepal, Ministry of Law, Justice and Parliamentary Affairs.

Reply to paragraph 3 (b) of the list of issues and questions

24. During the last five years period from fiscal year (FY) 2018/19 to FY 2022/23) the National Judicial Academy (NJA) has provided training to a total number of 1,158 of judges, court staff, government attorneys, police officers and Local Judicial Committee (LJC) members on women's rights, as well as on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women. The related data is given in table below (Table 1). Among the participants the judges accounts for 29.5 per cent, court staff 60.6 per cent and government attorneys 7.3 per cent, whereas the number of police officers stands only 1.4 per cent and LJC members 1.2 per cent. COVID-19 pandemic hampered the training programme during FY 2018/19.¹⁵ The GoN realises that the NJA training would cover more numbers of police officers and NJC members every year.

Table 1

Number of law enforcement officers who received training from NJA (FY 2018/19–2022/23)

Fiscal Year	Law Enforcement Agency					Total
	Judges	Court Staff	Government Attorneys	Police Officers	LJC Members	
2022–23	88	75	70	0	0	233
2021–22	32	379	14	16	0	441
2020–21	151	0	0	0	14	165
2019–20	33	248	0	0	0	281
2018–19	38	0	0	0	0	38
Grand Total	342	702	84	16	14	1 158

Source: National Judicial Academy (NJA), Nepal.

Reply to paragraph 3 (c) of the list of issues and questions

25. As provided by Section 229 of the National Penal Code, 2074 (2017), complaint can be made at any time for an offense relating to incest. In other cases of rape and sexual offenses “An Act Made to Amend Some Nepal Acts against Sexual Violence” amended the ‘Statute of Limitation’ by extending it to three years. According to the amendment if the rape or sexual offense is against a child, the statute of limitation applies within three years from the date on which such child completes the age of eighteen years. Similarly, three years statute of limitation also prevails in the case of such offense against a person with disability, mentally retarded or over seventy years of age. In the case of others the statute of limitation is granted for two years from the date of commission of such offense.

Reply to paragraph 3 (d) of the list of issues and questions

26. The types and number of GBV cases registered in Nepal Police during the five years period (from FY 2018/19 to FY 2022/23) is provided in the following table (Table 2). During the five years period a total of 95,694 cases against women are

¹⁵ National Judicial Academy, *Annual Reports*, available at <https://www.njanepal.org.np/reports/annual-report>.

found to be registered in the Nepal Police Offices across the country, of which domestic violence accounted for 77.6 per cent, rape 12.2 per cent, polygamy 4.3 per cent, attempt to rape 3.53 per cent, child sexual abuse 1.44 per cent, child marriage 0.35 per cent, witchcraft allegation 0.24 per cent, untouchability and abortion 0.16 per cent each.

Table 2

Types and number of cases against women registered in Nepal Police (FY 2018/19–2022/23)

<i>Types and number of GBV cases against women</i>										
<i>Fiscal Year</i>	<i>Rape</i>	<i>Attempt to Rape</i>	<i>Polygamy</i>	<i>Child Marriage</i>	<i>Witchcraft</i>	<i>Abortion</i>	<i>Untouchability</i>	<i>Child Sexual Abuse</i>	<i>Domestic Violence</i>	<i>Total</i>
2022–23	2 387	518	723	52	43	32	27	343	16 519	20 644
2021–22	2 380	655	809	52	49	37	15	314	17 000	21 311
2020–21	2 532	735	852	84	61	27	39	281	14 232	18 843
2019–20	2 144	687	734	64	34	29	30	232	11 738	15 692
2018–19	2 230	786	1 001	86	46	27	43	211	14 774	16 204
Total	11 673	3 381	4 119	338	233	152	154	1 381	74 263	95 694
%	12.20	3.53	4.30	0.35	0.24	0.16	0.16	1.44	77.60	100

Source: Nepal Police Headquarters, Women, Children and Senior Citizens service Directorate

<https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/>.

27. According to Nepal Police, 96 per cent of the registered cases had been resolved and remaining 4 per cent cases are in process to be settled. All cases except domestic violence have been prosecuted against the perpetrators demanding imprisonment, penalty and compensation to the victims as provided in the National Criminal Procedure Code, 2074 (2017).

28. There is also the data made available by the Office of the Attorney General (OAG) for the same five years period. However, the number and types of prosecuted cases against women varies from the above data of Nepal Police. According to the OAG data there are a total 42,396 GBV cases that had been prosecuted in the respective courts. Among them rape cases accorded 54.32 per cent, polygamy 18.45 per cent, attempt to rape 13.74 per cent, child sexual abuse 5.07 per cent, abduction and rape 3.05 per cent, child marriage 2.25 per cent, domestic violence 1.24 per cent, human trafficking 0.83 per cent, unnatural intercourse 0.78 per cent, and witchcraft allegation 0.26 per cent. Of the total 42,396 prosecuted cases, only in 23.66 per cent the court verdicts were in favour of the women. The detail of the OAG data is provided in the following table (Table 3).

Table 3

Types and number of prosecuted GBV cases according to OAG in Nepal (FY 2018/19–2022/23)

<i>Types and number of GBV cases against women</i>													
<i>Fiscal Year</i>	<i>Attempt to Rape</i>	<i>Child Sexual Abuse</i>	<i>Unnatural Intercourse</i>	<i>Abduction and Rape</i>	<i>Murder after Rape*</i>	<i>Domestic Violence</i>	<i>Witchcraft Allegation</i>	<i>Polygamy</i>	<i>Child Marriage</i>	<i>Human Trafficking</i>	<i>Acid Attack*</i>	<i>Total</i>	<i># of court verdict in favour</i>
2022–23	5 515	1 065	586	85	280	0	118	29	1 666	204	49	0	9 597
2021–22	5 548	1 267	564	75	290	0	135	33	1 758	223	58	0	9 951
2020–21	5 006	1 287	456	71	254	0	111	29	1 628	232	56	0	9 130

Types and number of GBV cases against women													
Fiscal Year	Rape	Attempt to Rape	Child Sexual Abuse	Unnatural Intercourse	Abduction and Rape	Murder after Rape*	Domestic Violence	Witchcraft Allegation	Polygamy	Child Marriage	Human Trafficking	Acid Attack*	# of court verdict in favour
2019–20	3 763	1 044	346	55	227	0	87	12	1 426	158	79	0	1 544
2018–19	3 197	1 162	199	43	241	0	76	9	1 346	137	111	0	1 848
Total	23 029	5 825	2 151	329	1 292	0	527	112	7 824	954	353	0	10 033
%	54.32	13.74	5.07	0.78	3.05	0	1.24	0.26	18.45	2.25	0.83	0	23.66

Source: Office of the Attorney General.

* The number of cases registered in court for offense of ‘Murder after Rape’ and ‘Acid Attack’ cannot be retrieved from the OAG database as those cases are not registered in the above mentioned heading.

29. In addition to the data of Nepal Police and Office of the Attorney General, the National Women Commission (NWC) has also recorded various types of GBV cases against women, such as mental torture, beating, blaming, economic torture, denial of legal documents (marriage certificate, birth certificate, citizenship certificate), property transfer, personal threats, sexual abuse, rape, attempt to rape, polygamy, cybercrime, alimony, forced abortion, divorce, attempt to murder, child marriage, violence related to dowry, marital rape or as such. According to the NWC’s Annual Report, of the total 902 reported GBV cases the domestic violence cases occupied almost 91 per cent.¹⁶

National machinery for the advancement of women

Reply to paragraph 4 (a) of the list of issues and questions

30. The National Women’s Commission (NWC) was established on 7 March 2002 and recognized as an independent constitutional body after the promulgation of Constitution of Nepal in 2015. It has defined roles, responsibilities and mechanisms as provided by the National Women’s Commission Act, 2074 (2017) and Regulations, 2078 (2021). The NWC now consists of one Chairperson and four members together with a workforce of 55–24 permanent positions, 14 in service contract and 17 in temporary positions which are created for complaint mechanism (1145). Among them 17 staffs are from different technical services such as legal services, women development services, psychosocial counsellor, IT officer, helpline operator and financial management. As per the annual programmes of the NWC the annual budget allocated in FY 2022/23, 2023/24 and 2024/25 is NRs 99.4 million, NRs 92.5 million and NRs 81 million respectively. Nepal’s economy was badly affected by the Covid Pandemic, and other adverse shocks, pushing the economy into recession. After 55 years, Nepal’s revenue collection decreased year-on-year basis in fiscal year 2022–2023, which has adversely affected government spending and rapidly increased public debt.

31. In NWC there is a specialised section for complaint handling, which has core functions to register complaints and response to them and handle complaints received through toll-free helpline No. 1145. The service structure has been established in such a way that the victims of GBV from all over the country can report their problem by telephone or any other medium of communication to this helpline. The NWC’s Complaint Handling Section provides legal counselling as well as free legal aid,

¹⁶ National Women Commission, *The 16th annual report (FY 2022/2023)*, available at www.nwc.gov.np.

psychosocial counselling, maintains record of violence against women, conducts research/study, takes action on cases of violence against women, lodges cases against the agencies that disfranchise the use of women's rights, forwards recommendations to relevant government agencies for taking actions, refers victims/survivors of the GBV to safe shelters, oversight the management of hospital based one-stop crisis management centres (OCMCs) in providing free-health services, and coordinates with government and non-government organizations. However, the NWC's complaint handling service is basically concentrated in the capital city, Kathmandu due to the absence of provincial level offices. Although Article 254 of the Constitution provides powers to NWC to establish its offices in the provinces as required, it has not been able to outreach to the provinces because of financial and human resource constraints.

Reply to paragraph 4 (b) of the list of issues and questions

32. In 2023 the MoWCSC has adopted Action Plan for implementing the National Gender Equality Policy (NGEP), 2021. Orientation and dissemination of the policy and action plan is carried forward to localise the policy at the provincial and local levels. After the adaption of NGEP the provincial and local governments are in the process to develop the provincial and local level gender equality and social inclusion policy referencing the NGEP, which can be regarded as one of the major achievements. There is gradual increment of gender/GESI responsive budget (GRB) from the federal to the local levels which can also be regarded as an important achievement. Now the proportion of GRB in the total budget of the government at the federal level has reached up to 40 per cent. The political representation of women is 33.6 per cent at the federal parliament, 34.5 per cent at the provincial parliament, and 40.9 per cent at the local level governments. Women's representation in public services increased to 29.6 per cent. Women's ownership over land and landed property is 23.8 per cent. Now 13.7 per cent of women are at the decision-making posts,¹⁷ and the women's participation in the formal labour market accounts 33.5 per cent.¹⁸

33. The Government of Nepal, in support of the Delegation of the European Union in Nepal and the United Nations have launched a four-year joint programme, entitled *Shashakta Mahila, Sambridhha Nepal* (Empowered Women, Prosperous Nepal), to advance gender equality and contribute to the empowerment of women and girls to realize the national vision of a prosperous and happy Nepal (Vision 2030). With a total budget of US\$19.5 million, the programme will be jointly implemented by four UN agencies (ILO, UNFPA, UNICEF, UN Women), in the Madhesh, Karnali and Sudurpashchim Provinces from 2023 to 2026 in collaboration with federal, provincial and local governments. As guided by the NGEP, the programme seeks to strengthen equal rights and opportunities for women and men by engaging with men and boys, families, and communities to exhibit more gender-equitable behaviours, as well as support for positive social and gender norms that promote Gender Equality and Women's Empowerment (GEWE), resulting in increased agency and voice of women and girls. The programme also aims to address the formal and informal barriers to development that women and girls face in Nepal, acknowledging the intersecting vulnerabilities, formal and informal forces that combine to leave half of Nepal's vital forces behind and ensure that women, men, girls, and boys, in all their diversity, have equal access to economic, labour, and social rights and institutions deliver gender

¹⁷ Government of Nepal, National Planning Commission, The 16th Plan (FY 2024/25-2028/29), Singh Durbar, Kathmandu, June 2024 (in Nepali) <https://npc.gov.np/images/category/240607021>.

¹⁸ Government of Nepal, Ministry of Women, Children and Senior Citizens, Status of Women in Nepal: Social Statistics and Key Indicators 2081, Singh Durbar, Kathmandu (attached in Annex 3).

equality outcomes in all spheres, in line with international and national normative frameworks.¹⁹

34. Despite those achievements there are few challenges in relation to the implementation of NGEF, such as lack of adequate financial and human resources as a low-income developing country, and sometimes, the lack of requisite knowledge and awareness of gender/GESI issues among all the policymakers. The MoWCSW will prioritize financial resource planning for the implementation of NGEF, while executing the implementation plan. Additionally, the MoWCSC is in the process of forming the monitoring mechanism as proposed in the NGEF.

Reply to paragraph 4 (c) of the list of issues and questions

35. As a dedicated focal ministry for promoting gender equality and empowerment of women and girls in the country, the MoWCSC has three main divisions Women Empowerment Division, Social Coordination Division and Administration Division with a total number of 106 workforces out of 109 posts. Nearly 70 per cent of the total staff is women. One of the female Under Secretaries and another of male Section Officer are with disability. The staffing pattern of the MoWCSC is provided in the following table (Table 4);

Table 4

Total Number of Human Resource in Ministry of Women, Children and Senior Citizens

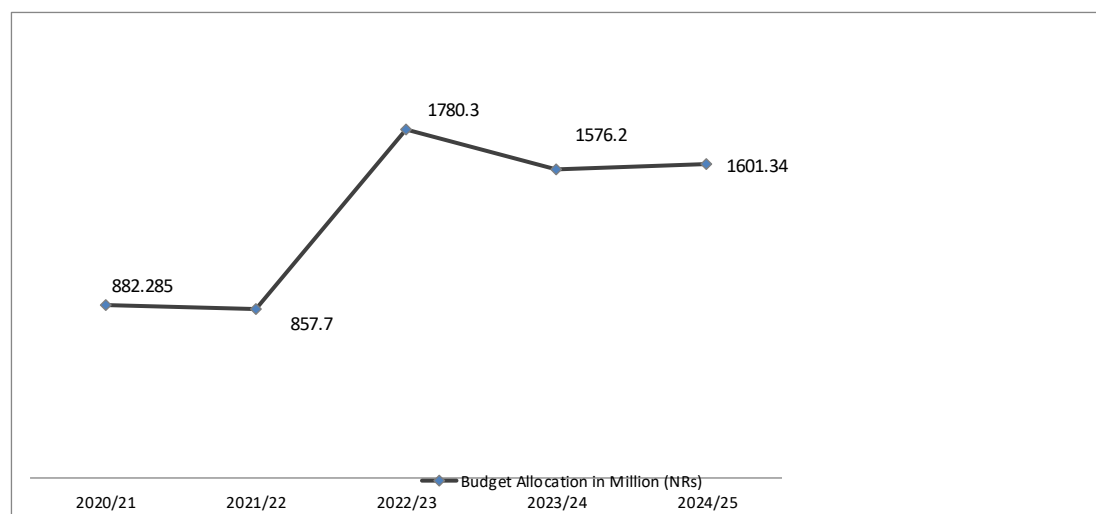
S.N.	Position	Total Number of Post	Male	Female	% of Female as of Total post
1	Secretary (Special Class)	1	1	0	0
2	Joint Secretary (Gazetted Class I)	3	1	2	66.67
3	Under Secretary (Gazetted Class II)	13	4	9	69.23
4	Section Officer (Gazetted Class III)	22	4	18	81.82
5	Non-Gazetted Class I	43	6	37	86.05
6	Support staff	24	16	8	33.33
Total		106	32	74	69.81

Source: Ministry of Women, Children and Senior Citizens, <https://mowcsc.gov.np/staffs>.

36. The Annual budget allocation to the MoWCSC in the last five years is shown in Figure 1.

¹⁹ <https://nepal.un.org/en/221902-empowered-women-prosperous-nepal>;
<https://www.ilo.org/projects-and-partnerships/projects/empowered-women-prosperous-nepal-unjp>;
<https://nepal.un.org/en/221902-empowered-women-prosperous-nepal>.

Figure 1
Annual Budget Allocation during five years (FY2020/21–2023/24/25)



Source: Ministry of Women, Children and Senior Citizens.

37. The MoWCSC is functioning as the national steering and coordinating agency for the Gender Focal Persons (GFPs) of all line ministries at the federal Level. The Women Development and Gender Mainstreaming Section under the Women Empowerment Division works as the Secretariat to liaise and coordinate with the GFPs. The MoWCSC has prepared Terms of Reference (ToR) and has been taking initiatives for the capacity development of the GFPs of the federal level line ministries. Monthly and quarterly meetings of GFPs are held *regularly*. The GoN has assigned the focal persons at all the 77 Districts Coordination Committees (DDCs) to coordinate and facilitate activities related to all sectors of MoWCSC.

38. Since the MoWCSC is the liaising ministry, it maintains close coordination with the NWC. The NWC is consulted during policy and legal reforms. Joint meetings are held and frequent contact/communications are made on *common* issues with regard to women empowerment, GBV and other gender issues.

Reply to paragraph 4 (d) of the list of issues and questions

39. Efforts are continuously going on at the provincial and local governments to ensure women's rights, promote gender equality and enhance gender responsive budget allocation. GFPs have also been appointed in the provincial ministries of all seven provinces. The provincial governments have established nodal ministries for mainstreaming gender and social inclusion (GESI), and empowerment of women and girls.²⁰ At the local level Women, Children and Senior Citizen Sections are working as dedicated sections for GESI. The Provincial and Local Government Support Programme (PLGSP), a national flagship programme implemented by the GoN, Ministry of Federal Affairs and General Administration (MoFAGA) in support of UNDP since 2019 is contributing to build institutional, organizational and individual

²⁰ For example: Ministry of Social Development in Koshi Province; Ministry of Sports and Social Welfare in Madhesh Province; Ministry of Social Development in Bagmati Province; Ministry of Social Development and Health; Ministry of Social Development/Ministry of Women, Children and Senior Citizens of Lumbini Province; Ministry of Social Development in Karnali Province and Sudurpashchim Province respectively.

capacity at all levels of government, with special focus on the province and local levels, including GESI mainstreaming, promotion of gender responsive budgeting (GRB), GESI audit and GBV prevention. The objectives of PLGSP are directed towards strengthening province and local governance systems and procedures and inter-government relationships to maximize benefits of cooperative federalism in Nepal and enhancing the capacity of provincial and local governments to deliver services and development outcomes effectively to citizens.²¹ The Province Programme Implementation Units (PPIUs) of PLGSP are placed under the Office of the Chief Minister and Council of Ministers (OCMCM) of the Provincial Government. In all seven provinces PLGSP also supports province training academies in providing training and orientation to the elected representatives and officials of the provincial and local governments to enhance their capacities in relation to mainstreaming GESI, adopting GESI Policy/Strategy, performing GESI Audit, as well as implementing Code of Conduct against GBV and sexual harassment at the workplace. As the data made available by PLGSP, three provincial governments out of seven have adopted GESI Policy and four provincial governments have adopted GESI audit guideline as well as carried out GESI Audit at the provincial ministries. Similarly, 420 out of 753 local governments are found to adopt GESI Policy/Strategy/Guideline, and 367 of them have performed GESI audit. The detail is given in Annex 4: Provincial and Local Government Support Programme (PLGSP) support to provincial and local governments. Some of the Province Government and many of the Local Governments have also developed GESI Policy/Strategy/Guideline and carried out GESI audit of their own and in support of other development partners and civil society organisations. However, the data is not available, and the policy commitments are severely constrained by the lack of trained human resources both at the provincial and local levels.²²

Women human rights defenders

Reply to paragraph 5 (a) of the list of issues and questions

40. The Constitution of Nepal fully guarantees human rights and civil liberties, including a comprehensive range of civil, political, economic, social and cultural rights, which are incorporated in its set of 31 fundamental rights with the provision of constitutional remedy. The country is a party to various international covenants, treaties and agreements related to the protection, promotion and respect of human rights including women *rights*. The protection mechanisms for addressing allegations of intimidation, harassment and violence committed against women human rights defenders is Nepal Police. It is primarily responsible for maintaining law and order, prevention of crime and crime investigation within its jurisdiction. Public prosecutors are responsible for the prosecution of the crime. The GoN especially pledges for the alertness in the security of women's rights and PWD's rights defenders.

Reply to paragraph 5 (b) of the list of issues and questions

41. In February 2021, the GoN, MoHA in line with the prevailing laws of the country and the UN Declaration of Human Rights Defenders, 1998 has issued the 'Order on Security and Protection of Human Rights Activists'. The provisions of the order include action against anyone who intimidates or attacks the human rights *defenders* and relief and compensation to them or their families in case of any untoward incident. The 'Order'

²¹ <https://plgsp.gov.np/about>.

²² Virtual interview with Chief Women Development Officer/Women Development Officer of Provincial Government, nodal ministries.

includes that no human rights defenders shall be arrested and sued for staging peaceful protest against any person, government official or leader for protection or restoration of human rights of citizens. The ‘Order’ also allows individual to seek information from the concerned bodies or officials regarding violation of a citizen’s personal liberty. It reads that if the concerned bodies or officials refuse to provide them with information, they can file a complaint in the NHRC. Moreover, the ‘Order’ has stipulated a provision of special security for women and PWD human rights defenders and includes that each human rights activist has the fundamental right to freedom of expression, organising peaceful assembly and movement in any part of the country, as guaranteed by the constitution, and if their fundamental rights are violated, they may file a writ at the court. According to the ‘Order’, Nepal Police is responsible to collect and update the details related to human/women rights defenders and organisations, and in case any human rights activist receives threat from any person or group, he/she may file a complaint at the nearest police office. It, therefore, is the duty of the concerned police office to carry out investigation into the case for legal action against the guilty with top priority.²³

Reply to paragraph 5 (c) of the list of issues and questions

42. Nepal has adopted a pluralistic liberal democratic governance system, and accordingly boasts more than 50 thousand civil society organizations working in various fields in a nation of around 30 million people. In relation to the inspections, registration processes and authorization requirements, as well as conditions of access to foreign funding, applicable to women human rights defenders, women activists and civil society organizations (CSOs) there are two main regulating bodies in Nepal: (a) the Ministry of Home Affairs through the District Administrative Offices (DAOs) in 77 districts; and (b) the Social Welfare Council (SWC), which liaise with the MoWCSC. CSOs, networks and alliances of human rights defenders and activists can register with 77 DAOs across the country and get their legal identity, according to the Associations Registration Act, 2034 (1977). While registering such organisations or networks, the concerned DAO also consults the MoWCSC and other concerned authorities. The Constitution of Nepal guarantees the right to peaceful assembly and to form associations, in addition to protecting freedom of opinion and expression. Accordingly, public protest programme, campaign or movement can be organized by informing and obtaining permission from the DAO for public security and law and order purposes. The national non-governmental organizations (NGOs) can access and implement programs in partnership with or funding assistance from international non-governmental organizations. The NGOs should get preliminary approval from the SWC for this purpose; and final program approval from SWC is made with the review from the MoWCSC as per Social Welfare Act 2049 (1992). And such CSOs, network or alliance should be affiliated with the SWC. Furthermore, many local governments have created their own laws regulating CSOs, networks or alliances which differ in various ways. Although local governments are mandated to formulate a legal framework to regulate CSO activities, registration and affiliation still comes under the jurisdiction of DAO and SWC respectively.

Temporary special measures

Reply to paragraph 6 (a) of the list of issues and questions

43. In relation to temporary special measures in education, provision of ‘Girls and Inclusive Education Network (GIEN)’ is in practice in the three tiers of government

²³ Government of Nepal, Ministry of Home Affairs; also available at <https://thehimalayantimes.com/nepal/special-provisions-for-security-of-human-rights-defen>.

with the strategy and implementation standard. The ‘Equity Strategy Implementation Plan’ has been applied to ensure the increased participation of girls in *education*. Equity Index has been used to provide advantage to the most disadvantaged communities in 80 local governments.²⁴ The provincial governments have also taken special measures to accelerate substantive equality in education sector. For example:

(a) The Government of Madhesh Province has recently enacted Protection and Empowerment of Girls Act, 2081 (2024) which continues the campaign of insurance of NRs 100,000 to each daughter born in the province till she reaches the age of 18, and with special provision of support for the school education of girls, particularly belonging to poor family, Dalit, martyr, fully disabled or severely disabled by providing scholarship, school dress, text books, stationary, and sanitary pad in coordination with the local governments. The province government has implemented ‘Beti Padhawa: Beti Bachawa’ (Educate the Daughter: Save the Daughter) campaign ; opening of fixed account in the bank in the name of every girl born to the family and deposit of money in the account from which she will be able to collect NRs 300,000 after completing 20 years of age;²⁵

(b) The Government of Bagmati Province has launched girls’ education campaign to increase the girls’ enrolment and decrease drop-out rates in schools;²⁶

(c) The Government of Lumbini is providing monthly scholarship of NRs 1,000 per girl student who is studying science in Grade 10+2; free of cost hostel facilities to freed Kamlari girls seeking higher secondary education; and stipend to girls from Muslim, Badi and other marginalised communities who pursue secondary school and higher education;²⁷

(d) The Government of Karnali Province has managed to open bank account of 41,000 girls to support their higher secondary education preventing child/early marriage by depositing NRs 500 every month till they complete 20 years of age;²⁸

(e) The Government of Sudurpashchim Province also provides scholarship to those girls who are seeking the bachelor level technical education.²⁹

44. The Civil Service Act, 2049 (1993) provides 45 per cent reservation of civil service seats proportionally to ensure inclusivity. In that, women have been allocated 33 per cent reservation seats, Madhesi 27 per cent, indigenous community (Adivasi/Janajati) 22 per cent, *Dalit* 9 per cent, PWD 5 per cent and backward areas 4 per cent. Women’s inclusion in the Nepal Civil Service can also be viewed with intersectional perspectives. Of total 85,520 workforce from different categories, women workforce accounts for 29.5 per cent. Detail is given in the following table (Table 5). The provision of inclusion has resulted in the growing number of women’s participation in civil service which can be viewed as change in the landscape of civil service in near future. Please refer to 5.1, 5.2, 5.3 and 5.4 of Status of Women in Nepal: Social Statistics and Key Indicators, 2081 attached in Annex 3 (b).

²⁴ Government of Nepal, Ministry of Education, Science and Technology.

²⁵ Virtual interview with Chief Women Development Officer, Ministry of Sports and Social Welfare Madhesh Province.

²⁶ Interview with Women Development Officer, Ministry of Social Development, Bagmati Province.

²⁷ Virtual interview with Chief Women Development Officer, Ministry of Social Development, Lumbini Province.

²⁸ Virtual interview with Women Development Officer, Ministry of Social Development, Karanli Province.

²⁹ Virtual interview with the Women Development Officer, Ministry of Social Development, Sudurpashchim Province.

Table 5
Distribution of civil servants by gender equality and social inclusion

<i>GESI Category</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Female %</i>	<i>Category %</i>
Women	0	6 333	6 333	100	26.2
Adivasi/Janajati	3 481	1 149	4 630	24.8	4.8
Madhesi	2 852	640	3 492	18.3	2.7
Dalit	1 061	322	1 383	23.3	1.3
Persons with disabilities	569	143	712	20.1	0.6
Backward area	474	98	572	17.1	0.4
Open Competition	46 299	12 336	58 635	21	51.1
Not specified	6 673	3 110	9 763	31.9	12.9
Total	61 409	24 131	85 520		100

Source: Department of National Personnel Records (Civil) 2080/81 (2023/24).

45. In addition, in all employment opportunities in the state-owned enterprises (i.e., public corporations, banks and financial institutions) has the same provision as mentioned above. For example the temporary special measures (ensuring 33 per cent quota to women) are strictly being followed by all stakeholders. However, attention has to be paid to maintain the disaggregated data with regard to the status of whole public and private sector employments in the country.

46. With regard to the reservation of the women in political parties the Act relating to Political Parties, 2073 (2017), has made provision of proportionate inclusion of representatives in all three levels of committees at the local, provincial and national levels whether they are elected, nominated or appointed. Similarly, all political parties have to include one third of women in all three level of committees. However, the provision of the Act is not equally maintained by the political parties. Following table (Table 6) provides a glimpse of women's inclusion at the central level committees of the five major political parties of Nepal.

Table 6
Women's inclusion in the Central Committee of the Major Political Parties in Nepal

<i>S.N.</i>	<i>Name of Political Party</i>	<i>Total No. of Members</i>	<i>No. of Women Members</i>	<i>% of Women Members</i>
1.	Nepali Congress Central, Executive Committee	165	52	31.52
2.	Nepal Communist Party (UML), Polite-bureau	98	18	18.37
3.	Nepal Communist Party Maoist, Centre Permanent Committee	43	12	27.91
4.	Rastriya Swatantra Party, Central Executive Committee	61	22	36.07
5.	Rastriya Prajatantra Party, Central Executive Committee	26	2	7.69

Source: 1 <https://www.nepalicongress.org/>, 2 <https://cpnuml.org/committee/politburo>, 3 <https://cpnmc.org/>, 4 <https://rspnepal.org/executive-members>, 5 <https://rpp.org.np/leadership/central-directorate>.

Reply to paragraph 6 (b) of the list of issues and questions

47. A continuous lobby and advocacy is going on behalf of all three tiers of the governments in the public sector forums, media platforms, at the debate of both the federal and provincial parliaments with regard to the importance and necessity of temporary special measures as ensured by the constitution and legal provisions. The commitment of the government is also reflected in the NGEP of the government at federal level, GESI Policy/Strategy/Guideline of the provincial and local governments across the country. Additionally, the NWC, CSOs and women rights activists are also disseminating through various workshops, consultations, training and orientation programmes to abide by the government policy of inclusion and temporary special measures.

Harmful practices

Reply to paragraph 7 (a) of the list of issues and questions

48. National Penal Code, 2074 (2017) comprehensively covers the criminal justice system of Nepal and encompasses many facets of harmful practices against women and girls. It criminalizes wilful discrimination and harmful social practices; which include polygamy, forced marriage, non-consensual marriage, child marriage, *chhaupadi*, dowry system, sex-determination and forced abortions, witchcraft allegation, and so on. Additionally, witchcraft relating Accusations (Crime and Punishment) Act, 2072 (2015) also prohibits and criminalizes witchcraft accusation.

49. From the year 2018 to 2023, a total number of 4,866 awareness programmes have been launched against harmful traditional practise like *chhaupadi*, witchcraft allegation, caste based discrimination and untouchability. In order to discourage the *chhaupadi*, Nepal Police initiated special campaign to demolish the *chhau* sheds in the districts of Sudurpashchim and Karnali provinces and 9,780 such sheds have been destructed so far. The GoN realises that much more efforts have to be done through increased investment for rapid social change to abolish *chhaupadi* and untouchability.

50. Nepal Police has established a dedicated “Dalit Desk” within the Women, Children and Senior Citizens Service Centres (WCSCSC) at Police Offices. There are now 175 Dalit Desks across the country. Nepal Police organised a three-day orientation targeting capacity enhancement of the police personnel deployed in the WCSCSC to handle cases of GBV, caste based discrimination and harmful traditional practices.

51. The traditional practices like *jhuma*, *deuki* and *dhankhaane* have almost been abolished from the country now. There is no occurrence of such practices in the country in recent years.

Reply to paragraph 7 (b) of the list of issues and questions

52. Following table (Table 7) suggests the cases handled by Nepal Police and the Office of the Attorney General (OAG) in relation to taking legal actions against polygamy, child marriage and witchcraft allegation during five years period (FY 2018/19-2022-2023).

Table 7
Number of cases relating to harmful traditional practices handled by Nepal Police and OAG

<i>Fiscal Year</i>	<i>Polygamy</i>		<i>Child Marriage</i>		<i>Witchcraft Allegation</i>	
	<i>Nepal Police</i>	<i>OAG</i>	<i>Nepal Police</i>	<i>OAG</i>	<i>Nepal Police</i>	<i>OAG</i>
2022–23	723	1 666	52	204	43	29
2021–22	809	1 758	52	223	49	33
2020–21	852	1 628	84	232	61	29
2019–20	734	1 426	64	158	34	12
2018–19	1 001	1 346	86	137	46	9
Total	4 119	7 824	338	954	233	112

Source: (1) Nepal Police Headquarters, Women, Children and Senior Citizens Directorate (2) Office of the Attorney General.

Reply to paragraph 7 (c) of the list of issues and questions

53. The government agencies in collaboration with non-government organisations and community based organisations are implementing outreach programmes against harmful traditional practices. Nepal Police has implemented Community-Police-Partnership program to fight against GBV, harmful practices, drug/substance abuse. The health sector mobilises female community health volunteers (FCHV) for reproductive and maternity health awareness and against harmful practices. The provincial governments and many of the local governments have also adopted strategies against harmful practices and are allocating budget to implement programmes against the harmful practices.

54. The NWC has also been conducting awareness activities against harmful practices such as distribution of information, education and communication (IEC) related materials, and organisation of interaction programmes with the local, district and provincial level stakeholders. In the recent past the NWC has conducted interaction programmes for creating awareness in Madhesh, Lumbini, Karnali, and Sudurpashchim provinces.

Reply to paragraph 7 (d) of the list of issues and questions

55. The GoN is fully aware of ensuring the rights of gender and sexual minorities and providing training and orientation to the medical and psychosocial professionals of the public sector on the rights of the intersex women and girls. However, the legislative provisions prohibiting the performance of unnecessary surgical or other medical procedures on intersex girls before they reach the legal age of consent is yet to be adopted.

Gender-based violence against women

Reply to paragraph 8 (a) of the list of issues and questions

56. The MoWCSC has developed a concept note with regard to preparing a draft of comprehensive legal framework to combat GBV. Similarly, a draft of integrated action plan to control GBV has been prepared.

Reply to paragraph 8 (b) of the list of issues and questions

57. With regard to the implementation of the Strategy to End Child and Forced Marriage by 2030, the government agencies of all three levels in support of CSOs, UN agencies and development partners working in the field of child rights are jointly working for wider dissemination through education and awareness campaign. Continuous efforts are going on at the provincial and local levels to adopt the provincial and local level strategies and action plans, including the mobilisation of child club/networks, youth clubs, adolescent girls groups and religious leaders against child/early marriage. The provincial governments have created funds and implemented programmes to end child/early marriage. For example ‘Adolescent Girls Empowerment Programme’ of Koshi Province in all 137 local levels; ‘*Beti Padhawo: Beti Bachawo*’ (Educate Daughters: Save Daughters) campaign, the Guideline for Declaring Child Marriage Free Area, and community based awareness programmes of the Madhesh Province; Provincial Government and Rural Municipality partnership programme of Bagmati Province government for making child marriage free province, the provision of providing NRs 500 on monthly basis to the bank account of more than 40,000 girls until they reach 20 years of age in condition of avoiding child/early marriage and continuing higher education by the Government of Karnali Province; and the Guideline for organizing the Campaign of “*Sanai Chhu Ma Badhna Deu: Bal Bibaha Hoina Padhna Deu*” (Let Me Grow since I am Quite Young: Let me study but not the Child Marriage) of the Sudur Pashchim Province are some of the flagship programmes against child/early marriage as guided by the Strategy to End Child and Forced Marriage.³⁰

58. Similarly, Nepal Police is working towards implementing strategies of the country’s commitment to end child and forced marriage by 2030 in coordination with responsible stakeholders. Nepal Police is intervening through enforcing the laws against child marriage, imposing strict sanctions and implementing outreach programmes of child protection and prevention of child marriage through the “Community-Police Partnership” programmes. The community schools and health institutions are providing comprehensive sexuality and reproductive health education to create aware on the negative impacts of the child marriage.

59. Through the Child Friendly Local Governance (CFLG) programme the MoFAGA has been conducting various workshops specifically focusing on girl children to end child marriage and improve health, education and sanitation status. All the province and local governments are investing in CFLG programme.³¹

60. At the grassroots levels, the local governments in collaboration with provincial governments and partnership with CSOs and CBOs are also implementing activities like peer education, men and boys engagement and other awareness raising programmes against child marriage. Some municipalities have opted issuance of

³⁰ As informed by Chief Women Development Officers/ Women Development Officers of Provincial Governments’ nodal ministries during virtual interview.

³¹ Government of Nepal, Ministry of Federal Affairs and General Administration.

recommendation letters verifying the age of brides and grooms before they conclude to marry.

Reply to paragraph 8 (c) of the list of issues and questions

61. The ‘Women, Children and Senior Citizen Service Centres’ (WCSCSC), which is formerly known as ‘Women Cell’ was established in 1996 as a dedicated unit of the Nepal Police for tracking and ensuring GBV against women are duly investigated. The WCSCSCs are now fully functional in 232 police units. Similarly, 175 *Dalit* Desks have also been established in the WCSCSCs, and 185 Community Police Service Centres are also functional to gather information and support the victims/survivors of GBV. There are now a total number of 19 fully featured WCSCSC buildings in various districts. The police personnel working in the WCSCSCs are especially trained in handling complaints and crimes against women and children. The WCSCSCs ensures swift police services to those needy women and children avoiding re-victimization and assurance of confidentiality. They also coordinate with stakeholders for the protection, rehabilitation of women and girls survivors of GBV, human trafficking, domestic violence and child marriage. During FY 2023/24 Nepal Police conducted 22,839 awareness programmes against GBV or related issues across the country.³²

62. The MoWCSC has established the national level GBV Elimination Fund. In 2019, an amendment was made in the GBV Elimination Fund Regulation, 2067 (2010), which mandated establishment of GBV Elimination Fund in all 7 provinces and 753 municipalities/rural municipalities to support the GVB victims/survivors for immediate rescue, medical treatment, providing relief and economic assistance, legal aid, psychological treatment and psychosocial counselling, income generating activities and seed money, and compensation as issued order by the court. The provincial governments are also contributing certain amount to the GBV Elimination Fund established by the local levels. During the six year period (from FY 2018/19 to 2023/24), NRs 9,655,448 has been spent from the federal level GBV Elimination Fund to support the GBV victims, and up to now a total of NRs 65,628,176 has been allocated to that Fund.³³ Likewise, the Supreme Court has established the Victim Relief Fund as provided by the Victim Relief Fund Regulation 2077 (2022), permitting the District Courts to open bank of the same fund in all 77 districts. Up to now 131 victims have received support from the fund.³⁴

63. According to NWC and Nepal Police, cybercrime is in increasing trend in the recent years. Many women face online violence and harassment. Since Cyber Crime Bureau of Nepal Police is stationed in Kathmandu, the victims from outside the capital face difficulties in accessing the police service. However, the NWC has recommended receiving the cybercrime related complaints through Districts Police Offices, which has now made it easier for women victims/survivors of cybercrime across the country to make complaints and access services of law enforcement agencies.

64. The OCMCs are functional at 94 government health institutions to provide free-of-cost physical and mental health facilities to GBV victims/survivors.³⁵ In Kathmandu, a federal level long term Rehabilitation Centre – Mangala Sahana Rehabilitation Centre – is in operation to provide shelter and reparation to the victims. Additionally, two long-term Rehabilitation Centres – one in Dang of Lumbini

³² Nepal Police Headquarters, Women, Children and Senior Citizens Service Directorate.

³³ Government of Nepal, Ministry of Women, Children and Senior Citizens.

³⁴ Supreme Court of Nepal.

³⁵ Government of Nepal, Ministry of Health and Population.

Province and another in Lalbandi, Sarlhai of Madhesh Province – are under construction in collaboration with the Governments at the federal and provincial levels.³⁶ There are 10 Rehabilitation Centres which are in operation under Human Trafficking and Transportation Control Act, 2064 (2007) and Rules 2065 (2008);³⁷ and 21 Service Centres (transit homes) which have been established under Domestic Violence (Offense and Punishment) Act, 2066 (2009).and Rules, 2067 (2010)³⁸ at various districts. Additionally, the Government of Koshi Province has established a provincial level Safe Shelter for GBV victims in Biratnagar (Morang District) and is contributing to run 16 other community based Safe Shelters (transit homes) established by the local governments and NGOs.³⁹ In Bagmati Province, the provincial government has allocated four million rupees to construct Rehabilitation Centre in Sindhupalchowk district and is supporting to run 16 community level Service Centres covering all districts.⁴⁰ The Government of Gandaki Province has initiated the construction of province level Rehabilitation Centre in Pokhara (Kaski District) to provide shelter services to GBV victims, and supporting to the district level Service Centre (transit homes) of its 8 districts (excluding Manang and Mustang districts). In Karnali Province, the provincial government is supporting to run district level service centre in its 9 districts (except Mugu district).⁴¹ The Government of Sudurpashchim Province is also constructing a long term Safe Shelter in Mahendranagar, Kanchanpur, and supporting to run 9 district level Service Centres (one each of its 9 districts).⁴² Both the Rehabilitation Centres and Service Centres are providing services to victims/survivors of GBV and human trafficking. NGOs such as Maiti Nepal, Shakti Samuha, Women Rehabilitation Centre (WOREC), Saathi and others are also running shelters across the country. According to the study of Saathi⁴³ and AATWIN⁴⁴ there are as many as 53 shelters across the country that are established either by the government or by CSOs to provide protection and rehabilitation services to the victims/survivors of GBV and human trafficking. There are more than 6,000 community based networks across the country that is functioning to curb GBV and provide assistance to victims/survivors.

Reply to paragraph 8 (d) of the list of issues and questions

65. Capacity building training and orientation programmes are in effect targeting the chiefs and members of local judicial committees for controlling GBV. The Training Institutions of Nepal Police is continuously providing specialized training to

³⁶ Government of Nepal, Ministry of Women, Children and Senior Citizens.

³⁷ The Rehabilitation Centres are in Kathmandu, Chitwan, Jhapa, Parsa, Rupendehi, Sindhupalchowk, Kaski, Banke, Surkhet and Kailali districts.

³⁸ The Service Centres are in Panchthar, Sunsari, Solukhumbu, Saptari, Sarlahi, Rautahat, Kavrepalanchowk, Makwanpur, Tanahu, Baglung, Nawalparasi, Gulmi, Arghakhanchi, Pyuthan, Rolpa, Dang, Bardiya, Rukum, Jumla, Doti and Kanchanpur districts.

³⁹ Virtual interview with Women Development Officer, Ministry of Social Development, Kohi Province.

⁴⁰ Interview with Women Development Officer, Ministry of Social Development, Bagmati Province.

⁴¹ Virtual interview with Women Development Officer, Ministry of Social Development, Karnali Province.

⁴² Virtual interview with Women Development Officer, Ministry of Social Development, Sudurpashchim Province.

⁴³ Saathi, *Detailed Mapping of Women's Shelters with Particular Focus on Effective Referral Mechanisms for GBV Survivors and Enhanced Social Media Outreach*, Kathmandu, Nepal, August 2021.

⁴⁴ Alliance Against Trafficking in Women and Children in Nepal (AATWIN), *An Informative Booklet on Organisations Working in Various Districts of Nepal for Rescue, Protection and Care Services of Trafficked Victims/Survivors*, Babarmahal, Kathmandu, May 2023.

Police Officers in dealing with GBV and crime related to children. Training on psychosocial counselling, psychosocial first aid, investigation of crimes against women and girls, rape cases, sexual assault, child sexual abuse with especial focus on girl child, discriminatory practices and cybercrime is going on. The police personnel are regularly trained on gender-responsive communication skills, management of domestic violence cases, juvenile justice and survivor supports. During FY 2023/24, a total of 1,114 police personnel have attended such training administered by the Nepal Police Academy/Training Centres, excluding training provided by other agencies.⁴⁵ The NWC has also been arranging interaction programmes with the national level stakeholders about the direct effects of GBV on women's mental and reproductive health and the necessity of delivering prompt services to the GBV victims.

Reply to paragraph 9 of the list of issues and questions

66. The Nepal Police, Headquarters, Women Children and Senior Citizen Service Directorate has made available of recent data of FY 2023/24 on numbers of complaints of various GBV cases registered in the police office across the country, according to which they are being categorized into seven headings.- sexual offence, organised crime, grievous crime, crime against reproductive rights of women, new crime trend, offences related to marriage, and social-economic crime. In total there are 18,794 cases that have been filed in the police offices. (Please see Table 8). The data has yet to be managed in disaggregated way by sex, age, ethnicity, geographical location and relationship between the victim and the perpetrator. However, Nepal Police has managed the data of GBV cases of FY 2021/22 which is disaggregated by type, geography, age, gender, level of education, and relation between victim and accused. The links are provided in Annex 3 (1) Annual Fact Sheet on Gender-Based Violence published by Nepal Police for the FY 2078/79 (Shrawan to Ashad) July/Aug 2021 to Jun/July 2022.

Table 8

Number and Types of GBV cases filed in Nepal Police Offices during FY 2023/24

<i>S. N.</i>	<i>Categorization</i>	<i>Type of Violence</i>	<i>Total</i>
	Sexual Offence	Rape	2 258
		Attempted rape	418
		Unnatural sexual acts	18
		Child, sexual abuse	327
		Rape with abduction	52
		Human trafficking and rape	21
		Sexual assault in a public space	19
	Organized crime	Human trafficking	129
	Grievous crime	Murder after rape	5
		Murder due to dowry	1
		Murder due to domestic violence	70
	Crimes against reproductive rights of women	Illegal abortion	24
		Miscarriage due to assault	6

⁴⁵ Nepal Police headquarters, Women, Children and Senior Citizens Service Directorate.

<i>S. N.</i>	<i>Categorization</i>	<i>Type of Violence</i>	<i>Total</i>
	New crime trend	Acid attack	1
		Cyber crime	6
	Offences related to marriage	polygamy	604
		Child marriage	46
		Dowry	7
	Social/Economic crime	Accusation of witchcraft	20
		Caste discrimination	27
		Domestic violence	14 701
		Abuse against Senior Citizens	34
Total			18 794

Source: Nepal Police Headquarters, Women, Children and Senior Citizen Service Directorate

Trafficking and exploitation of prostitution

Reply to paragraph 10 (a) of the list of issues and questions

67. Following the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, (Protocol), An Act to Amend Some Laws Related to Prevention of Money Laundering, and Promotion of Business Environment, 2080 (2024) has amended the Human Trafficking and Transportation (Control) Act, 2064 (2006) by widening definition of trafficking including foreigner and immigrants and also criminalizes human smuggling. In addition to that, the GoN, MoWCSC is in the process to amend the Human Trafficking and Transportation (Control) Act (2006) for necessary reforms in line with the Protocol. The MoWCSC has recently also prepared a draft of National Policy, as well as National Plan of Action, to combat trafficking. Both the draft national policy and plan of action focus on prevention through education and awareness, including vulnerability mapping, socio-economic empowerment of the vulnerable communities and establishment of community vigilance; identification, rescue and repatriation of victims, providing rehabilitation and reintegration services, including shelter, basic needs, health services, psychosocial counselling, education and skill development; establishment of Rehabilitation Fund in each Municipality; formation of referral mechanisms at the federal, province, district and local levels; training to judiciary and law enforcement agencies for expediting investigation, prosecution and adjudication of human trafficking cases, as well as a nationwide collaboration with all stakeholders including the public sector, private sector, civil society organisations and development partners to enhance the capacity of the relevant actors involved in combating trafficking and monitoring and evaluation. The draft National Plan of Action also outlines the required financial and technical resources for its implementation.

68. Specialized training for and regular discussion with the stakeholders is going on such as social workers, law enforcement officers and judicial personnel. Training programs covered victim identification, trauma-informed care, legal frameworks and evidence-based investigation techniques. Interdisciplinary collaboration is continuously in progress among various sectors and stakeholder including government agencies, civil society organizations and media which has led to more comprehensive support networks for victims. The government and CSOs are

endeavouring to enhance support services to victims which include legal aid, psychological support, healthcare, residential care, education and skill development, financial support has been provided to victims and witness through rehabilitation fund.

69. The MoWCSC has developed social information management system (SIMS) which integrates the data of women, gender and sexual minorities, children and adolescents, PWD, senior citizen including women and widows, childcare homes, child correction homes, old age homes, human trafficking, labour migration, complaint handling, ID cards and reporting. After the adoption of SIMS, it is expected that the data collection and analysis will be improved to help understand trafficking trends and develop targeted interventions. Nepal Police has also developed specialized data base and software track specialized (CDR and 12) for analysing trafficking cases. Tools like QR code is also in the website regarding complains and information collection. Digital campaigns and outreach programs have been launched to increase the digital platforms and social media for awareness campaigns and victim outreach. Mobile apps and online resources have also been developed to provide accessible information and support for victims and women and girls at risk of trafficking.

(b) Criminal investigations, prosecutions and convictions in relation to trafficking in persons, in the past five years, as well as the sentences imposed on the perpetrators;

70. In the last five years (from FY 2018/19 to FY 2022/23), Nepal Police investigated 830 registered cases of human trafficking. Of the total investigated cases 87 per cent had been prosecuted in various district courts. In this regard total 1052 suspects (735 male and 317 female) were arrested and prosecuted. During the same period, the Anti-human trafficking Bureau (AHTB) of Nepal Police held pre-trial detention of 155 suspects (118 male and 37 female). The year-wise break down of the investigated and prosecuted cases has been shown in the following table (Table 9).

Reply to paragraph 10 (b) of the list of issues and questions

Table 9

**Number of Human Trafficking Cases investigated and prosecuted
(FY 2018/19–FY 2022/23)**

Fiscal Year	No. of Cases Registered (Criminal Investigations)	Arrested		Prosecution		Pre-trial detention (AHTB Only)	
		Male	Female	Male	Female	Male	Female
2022–23	157	112	66	112	66	25	11
2021–22	145	135	45	135	45	32	9
2020–21	134	112	51	112	51	23	6
2019–20	136	127	71	127	71	26	7
2018–19	258	249	84	249	84	12	4
Total	830	735	317	735	317	118	37

Source: Nepal Police Headquarters.

Reply to paragraph 10 (c) of the list of issues and questions

71. As provided in the Human Trafficking and Transportation (Control) (HTTCA) Act, 2064 (2007) and Regulation, 2065 (2008), the National Committee is responsible for making necessary arrangements of rescuing the trafficked victims and refer to service providing organisations. Since the MoWCSC is in the process to amend the HTTCA law and adopt anti-human trafficking National Policy and National Plan of Action, priority will be given to put the referral mechanism in place at all three levels of governments.

Reply to paragraph 10 (d) of the list of issues and questions

72. There are a few data maintained by Nepal Police and Attorney General's Office which are disaggregated by sex, nationality and geographical area relating to the number of victims of trafficking. Realizing the need of managing such disaggregated data MoWCSC has initiated developing and localising software of Social Management Information Systems (SIMS) at all three levels of government agencies and CSOs.

73. According to the Nepal Police, the total number of total victims in the investigated cases of human trafficking during five years period (FY 2018/19-2022-23) was 1220. Among them 90 per cent were women and girls. The number of victims disaggregated by sex/age, nationality and geography is given in the following tables (Table 10, Table 11 and Table 12).

Table 10

Number of trafficked victims disaggregated by sex and age (FY 2018/19–2022–23)

Fiscal Year	Below 10 Years		11 to 16		17 to 18		19 to 25		26–35		36 to 45		Above 45		Not Found		Total		Grand Total
	Boys	Girls	Boys	Girls	Boys	Girls	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	
2022–23	0	1	1	50	0	33	3	73	12	33	2	12	0	2	2	6	20	210	230
2021–22	0	1	1	52	0	29	4	72	5	25	1	9	0	0	0	12	11	200	211
2020–21	0	2	1	47	0	30	0	64	1	15	1	8	1	0	0	17	4	183	187
2019–20	1	1	1	45	2	25	2	81	6	26	1	9	2	1	0	2	15	190	205
2018–19	3	1	4	67	4	71	19	119	24	39	13	17	4	2	0	0	71	316	387
Total	4	6	8	261	6	188	28	409	48	138	18	55	7	5	2	37	121	1 099	1 220

Source: Nepal Police Headquarters.

Table 11

Number of trafficked victims on the basis of nationality (FY 2018/19–2022–23)

Fiscal Year	Nepalese		Foreigner		Nationality
	Men	Women	Men	Women	
2018–19	68	314	3	2	Pakistani-1(male), Bangladeshi- 2(male), Indian -2(Female)
2019–20	15	190	0	0	
2020–21	4	183	0	0	

Fiscal Year	Nepalese		Foreigner		Nationality
	Men	Women	Men	Women	
2021–22	8	192	3	8	Myanmar-1 (male) Bangladesh-2(male) India-8 (Female)
2022–23	20	209	0	1	Ugandan- 1 (female)
Total	115	1 088	6	11	

Source: Nepal Police Headquarters.

Table 12

Number of trafficked victims on the basis of geography (FY 2018/19–2022–23)

Fiscal Year	Koshi Province		Madhesh Province		Bagmati Province		Gandaki Province		Lumbini Province		Karnali Province		Sudur paschim Province		Kathmandu Valley		AHTB		Total		Grand Total
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	
2018–19	1	64	1	29	3	28	0	8	3	60	0	9	4	39	59	79	0	0	71	316	387
2019–20	0	33	1	10	0	22	0	9	1	44	1	2	0	25	6	36	6	9	15	190	205
2020–21	1	37	0	15	0	8	0	9	1	39	0	4	0	35	0	14	2	22	4	183	187
2021–22	0	33	0	18	1	6	0	16	1	50	0	4	0	9	2	37	7	27	11	200	211
2022–23	0	25	1	17	1	26	0	19	0	43	0	7	1	19	0	15	17	39	20	210	230
Total	2	192	3	89	5	90	0	61	6	236	1	26	5	127	67	181	32	97	121	1 099	1 220

Source: Nepal Police Headquarters.

Reply to paragraph 11 (a) of the list of issues and questions

74. A total of 213 police personnel have been trained on identification and investigation of trafficking victims. Nepal Police is regularly monitoring to identify victims of trafficking in the adult entertainment sector.

Reply to paragraph 11 (b) of the list of issues and questions

75. There is no data available so far on police abuse and complicity in corruption targeted at women engaged in prostitution.

Reply to paragraph 11 (c) of the list of issues and questions

76. The GoN in cooperation with civil society organisation is dedicated to control sexual exploitation of sex workers. Nepal Police and CSOs are launching public awareness and education campaigns in the adult entertainment sector and slum area. Digital display boards against trafficking and sexual exploitation are put in eight prone areas. Through radio programs, pamphlets, leaflets, telefilms, and use of social media, multiple efforts have been made to reduce the demand for prostitution. Nepal Police has managed to collect information, suggestions and case registration through the QR code. School outreach programmes are intensively launched.

77. The local administration is conducting cross border cooperation meeting with counterparts for vigilance, interception, rescue and repatriation along with curtailing the demand of young women and girls in the sex and labour market.

78. The GoN is encouraging NGOs to execute more numbers of income generating exit programmes targeting the women and girls involved in prostitution. Safe houses are providing shelter support for those who choose to come out from that sector. Comprehensive services such as healthcare, counselling, legal aid, education and skill development, alternative employment opportunities are being provided.

79. To reduce prostitutions, Nepal Police is taking legal measures to criminalize the clients, customers, buyers and hawkers involved in such. Thorough investigation is carried out if any duty bearer is complacent to his/her duty and disciplinary actions are taken against him/her.

Participation in political and public life

Reply to paragraph 12 (a) of the list of issues and questions

80. The Constitution of Nepal has ensured representation of women in state mechanisms, including the Civil Service Act, 2049 (1993) which provides 33 per cent quota for women out of total reservation seats for proportionate inclusion. The legal provision is strictly followed by the Public Service Commission (PSC) when recruiting new candidates in the public posts. The provincial and local governments are also investing in preparatory classes for PSC exams targeting women candidates to enhance their competencies.⁴⁶

81. The Judicial Service Commission also abides by the law to recruit 33 per cent of women in judicial services. The number of women judges in the Supreme Court is only 2 which account 11.7 per cent of the total sitting judges. In the High Courts the percentage of women judges is 15.23 and in District Courts 8.2. The data is shown in the following table (Table 13).

Table 13
Inclusion of Women in three tiers of Courts

<i>Level of Court</i>	<i>Total Posts of Judges</i>	<i>Total No. of seating Judges</i>	<i>Number of Men Judges</i>	<i>Number of Women Judges</i>	<i>Per cent of Women Judges</i>
Supreme Court	20	17	15	2	11.7
High Court	160	151	128	23	15.23
District Court	287	242	222	20	8.2
Total	467	410	365	45	10.98

Source: <http://www.jcs.gov.np/judges>.

82. Following the 2022 election, women's representation in the federal parliament is 34.1 per cent, in the provincial parliament is 36.4 per cent, and in the local level is 41.2 per cent. The detail is given in tables below. (Table 14, Table 15 and Table 16)

⁴⁶ Virtual interview with Chief Women Development Officers/Women Development Officers of Province Governments.

Table 14
Representation of women in Federal Parliament

Sex	House of Representatives			National Assembly	Federal Parliament Total	Remarks
	FPTP	PR	Total			
Men	156	27	183	37	220	
Women	9	83	92	22	114	FPTP = First Past the Post;
Total	165	110	275	59	334	PR = Proportional Representation
Women %	5.5	75.5	33.5	37.3	34.1	

Source: Election Commission of Nepal, 2022.

Table 15
Representation of women in Province Parliament

Province	First-Past the Post				Proportional representation				Province Assemblies Total			
	Men	Women	Total	Women %	Men	Women	Total	Women %	Men	Women	Total	Women %
Koshi	54	2	56	3.6	6	31	37	83.8	60	33	93	35.5
Madhesh	60	4	64	6.3	7	36	43	83.7	67	40	107	37.4
Bagmati	61	5	66	7.6	9	35	44	79.5	70	40	110	36.4
Gandaki	34	2	36	5.6	5	19	24	79.2	39	21	60	35.0
Lumbini	51	1	52	1.9	3	32	35	91.4	54	33	87	37.9
Karnali	24	0	24	0.0	1	15	16	93.8	25	15	40	37.5
Sudurpashchim	32	0	32	0.0	3	18	21	85.7	35	18	53	34.0
Total	316	14	330	4.2	34	186	220	84.5	350	200	550	36.4

Source: Election Commission of Nepal, 2022.

Table 16
Representation of women in Local Level

Position	Total	Men	Women	Women %
Mayor & President	753	728	25	3.3
Deputy Mayor & Vice President	753	184	569	75.6
Ward President	6 743	6 677	66	1.0
Ward Member (Open)	13 486	13 044	442	3.3
Dalit Women Ward Members	6 620	–	6 620	100
Women Ward Members	6 743	–	6 743	100
Total Ward members	26 849	20 633	13 805	5.1
Total Local representatives	35 098	20 632	14 465	41.2

Source: Election Commission of Nepal, 2022.

83. In the newly formed coalition government three women have been included out of 25 cabinet ministers (only 12 per cent), to which the NWC has expressed its concern for low representation of women. However, the government has appointed a woman Chief Secretary for the very first time in 69 years history of the Nepal Civil Service. Similarly, in the Ministry of Foreign Affairs (MoFA) a woman Secretary has been appointed for the first time. Now the MoFA is led by a woman Minister and Secretary. The inclusion of women in the diplomatic services has reached to 23.29 per cent. (Please see Table 17).

Table 17
Number of Women Staff in Diplomatic Services

<i>S.N.</i>	<i>Position</i>	<i>Total Number of Post</i>	<i>Women</i>	<i>% of Women as of Total Post</i>
1	Secretary (Special Class)	1	1	100
2	Joint Secretary (Gazetted Class I)	17	1	5.88
3	Under Secretary (Gazetted Class II)	50	18	36
4	Section Officer (Gazetted Class III)	101	17	16.83
5	Non Gazetted Class I	123	31	25.20
Total		292	68	23.29

Source: Ministry of Foreign Affairs <https://mofa.gov.np/the-ministry/organizational-structure/>.

84. In the Nepali Civil Service the number of women is gradually increasing at the decision-making level. There are now 7 sitting special class women Secretaries out of 71 posts. There are 10 women Chief District Officers out of 77. The total percentage of women representation in the public service has reached to 29.5; and the 16th Periodic Plan has a target to increase it to 35 per cent by 2030.⁴⁷ The representation of women in government attorney is almost 20 per cent.⁴⁸ The participation of women in Nepal Army, Nepal Police and Armed Police Force is 10.23 per cent, 11.6 per cent and 9.48 per cent respectively. (Please see Table 18, Table 19 and Table 20).

Table 18
Number of Women Staff in Nepal Army

<i>S.N.</i>	<i>Position</i>	<i>Total Number of Post</i>	<i>Female</i>	<i>% of Female as of Total post</i>
1	General Cadet	124	7	5.65
2	Officer Cadet	4 516	536	11.87
3	Junior Commissioned Officers	6 975	526	7.54
4	Other Positions	79 380	8 244	10.39
Total		90 995	9 313	10.23%

Source: Ministry of Defence and Nepal Army Headquarters
https://www.nepalarmy.mil.np/page/women_in_army.

⁴⁷ Government of Nepal, National Planning Commission.

⁴⁸ <https://ag.gov.np/employee>.

Table 19
Number of Women Staff in Nepal Police

S.N.	Position	Total Number of Post	Male	Female	% of Female as of Total post
1	Inspector General of Police	1	1	0	0
2	Additional Inspector General of Police	9	6	2	22.22
3	Deputy Inspector General of Police	27	23	3	11.11
4	Senior Superintendent of Police	79	67	7	8.86
5	Superintendent of Police	170	161	6	3.53
6	Deputy Superintendent of Police	453	407	38	8.39
7	Police Inspector	1 488	1 260	145	9.74
8	Senor Sub Inspector of Police	1 418	1 265	134	9.45
9	Sub Inspector of Police	2 878	2 576	212	7.37
10	Assistant Sub Inspector of Police	7 785	6 743	519	6.67
11	Police Senior Head Constable	3 748	3 477	194	5.18
12	Police Head Constable	11 241	10 055	1 034	9.20
13	Police Assistant Head Constable	15 253	13 515	1 636	10.73
14	Police Constable	30 966	24 878	4 425	14.29
15	Police Office Assistant	3 031	2 384	512	16.89
16	Police Inspector (T)	30	0	0	0
17	Assistant Sub Inspector of Police (T)	130	0	0	0
18	Police Constable (T)	834	14	0	0
Total		79 541	66 832	8 877	11.16%

Source: Ministry of Home Affairs and Nepal Police Headquarters
<https://www.nepalpolice.gov.np/about-us/police-ranks/>.

Table 20
Number of Women Staff in Armed Police Force

S.N.	Position	Total Number of Post	Female	% of Female as of Total post
1	Inspector General	1	0	0
2	Additional Inspector General	3	0	0
3	Deputy Inspector General	18	0	0
4	Senior Superintendent	42	1	2.38
5	Superintendent	177	3	1.69
6	Deputy Superintendent	488	25	5.12
7	Inspector	1 149	46	4
8	Senor Sub Inspector	106	1	0.94
9	Sub Inspector	1 388	106	7.64
10	Assistant Sub Inspector	1 631	56	3.43
11	Senior Head Constable	2 764	24	0.87
12	Head Constable	5 423	153	2.82
13	Assistant Head Constable	8 177	798	9.76

<i>S.N.</i>	<i>Position</i>	<i>Total Number of Post</i>	<i>Female</i>	<i>% of Female as of Total post</i>
14	Constable	13 813	2 042	14.78
15	Follower	1 983	268	13.51
Total		37 153	3 523	9.48%

Source: Ministry of Home Affairs and Armed Police Force Nepal

<https://www.apf.gov.np/Pages/Ranks>.

85. The National Gender Equality Policy and the Plan of Action to implement the policy are in place with provisions of gender equality and proportionate inclusion in all appointments in the public sector. The policy includes that positive discrimination in favour of women in public and private sector shall be encouraged to make women friendly service delivery.

86. The NWC in support of UNDP has published Gender Equality and Social Inclusion (GESI) status in the Local Level Election in 2079 (2022) by monitoring the result of the local election.⁴⁹ It has also recorded GESI status by following the 2022 general election of the federal and provincial parliament.⁵⁰ Following the local level and general election the representation of women in the federal parliament is 33.6 per cent, in the provincial parliament 34.5 per cent and in the local governments 40.9 per cent.

Reply to paragraph 12 (b) of the list of issues and questions

87. The Election Commission monitors the implementation of electoral quotas for women and the composition of state entities at the local, provincial and federal levels. There is an increase in representation because of the mandatory provisions of the Constitution of Nepal. Nepal is making huge strides in the direction of full, and effective participation and equal opportunities for leadership of women at all levels in all fields. The debate is going on within the political parties and in the parliament to further enhance the participation of women since the Supreme Court on March 2021 issued a directive order to ensure that political parties registering with the Election Commission are comprised of at least 33 per cent women and to ensure minimum of one third women's participation in the central committee and all committees at various levels of the political parties. This provision has been incorporated in the Political Parties Act, 2073 (2017). The political parties are internally organizing programmes to enhance the capacity of women leaders through their sister organisations. However, there is lack of consolidated data, and as a constitutional watchdog body NWC needs capacity enhancement to stringently monitor the inclusion of women in state entities and political parties.

Reply to paragraph 12 (c) of the list of issues and questions

88. The MoFAGA has undertaken several initiatives to promote GESI across Nepal: (a) The MOFAGA in collaboration with CSOs and development partners has been conducting various capacity-building trainings and workshops for elected representatives and government officials. These initiatives are mainly focused on fostering the meaningful participation of women in decision making roles. (b) The

⁴⁹ <https://nwc.gov.np/wp-content/uploads/2023/02/GESI-Report-Eng-final-web-version.pdf>.

⁵⁰ National Women Commission, The Status of Women in Nepal, 2023, Kathmandu Nepal (in Nepali).

MoFAGA has prepared a model policy named the Local Level Model Social Inclusion Policy, 2078 (2021) to support the local governments and assist in the implementation of inclusive policies in the local level. This policy aims to ensure that all local governments adopt and implement strategies that promote social inclusion, addressing the needs of marginalised and disadvantaged groups to create more equitable and inclusive communities.⁵¹ (c) Since 2019 MoFAGA has implemented PLGSP, a national flagship programme to enhance provincial and local governance systems, procedures and inter-governmental relationships, optimizing the benefits of cooperative federalism for Nepalese citizens. The ultimate goal of PLGSP is to achieve functional, sustainable, inclusive, and accountable governance. Through focused interventions such as GESI Audits, Gender Responsive Budgeting, and GESI strategy implementation, PLGSP has effectively mainstreamed and institutionalised GESI principles with in the provincial and local government planning and policy frameworks.⁵²

89. The NWC has also conducted in depth interaction programmes with implementing agencies, women activists, scholars, and parliament members of both the federal and provincial levels for identifying obstacles and way forward for women's access to policy level of political and administrative position. The interaction programmes were organised in participation of local level representatives, youths of social and political arena and media representatives. Thus, the debate on meaningful participation of women in all sectors and especially in decision making posts is continuously going on in Federal and provincial parliaments, at local levels, CSO forums and mass media. As a consequence the participation of women in politics, public life and corporate sector is increasing day by day. However, numerous efforts have to be made to increase the meaningful participation of women at the decision level.

Women, peace and security

Reply to paragraph 13 (a) of the list of issues and questions

90. As the national political parties have reached a consensus on the amendment of Enforced Disappeared Inquiry, Truth and Reconciliation Commission (TRC) Act, 2071 (2014), the Amendment Bill has been passed by both houses of the federal parliaments (House of Representatives and National Assembly). The amendments ensure that the jurisdiction of transitional justice mechanisms expand to all violations of human rights including serious, international humanitarian law and any other national law. Rape and serious sexual violence are included as serious violation of human rights. Only non-serious violence of human rights qualify for reconciliation with the consent of the victims, thus precluding amnesty for the perpetrators of rape and serious sexual violence. The victims will be given three months' time to notify the offenses once again by the newly established Commission (s). The amended act also includes that the Commission(s) can recommend the Attorney General to prosecute the offenders, and that such prosecutions shall be considered as abiding by the statute of limitations in existing laws.

Reply to paragraph 13 (b) of the list of issues and questions

91. There is a provision of recommendation committee headed by a person designated by GoN from among the former Chief Justices as provided in the Act to

⁵¹ <https://mofaga.gov.np/model-law/2593>.

⁵² <https://plgsp.gov.np/about>.

make recommendation for appointment of the Chairperson and five members including at least one woman member. The act ensures the GoN constitute separate, independent, impartial, accountable and high level commission. The GoN has yet to appoint one chairperson and five members in each of (a) Commission of Investigation on Disappeared Persons and (b) the Truth and Reconciliation Commission. As approved by the government there are 70 positions in the Commission on Investigation of Disappeared Persons, and 96 positions in the Truth and Reconciliation Commission in addition to the chairpersons and members.

Reply to paragraph 13 (c) of the list of issues and questions

92. The problems of compensation for the injured and disabled persons during the armed conflict are yet to be fully resolved. However, orientation programmes are going on at the district levels regarding the compensation issue, and actions have been taken for providing the compensations as per the recommendations received from the National Human Rights Commission.

Reply to paragraph 13 (d) of the list of issues and questions

93. There was active participation of women during the preparation of the second National Action Plan (NAP) on Security Council Resolutions 1325 and 1820. Series of discussions and interactions were held with participation from the conflict-affected women's networks and other stakeholders. The inclusion of women has also been ensured through various structural arrangements such as the National Steering Committee at the federal level, the Provincial Steering Committee at the province level, the District Steering Committee at the district level, and the NAP Implementation Local Committee and Sub-committees at the local levels.

94. For effective implementation of the second National Action Plan, a national level workshop (interactive coordination), chaired by the Home Minister was convened with the participation of all stakeholders. The Disaster and Conflict Management Division of MoHA has been designated as the Secretariat of the National Steering Committee for implementation of the second NAP. The Chief of that Division has been designated as the coordinator and the Peace Promotion Section under the Division will work as the model section along with the coordination of designated focal persons from other relevant ministries. The Office of the Prime Minister and the Council of Ministers (OPMCM) and the Ministry of Federal Affairs and General Administration (MoFAGA) issued circular to all provinces and local levels to carry out prescribed activities during the current fiscal year which can be implemented within the timeline, and for those which cannot be implemented within this fiscal year shall be included while preparing the policy, programme and budget for the next fiscal year. Regular progress report is received from the agency responsible to implement the activities prescribed in the second NAP. For the effective implementation of NAP II, the stakeholders including government agencies, Conflict Affected Women's Network, non-government organizations, human rights activists are collaborating in organizing orientations and interactions programmes (for example in Sankhuwasabha and Jumla). Up to now District Steering Committee have been formed in all 77 districts and 98 local level implementation committees have been formed, and remaining local government units are in the process to form such committees. In all those district level committees and local level committees, meaningful participation of women and monitoring of such inclusion has been emphasized, especially through draft procedural guideline for local level implementation.

Nationality

Reply to paragraph 14 (a) of the list of issues and questions

95. The Nepal Citizenship (First Amendment) Act, 2079 (2023), opens the door for thousands of children of the parents who got citizenship by birth to acquire citizenship by descent. Now the Act allows everyone born from Nepali parents who have acquired Nepali citizenship by birth before 20 September 2015 to acquire citizenship by descent. Similarly, the amended Act also paved way for a child born in Nepal to a Nepali woman and whose father is unidentified to get citizenship by descent.

96. The Act has retained the existing provision on marital naturalised citizenship for women married to Nepali men once she starts the process to renounce her citizenship of the country of origin. However, the provision does not apply to foreign men married to Nepali women.

Reply to paragraph 14 (b) of the list of issues and questions

97. According to the data made available by MoHA a total of 648,520 entries are found to be made in the Citizenship Information Management System (CIMS) during the period from 14 April 2018 to 12 April 2024 with regard to the distribution of Citizenship granted to the Nepali citizens as per the prevailing law. However, the data disaggregated by sex, including the data of denied cases is not available.

Reply to paragraph 14 (c) of the list of issues and questions

98. Following measures have been taken to ensure that all Nepali citizens including single mothers and their children all over the country have access to birth registration and identification documentation:

(a) Sub-rule 9 of Rule 16 of the National Identity Card and Civil Registration Regulation, 2020 has provided if the parents are divorced and the permanent address of the mother is different, a notice can be given to the Office of the Local Registrar with the permanent address of the mother to register the personal events of children living with the mother. The Schedule 10 of the same Regulation includes that if the father of the child disappeared or the address is not known a police report regarding it should be attached to the birth notification form;

(b) The Department of National ID and Civil Registration (DONIDCR) has issued a notice to the Local Registration Authorities to facilitate the registration of children born to single mothers in order to:

- Register the birth of child born to a single woman with her surname and permanent address even if the paternity is not established;
- Register the birth of child born to single mother when she was unmarried and now after marriage living together with her husband in his address by keeping the surname of the mother as she informed at the time of child's birth and the present address of the mother;
- Issue a new birth registration to the child by stating the surname of father or mother or both by cancelling the birth registration issued earlier if the paternity has been established; and
- Register the birth of the child with the address as provided by the legal guardian/curator if a child is found in Nepal whose mother and father is not known and proved to have no family.

(c) The DONIDCR in coordination with the provincial level training institutes and local government units is providing capacity building training to the Local Registration Offices for making the birth registration process simple, accessible and effective.

Reply to paragraph 14 (d) of the list of issues and questions

99. The GoN, MoHA is in the process of studying the requisite legal and institutional foundation before ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Education

Reply to paragraph 15 (a) of the list of issues and questions

100. The rate of girls' enrolment in higher education is 55.11 per cent, and the gender parity in education (GPE) in gross enrolment ratio (GER) is 1.156. The proportion of girls in technical and vocational education and training (TEVT) is 51.64 per cent in the Pre-Diploma level and 35.32 per cent in the Diploma level. Currently there is a total of 90,724 students from 22 extremely disadvantaged Janajatis (ethnic groups) in basic level (Grade 1-8) education, out of which 43,624 (48.08 per cent) are girls.⁵³

Reply to paragraph 15 (b) of the list of issues and questions

101. Various measures have been taken by the GoN, Ministry of Education, Science and Technology (MoEST) in order to increase the enrolment, and reduce the drop-out rate of female students from poor and vulnerable groups in general education institutions, and to introduce re-entry policies to enable their return to schools. For examples, scholarship programmes are in place targeting girls and children from marginalised communities, including *Dalit* scholarship, scholarships for children with disability, children of martyrs family and/or conflict victims. Hostel facilities are also being provided to them. The MoEST has issued Pro-Poor Targeted Scholarship Implementation Standard, 2080 (2023) in order to provide scholarship to the poverty-ridden children who are in the utmost need to continue their education, especially from Grade 6 to 10. The GoN continues to provide mid-day meals to all students from early childhood education and development (ECED) to Grade 5 across the country that are enrolled in the community schools. The schools can choose either of the menu provided by Centre for Education and Human resource Development (CEHRD) and the local governments or use the menu designed by the schools themselves. The MoEST is in process to update the Consolidated Equity Strategy for the School Education Sector, 2071 (2014) with aims to strengthen equity in the education sector focusing on girls and women and children from educationally deprived groups so that they will participate equally and attain equitable results. As provided by Grievance Redress Procedures, 2074 (2018) the Complaint Response Mechanisms have been introduced in public schools, which has significantly helped to address problems faced by the girl students such as bullying, teasing and sexual assault while heading for schools or returning home from schools. A total of 205 Adolescent-Friendly Information Corner (AFICs) have been established at the library or in a separate room at schools as per the Adolescent-Friendly Information Corner Operation Model Procedure, 2077 (2020) with the goal to promote the adolescent-friendly sexual and reproductive health education systematic and well-managed in schools. All the public

⁵³ Government of Nepal, Ministry of Education, Science and Technology.

schools provide free of cost sanitary pad to girls students during the menstruation time. The Government of Nepal has officially endorsed Girls and Inclusive Education Network (GIEN) Strategy 2080 (2023) and Girls and Inclusive Education Network (Formation and Operation) Standard 2080 (2023) to ensure inclusive education at three tiers of government, particularly for girls and children with disabilities.

102. There are other initiatives such as *Beti Padhao*, *Beti Bachao* (Educate the Girl, Save the Girl and Beti Beema (Girls' insurance) program in Madhesh Province; development of SOP on school drinking water, sanitation hygiene; production of audio and video materials for grade 1- 10 for Nepali, English, Science and Math; textbooks in 30 different mother tongues; Equity Strategy Implementation Plan has been implemented. Equity Index has been used to provide intervention to the most disadvantaged communities in 80 local governments; incentives, such as scholarships midday meal, sanitary pads and free textbooks, free braille books have been provided to students; development of National Curriculum Framework of non-formal education; development of textbooks for out-of-school children to fulfil the needs of alternative education; policy provision addressed by NCF; condensed curriculum for level 1, 2, 3 and learning materials are developed and disseminated; indigenous knowledge and technology have been incorporated in school

Reply to paragraph 15 (c) of the list of issues and questions

103. Many public schools have developed Code of Conducts on controlling sexual abuse and harassment, child protection policy, and guideline for learning without fear (LWF). Awareness and sensitivity to gender issues is rising across the nation. The GoN acknowledges that There may be few cases of harassment, GBV and corporal punishment in schools but no data is available., for which reliable data collection systems are yet to be established.

Reply to paragraph 15 (d) of the list of issues and questions

104. There might be some cases of school dropouts due to early marriage, pregnancy or discriminatory gender stereotypes but no data is available. Realising this, the NWC has recommended incorporating gender issues in the curriculum of schools and higher education by bringing into notice of the MoEST and the Parliamentary Committee of Education, Health and Information Technology of the federal parliament.

Reply to paragraph 15 (e) of the list of issues and questions

105. There is a provision of content related to comprehensive reproductive and sexual-health education in school curriculum (social studies, health and physical education) which is also included in teacher training program accordingly. The MoEST has developed SOP on teacher monitoring, developed more than 70 Teacher Professional Development (TPD) curriculums from ECED to grade 12. Similarly, it has developed more than 35 customized TPD curriculums; teacher training packages on different subjects, and 150 reference materials for Early Grade Reading (EGR).

106. Teachers' training programmes are in progress to use technology-based pedagogy developed and broadcasted audio video material for teacher and students (virtual classroom). ICT training for teacher, concept of smart school, learning portal, introduction of virtual lab system are some of the measures adopted to educate students about early pregnancy and sexually transmitted infection. The MoEST has also developed teacher professional development framework, 2072 (2015).

Employment

Reply to paragraph 16 (a) of the list of issues and questions

107. According to the Civil Service Act, 2049 (1993) provision of 33 per cent of seats reservation for women in civil service out of 45 per cent of seats set aside for inclusivity. There is a provision for age limit of 35 years for the male and 40 years for the female candidates to enter into civil service for the gazetted post. Free of cost preparation classes are arranged for women by the provincial and local governments to compete the Public Service Commission exams. The number of women in civil service increased to 29.5 per cent in 2022/23. The Labour Act, 2074 (2017) provides equal pay for equal work in the formal employment. Other incentives to encourage women's employment are transportation services to women employees whose office duty ends between sunset and sunrise (i.e., night hours); maternity leave of 14 weeks before and after the pregnancy.

108. The Prime Minister Employment Programme (PMEP) Guideline, 2075 (2018) provides that the registered unemployed women and registered unemployed person belonging to households headed by single women are prioritized for temporary employment (maximum period of 100 days in one fiscal year). Likewise, the Unemployed Registration and Prioritisation Directives, 2076 prioritises unemployed women for registration provisioning 5 out of 100 scores for women applicants and unemployed persons belonging to households headed by single women. In FY 2023/24 a total of 885,154 unemployed persons were registered for temporary employment. Among them 500,355 (56 per cent) were women. During the same period a total of 37,765 registered unemployed persons were provided temporary employment. Of them 22,810 (60 per cent) were women.

Reply to paragraph 16 (b) of the list of issues and questions

109. The MoLESS is giving priority to monitoring and inspection as per the Labour Act, 2074 (2017) for addressing occupational segregation in the labour market. The MoLESS has created 'Shramadhan' call centre to response issues on labour including employment and foreign employment. The Hotline Service No. is 1141. The Employment Service Centres (ESCs) exists and are functioning at all 753 municipalities covering all seven Provinces. ILO is providing technical assistance for capacity building through which 1372 (1076 men and 296 women) ESC staff received training on employment promotion services. In addition, 30 (23 male and 7 female) Employment Coordinators of ESCs received advance technical training on employment services.

110. Demand driven approach of skill development programmes with involvement of employers and sector-based employer organizations are conducting apprenticeship and work-based skills development programmes. Three ministries at the federal level (Ministry of Labour, Employment and Social Security; Ministry of Industry, Commerce and Supplies and Ministry of Education, Science and Technology) have collaborated to develop guidelines for conducting apprenticeship and work-based skills development.

Reply to paragraph 16 (c) of the list of issues and questions

111. As envisioned by the Constitution of Nepal, the Contribution Based Social Security Act 2017 (2074) came into effect on November 2017 (2074), which confers upon the people rights to welfare of various kinds as one of their fundamental rights.

Accordingly, the contribution based social security has been extended to cover workers in informal sector as well. The GoN is making effort to ensure that informal workers benefit from this social protection. Registration of informal workers at the local government level is the starting point which requires role clarity and commitment of local governments. It is also important to note that ILO has conducted a study on Extending Social Protection for All in Nepal: An Analysis of Protection Gaps. Since women are disproportionally represented in informal employment, (90.5 per cent of female in employment are in informal employment, compared to 81.1 per cent of men) they have less coverage from social protection.

112. Nepal is making progress in changing the labour market in the informal sector to a formal one by holding the ‘Shramadhan Employment Fair’ in all seven provinces to bring workers and employers together. A five-year strategic National Action Plan (July 2023 – July 2025) on formalisation was approved by the meeting of the Central Labour Advisory Council on 6 July 2023 and has been endorsed by the MoLESS. The Action Plan intends to move the informal labour market to the formal sector with tripartite agreement among government, employer and trade union. The MoLESS is in a process of diagnosing formalization in agriculture, construction and transport sectors as well as focusing on women, identifying the priorities, capabilities and needs of domestic workers, to fully participate in social security programs for workers in informal employment/self-employment, their priorities and needs. ILO is providing technical assistance to implement the Action Plan at the federal, provincial and local levels.

113. Although Nepal is not a state party to C189 Domestic Workers Convention, 2011, a study on Gap Analysis between C189 and relevant national legislation is being conducted. The Labour Act 2074 (2017) has specific provision for domestic workers under Section 88 which allows to fix minimum wage for domestic workers, and the Act provides the scope for formulating regulations related to domestic workers sector. Based on the conditions of women employed in informal sector in Nepal, MoLESS has revised and endorsed the National Action Plan for the Formalization (July 2023 till July 2025) which has specific action plan for the formalization of domestic workers which focuses on carrying out research to identify their priorities, capacities and needs.

114. Care Working Group (CWG) has been formed under the leadership of National Planning Commission (NPC) to work on the formulation of comprehensive care law and also to design care service models. The NPC has collaborated with ILO and UN Women to apply policy tools to assess fiscal stimulus packages, gendered employment and public investments in care economy for gender responsive recovery from COVID-19 pandemic. The NPC has included some crucial points in the 16th Plan:

- Organise care related work and economy; remove gender discrimination and inequalities present in the labour market (page 94 and 97);
- Record and manage care related work; formulate national care policy and implement it (page 97 and 111);
- Expand Early Childhood Development (ECD) programme to be implemented at all the local levels. (page 117);
- Increase investment to strengthen health system as per international standards and national commitments (page 109) also as per the population, geography and disease. Establish elderly care homes and encourage private sectors to invest in them (page 127);
- Develop mechanism to calculate women’s unpaid care and domestic work contribution to include in the national accounts (Page 166, 171 and 180);

- Envision international level multipurpose elderly care hub and establish free elderly care centres in each province (page 175);
- Increase elderly day service centres from 225 to 753 (page 175);
- Provide training on care at the local level to increase participation of women in income generation (Page 97); and
- Increase women's labour force participation from 26.3 per cent to 35 per cent in five years (page 176).

Reply to paragraph 16 (d) of the list of issues and questions

115. According to Section 14 of the Sexual Harassment at Workplace (Prevention) Act, 2071 (2014), the Chief District Officer (CDO) of the concerned District has the authority to initiate the proceedings and adjudicate the complaint against workplace sexual harassment by following the procedures as set out in the Summary Procedures Act, 2028 (1971). Similarly, the authority can also order for the recovery of following compensations for the victims from the accused: (a) physical or mental damage, if any, reasonable compensation for such damage, (b) the actual expenses incurred while making a complaint or in defending such a complaint. Additionally, as provided in Section 21 of the Sexual Harassment at Workplace (Prevention) Act, 2071 (2014), the MoWCSW has adopted the Sexual Harassment at Workplace (Prevention) Code of Conduct, 2074 (2017). In line with the Act and Code of Conduct the MoFAGA has conducted workshops on addressing workplace violence and sexual harassment in both provincial and local governments, aiming to create safer, dignified, inclusive and respectful workplace for all. The Province Training Academies under the Province Governments are providing orientation to local government units to adopt Code of Conduct against sexual harassment at the workplace. Federation of Nepal Chamber of Commerce and Industry – the largest umbrella body of private sector in Nepal – has adopted Code of Conduct to prevent violence and sexual harassment at workplace. Some banks and corporate sectors have also organized training and orientation on workplace sexual harassment and adopted Code of Conduct to control it. There is a greater realisation that it is crucial to aware and sensitise both the public and private sectors to internalize and abide by this code of conduct.

116. With regard to the data on the complaints filed under the Sexual Harassment at Workplace (Prevention) Act, 2071 (2014) in the DAO while the MoHA under the request of the MoWCSC enquired all district administration offices, 29 out of 77 DAOs⁵⁴ responded that there was no single case of workplace harassment, and others have not replied yet.

Reply to paragraph 16 (e) of the list of issues and questions

117. According to the organizational structure of the MoLESS, a total of 27 mechanical engineers are placed in the ministry for industrial inspection. More human and financial resources are required to abide by the roles, functions and responsibilities assigned by the labour law.

⁵⁴ The 29 DAOs were from Ilam, Sankhuwasava, Dhankuta, Bhojpur, Sunsari, Solukhumbu, Siraha, Rautahat, Ramechhap, Bhaktapur, Chiwan, Tanahu, Parbat, Rupandehi, Dang, Rukum East, Surkhet, Pyuthan, Dolpa, Rukum West, Dailekh, Mugu, Kalikot, Jumla, Humla, Achham, Bajhang, Kailali and Kanchanpur districts.

Reply to paragraph 16 (f) of the list of issues and questions

118. The GoN, MoLESS is in the process of studying the ratification of ILO Conventions – the Violence and Harassment Convention, 2019 (No. 190) and the Home Work Convention, 1996 (No. 177) by FY 2025/26.

Women migrant domestic workers**Reply to paragraph 17 (a) of the list of issues and questions**

119. Trainings and orientations are being provided to women domestic migrant workers, such as preparation for departure, use of information technology, possible risks and accidents, information on insurance and welfare fund, information on the role of institute related to foreign employment; and contact details of organisations for support and coordination during employment related difficulties.

Reply to paragraph 17 (b) of the list of issues and questions

120. The Monitoring and Orientations Section of the Department of Foreign Employment (DoFE) is put in place to regularly monitor the work of employment agencies. A total of 75 firms have been monitored in FY 2023/24 so far.

Reply to paragraph 17 (c) of the list of issues and questions

121. The MoLESS has formed a committee for the analytical study on C189, and some other relevant conventions with a view to their eventual ratification, as appropriate and if deemed necessary.

Reply to paragraph 17 (d) of the list of issues and questions

122. As per the records of MoLESS, the total number of reported cases on frauds and violation in accordance to the Foreign Employment Act is 6843, where 3316 cases are resolved and a compensation of NRs 277,291,412 has been secured for the victims from perpetrators within 11 months of FY 2023/24. However, data on reported cases are not found to be disaggregated.

Health**Reply to paragraph 18 (a) of the list of issues and questions**

123. The GoN has made legal, institutional, financial and programmatic arrangements recognizing abortion as exclusive rights of women. The Safe Motherhood and Reproductive Health Rights Act, 2075 (2018) recognizes access to safe and affordable abortion services as a fundamental human right. Section 189 of the Penal Code permits women to seek abortion up to 12 weeks of gestation with her consent, and up to 18 weeks in cases of rape or incest. Abortion is also legal with the consent of the pregnant woman if a licensed medical practitioner identifies a risk to the woman's mental or physical health or if the foetus to be born will be handicapped and for women with HIV or other incurable diseases of similar nature.

Reply to paragraph 18 (b) of the list of issues and questions

124. Section 17 of the SMRHR Act includes that no one shall commit or cause to be committed an act to identify the sex of the foetus in the womb. Likewise, a pregnant woman shall not be pressurized or compelled or intimidated or coerced or enticed or entrapped in undue influence to identify the sex of the foetus and conducting abortion or causing it to be conducted, by identifying the sex is prohibited.

125. The GoN, Ministry of Health and Population (MoHP) has formulated National Strategy to Prevent Gender-biased Sex Selection, 2021–2030 to address sex-selective abortion. The following measures have been included in the National Strategy:

- Formulation and implementation of the necessary policies against gender discrimination by all three levels of government;
- Emphasis on the mindset change of couples, families and society who want to perform gender-identified abortions;
- Making the roles and responsibilities of health workers and other health service providers more effective against gender-identified abortions;
- Bringing changes in social, cultural, traditional patterns, beliefs and practices to promote the equal importance of sons and daughters; and
- Empowering women and girls economically and socially.

Reply to paragraph 18(c) of the list of issues and questions

126. The health workers and health service providers are regularly trained on gender sensitive communication and behaviour so that they will treat all citizens who seek health services equally.

Reply to paragraph 18(d) of the list of issues and questions

127. Following health services have been made available to women and girls with disability:

- A dedicated Mental and Disability Section has been established in the Department of Health Services (DoHS) to manage medicines and other assistive equipment/devices for PWD;
- Under the Social Service Unit Programme access to free health services has been ensured for 12 targeted groups including women and girls with disabilities.

Reply to paragraph 18(e) of the list of issues and questions

128. Following healthcare and treatment services are made available with regard to youth friendly sexual and reproductive health services, preventing sexually transmitted infection, cervical cancer and human papillomavirus screening programmes: Details in annex 2.

- Conduction of a comprehensive sexual education program for the management of cervical cancer, breast cancer, uterus prolapse related diseases;
- Free vaccine to protect girls from cervical cancer and plans to vaccinate all girls by 2024;
- Free cervical cancer screening for mothers;

- Introduction of free service up to NRs 100,000 (one hundred thousand) treatment of complex diseases to patients;
- Support to free health check-ups programs by some provinces and local governments;
- Free of cost air rescue operations in critical situations.

Reply to paragraph 18(f) of the list of issues and questions

129. The GoN is aware that number of obstetricians and gynaecologists in the country is very low.

Economic empowerment and social benefits

Reply to paragraph 19(a) of the list of issues and questions

130. Followings are the legal and policy measures promoting equal access of women to economic opportunities: (a) Article 5 (1), Article 33 and Article 34 in the Constitution guarantee citizens the right to economic opportunities, equal employment and labour respectively; (b) The Cooperatives Act, 2074 (2017) and Rules, 2075 (2018) have made mandatory provision of 33 per cent inclusion of women in the executive board of cooperatives. The Procedural Guideline relating to Providing Subsidies to Cooperatives, 2079 (2022) has made a provision to provide unconditional grant to production-oriented cooperatives run by women. As a result, women now constitute 40 per cent of the board of directors in cooperatives; (c) Section 2 (9) of the Company Act, 2069 (2012) makes it mandatory for public companies to have a female director if the company has one or more female shareholders; (d) The Sexual Harassment at Workplace (Prevention) Act, 2071 (2015) mandates that each company form internal mechanism for resolving cases of sexual harassment to prevent the exploitation of female workers; (e) The Industrial Enterprise Act 2016 and Policy 2010 exempt women entrepreneurs from paying registration fees and income tax. It offers them with further incentives to set up their businesses inside the industrial estate, including a rebate of 35 per cent and 20 per cent on fees for registration of industry and trademarks respectively. The policy encourages inclusivity in local employment by providing businesses with an annual exemption of 40 per cent in income tax if 50 per cent of their directly employed staff members are local women, Dalit PWD; (f) The Industrial Enterprise Act and Policy are the most conducive legal frameworks for promoting women's entrepreneurship and inclusive employment generation; and (g) The National Employment Policy 2015 ensures workforce diversity and gender-friendly workplaces, enforces maternal safety and security measures and offers flexible leave options.

131. As per the Monetary Policy of the country, commercial banks have to extend certain per cent of their total loans to the agriculture, energy, micro, cottage, and medium scale industries. For example in FY 2023/24 the commercial banks provided 13.2 per cent of their total loan to agriculture sector, 7.9 per cent to energy and 9.2 per cent to micro-, cottage, small and medium scale industries. Likewise the development banks delivered 26 per cent of their loans to agriculture, micro-, cottage and small scale industries, energy and tourism sector. The financial companies also disbursed 21.6 per cent of their total loans to the same sector.⁵⁵ Commercial banks encourage women to open accounts and save money by offering them high-yield

⁵⁵ Nepal Rastra Bank, Monetary Policy of Fiscal Year 2082/82 (2024/25)
<https://www.nrb.org.np/contents/uploads/2024/07/Monetary-Policy-2081-82.pdf>.

savings accounts. Some of them have specific schemes targeting women, including Women Entrepreneur Loans. Some development banks introduced innovative financial schemes targeting women farmers, including savings and loans. For example, Mahila Udyamsilata Karja (Women Entrepreneurship Loan), Meri Unilai (For My Better Half) and etc. Finance companies also provided deposits, loans, digital banking and other services. The companies are mostly listed in the Nepal Stock Exchange. There are separate savings schemes for women, primarily focusing on savings such as Nari Bachat (Women Savings) and Naba Nari Bachat (New Women Savings) schemes.

132. Another mechanism for ensuring women's equal access to financial opportunities is the Micro-Finance Institutions (MFIs). The MFIs prioritize marginalised groups, with special focus on women. About 98 per cent of borrowers are women.⁵⁶ They also target families living below the poverty line and those who are interested in improving their economic conditions. The MFIs are also promoting employment opportunities for women. The crucial contribution of MFIs is the extent of their penetration and client base, which they achieve through a rigorous door-to-door awareness-raising approach, focusing on social and gender issues including violence against women and girls.

133. Above all the cooperatives are working as an effective mechanism for Nepali women to access financial prospects. In total, 23 per cent of Nepal's population belongs to cooperatives. Now there are 31,450 cooperatives of which 3,100 are run by only women. The Women Development Programme which was implemented for three decades (from 1987-2017) under MoWCSC, Department of Women and Children enormously contributed to the formation of rural women's cooperatives across the country. Now the women's membership in cooperatives has reached 56 per cent occupying 40 per cent of the seats in the executive board including the National Federation of the Cooperatives, the current president of which is a woman. The cooperatives have substantially contributed to economic empowerment of women, especially in the rural areas.⁵⁷ According to the Department of Cooperatives, the major types of cooperatives operating in Nepal focus on savings and credit, dairy, agriculture, fruits and vegetables, beekeeping, tea, coffee, consumers, science and technology and energy. Many of them are categorized as multipurpose. Cooperatives are providing trainings to members on enterprise and financial management, literacy, reporting, leadership and advocacy skills. Many women and other people from marginalized groups who are members of cooperatives have been successful to start their micro-enterprise business. They have been empowered to avert food insecurity and poverty; and afford better education for the children and health facilities for the family. Cooperatives respond better to unemployment-related challenges, especially during economic recessions or other crisis situations. They also function as welfare organisation at the time of need, because they are not solely functioning for profit.

134. The GoN, Ministry of Industry, Commerce and Supplies (MoICS) has made various provisions targeting women entrepreneurs. For example it is mandatory that the chairperson of the Federation of Woman Entrepreneurs Associations of Nepal (FWEAN) and at least one women entrepreneur among the women experts in industrial sector should be included in the "Industrial and Investment Promotion Board" which is being formed under the chair of the Minister for Industry, Commerce and Supplies in order to increase the pace of the industrialization in the country, to formulate the policy regarding industry and investment and to coordinate between central and implementing level. The production oriented industries, as well as the industry related to information technology, providing year-round direct employment

⁵⁶ https://www.nrb.org.np/contents/uploads/2023/11/final-2080_7_15_final_Edited.pdf.

⁵⁷ Government of Nepal, Ministry of Land Management, Cooperatives and Poverty Elimination.

to 300 or more Nepalese citizens, among whom at least 50 per cent are women, *Dalit* or PWDs are subject to additional 15 per cent exemptions from the annual income tax rebate. For such industries there is a provision of income tax reduction for the amount invested in the long-term welfare of its workers and employees, such as life insurance, health facilities, contribution-based social security, education and training, childcare centres, and sports and gymnasium for physical fitness. Followings are additional facilities for women entrepreneurs:

- Thirty-five per cent discounts on the fees or charges levied as per the law for registration of an industry or firm to be owned by women entrepreneurs only;
- Twenty per cent discount on registration of industrial property to be used in registered industries to be exclusively owned by women entrepreneurs;
- If a woman entrepreneur wants to set up a new industry within an industrial area or industrial village, the agency managing such area should give priority to provide the space;
- If an industry owned only by women entrepreneurs requests a loan for the purpose of exporting the industrial products, export loans can be provided through the banking system from the fund that provides loans for women entrepreneurs, based on the financial status of the business of women entrepreneurs.

135. Additionally, there is a provision that amount from the Industrial and Investment promotion fund established for the promotion and protection of the country's industrial investment can be spent for the development of women entrepreneurship. Under corporate social responsibility, the industry should spend on skill-oriented and income-generating programs for low-income, backward, rural women, PWDs, minorities, and marginalized communities.⁵⁸

136. Very few examples are there in Nepal about women's access to financial technology (fintech). One good example is 'Aloi', a Kathmandu-based fintech company supports informal micro entrepreneurs in Nepal to overcome difficulties in accessing formal financing for their businesses. and gaining recognition as a leading fintech company and continuing to support small and micro business owners and aspiring entrepreneurs across the country. Supported by ESCAP and the United Nations Capital Development Fund (UNCDF) Aloi is rapidly expanding and building a wide network of banking partners throughout Nepal.⁵⁹ But when understanding, valuing, and investing in women's inclusion, fintech industry is long way to go in the country.⁶⁰

137. According to Nepal Rastra Bank, the central bank of the country, the overall, financial literacy score of the country is 57.9 per cent. This is slightly lower than the average of 26 counties' result which is 61 per cent in OECD (2020) survey. Financial literacy score varies across the provinces showing Bagmati Province is at the top with score 64.5 per cent and Madhesh Province at the bottom with the score 52.0 per cent. Comparatively, Koshi, Madhesh, Lumbini and Sudurpashchim have financial literacy score less than national average. Financial literacy score of Karnali is slightly higher than national level due to comparatively higher score in financial behaviour and financial attitude. The survey results show that males have outperformed female in financial literacy score by scoring 61.8 per cent compared to 54.8 per cent of female.

⁵⁸ Government of Nepal, Department of Industry.

⁵⁹ Women-founded fintech company pioneers financial inclusion solution to reach underserved micro enterprises in Nepal. <https://www.unescap.org/story/women-founded-fintech-company-pioneers-financial-inclusion-solution-reach-underserved-micro>.

⁶⁰ Emmanuel Nyirinkindi & Jessica Schnabel, "Gender-neutral fintech isn't working for women", *The Kathmandu Post*, April 21, 2024 <https://kathmandupost.com/columns/2024/04/21/gender-neutral-fintech-isn-t-working-for-women>.

Such a gender gap in financial literacy score exists in all provinces, with much a wider gap in Madhesh and Sudurpashchim Province. Financial literacy score is high in metropolitan cities (65.4 per cent) than other local bodies (Table A1.2). However, the gender gap in financial literacy score is slightly higher in metropolitan cities.⁶¹

Reply to paragraph 19 (b) of the list of issues and questions

138. Three out of five employed in the informal sector are men, and the majority (45.8 per cent) are employed in non-agricultural job and only 13.4 per cent work in agriculture. For more employed women, the share of women in informal sector is larger (two-thirds), and as opposed to men, they are close to equally employed in agriculture and non- agriculture jobs (31.8 and 32.9 per cent respectively). Although few are employed in private household, the share of women is three times as big as for men (1.18 and 0.6 per cent respectively). The data is shown in the table below (Table 21).

Table 21

Formal and Informal Sector of employment of currently employed population (aged 15 years and above in %)

<i>Sector</i>	<i>Sector of employment</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Formal	Agriculture	1.3	1.2	1.3
	Non-Agriculture	39.0	32.3	36.5
	Total	40.3	33.5	37.8
Informal	Agriculture	13.4	31.8	20.2
	Non-Agriculture	45.8	32.9	41.0
	Private households	0.6	1.8	1.0
	Total	59.7	66.5	62.2

Source: Nepal Labour Force Survey 2074/75 (2017/18), NSO.

Reply to paragraph 19 (c) of the list of issues and questions

139. The participation rate of women in the social security system for FY 2023/24 is 57.5 per cent. Table 22 below presents the current data of total beneficiaries of social security schemes for five years. “Number of Social Security Allowance beneficiaries by type” included in Table 4.14 of Annex 3: (B) Status of Women in Nepal: Social Statistics and Key Indicators, 2081.

⁶¹ Nepal Rastra Bank Economic Research Department, *Baseline Survey on Financial Literacy in Nepal (including Financial Inclusion Indicators)*, Baluwatar, Kathmandu, Nepal December, 2022.

Table 22
Number of beneficiaries for social security allowance by FY

<i>FY</i>	<i>Male</i>	<i>Male %</i>	<i>Female</i>	<i>Female %</i>	<i>Other</i>	<i>Other %</i>	<i>Total</i>
2019–20	1 131 112	38.6	1 800 149	61.4	6	0.0002	2 931 267
2020–21	1 478 780	40.6	2 161 999	59.4	5	0.0001	3 640 784
2021–22	1 488 528	41.2	2 123 350	58.8	7	0.0002	3 611 885
2022–23	1 625 384	42.5	2 203 059	57.5	54	0.0014	3 828 497
2023–24	1 623 467	42.5	2 194 959	57.5	90	0.0024	3 818 516

Source: Department of National ID and Civil Registration, 2081.

140. According to Nepal Labour Force Survey 2017/18 – Gender disparities observed, 90.5 % women workers are involved in informal employment. ILO conducted a study on Extending Social Protection for All in Nepal: An Analysis of Protection Gaps. Since women are disproportionately represented in informal employment (90.5 per cent of female in employment are in informal employment, compared to 81.1 per cent of men). They have less coverage in the social protection.

141. Recognising that a well-articulated framework and strategy is necessary for an effective and efficient social protection with a long-term vision to guarantee a minimum level of security for the livelihood of all Nepalese people, the GoN National Planning Commission has designed and implemented the “Integrated National Protection Framework” on 7 December 2023. The goal of the Framework is to ensure access of all citizens by making the social security and protection system inclusive, flexible, sustainable, qualitative, need-based and effective. Similarly, the key objectives among others are to increase access to social security programs to support the livelihood of disadvantaged and at-risk communities, adopt social security measures to prevent people from falling below the existing income level due to various types of risks, and to make the social security system disaster sensitive in order to enhance the resistance and resilience power of citizens by minimizing the risks based on poverty, disease, hazards and epidemic, and the cycle of living. Available data of the social security system is given in Annex 2.

Rural women

Reply to paragraph 20 (a) of the list of issues and questions

142. The President’s Women Empowerment Programme launched on 7 March 2017 in the auspicious of the MoWCSC with aims to provide skill development and capability enhancement training to the Dalit, indigenous, marginalised and Muslim women of the first 30 districts lagging behind in the Human Development Index (HDI) has now expanded to all 77 districts. The programme seeks to focus on economic empowerment of women, by improving their living standard, financial access and entrepreneurship development thereby attaining the sustainable development goal; organise social transformation campaigns to end gender-based discrimination, violence and harmful traditional practices; provide rescue, relief and rehabilitation services to GBV victims/survivors; and decrease significantly in the maternity mortality rate by providing free-of-cost air rescue services to pregnant and delivering women of the remote areas. Up to now 713 pregnant and delivering women have been provided with air rescue services; social awareness programmes (including TV programme) against GBV, human trafficking, harmful practices is regularly being organised; National Women’s Rights Day is being observed on 16 Jestha (tentatively

29 May) every year; and 20 women entrepreneurs have received the President's Women Entrepreneurship Development Prize amounting NRs one hundred thousand each (one from each Province). Similarly, 100 Women Entrepreneurship Facilitation Centres have been established in 77 districts and 4,800 women belonging to 111 local levels of 55 districts lagging behind the Human Development Index have been benefitted through livelihood improvement programme. In all seven provinces each of the Ministries of Social Development of the provincial governments is running Technical Assistance Programme targeting a group of women entrepreneur consisting 20 members with an objective to assist in economic empowerment of those women who are economically poor, but desired to be an entrepreneur after receiving the skill trainings. Under the programme as a pilot project, the following local government in each of the seven provinces is running self-employment training targeting the disadvantaged women in the model settlement:⁶²

- (a) Santhal (tribes on the verge of extinction) in Urlabari Municipality of Koshi Province;
- (b) Musahar/Dom (ultra-poor Dalit community) in Golbazaar Municipality of Madhesh Province;
- (c) Chepang (indigenous people on the verge of extinction) in Rapti Municipality of Bagmati Province;
- (d) Dalit community in Raghuganga Rural Municipality of Gandaki Province
- (e) Musahar (ultra-poor Dalit community) of Nepalgunj Sub-Metropolitan City of Lumbini Province;
- (f) Poor Brahmin/Kshetri in Narayan Municipality of Karnali Province; and
- (g) Poor freed Kamaiya/Kamlhari in Dhangadi Sub-Metropolitan City of Sudurpashchim Province.

143. The GoN, in assistance of International Fund for Agricultural Development (IFAD) implemented *Samriddhi* (Rural Enterprises and Remittances) Project from 2015 to 2024 in eight districts of Koshi Province, seven districts Madhesh Province and one district of Bagmati Province⁶³ targeting 179,000 beneficiaries and to provide financial education to 244,800 people to support financial inclusion. The project made effort to diversify the range of economic activities accessible to poor rural households and unemployed women and men by promoting self-employment and small businesses and microenterprises that can generate better incomes and jobs – through both on farm and off-farm activities; carrying out vocational training and apprenticeship for gainful job placement; and developing mechanisms specifically targeting migrant households and returnees, so that they can make the best possible use of their remittances.⁶⁴

144. The GoN, MoEST has also implemented various programmes targeting the rural women and girls such as expansion of TVET institutions; equivalency mechanism for formal TVET stream in place; policy to expand access to (TVET in all local level; TSSP 2023-2023 has been approved; on-the -job training guideline has been developed and implemented by CEHRD; on-the -job training is part of the grades 9-12 technical and vocational stream; quality, ENSSURE and NVQS are being implemented as TVET sector projects; Provision of industrial training program in CTEVT act; 7 apprenticeships courses (24 months) are operational; work-based training courses on 11 subjects are operational; workers further training courses are

⁶² Government of Nepal, Ministry of Women Children and Senior Citizens.

⁶³ The 16 districts are: Terhathum, Dhankuta, Bhojpur, Morang, Sunsari, Khotang, Okahldhunga, Udayapur, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara and Sindhuli.

⁶⁴ <https://www.ifad.org/en/web/operations/-/project/1100001724>.

operational; OJT operational (6-12 months) 3.5 attracting talented youth to strengthen home-grown technology and skills; provision of Make in Nepal and Made in Nepal in GoN annual program; development of subject-wise interactive, digital learning materials and uploaded on the learning portal; and subject wise virtual classes established.

145. Technical and Lifelong Learning Education and Vocational Training Council aims to increase the access of marginalized classes, regions and communities to technical education programs by arranging special scholarships with the support of the Government of Nepal. It also provides subsistence allowance, transport and free training has been arranged by arranging the cost of uniforms as well. In 2079/80, a notification was published to provide special scholarships to a total of 560 people with 400 people in ten diploma and certificate level programs and 160 people in four pre-diploma level programs. By the academic session 2079/80, 7,466 people have received this type of scholarship from the council. Similarly, the council has also started a special scholarship program for the students who are permanently residing in the municipality who have not reached technical education from the academic session 2079/80. Similarly, the council has also arranged classified (free) scholarships for trainees studying in regular programs. This scholarship is awarded to about ten per cent of the trainees of the prescribed quota number in the specified program. In this scholarship program, only passed students can apply. Open to classified (free) scholarships, as well as students belonging to targeted categories of disabled, ex-servicemen/youngsters, backward remote areas, *Dalit*, women, tribal and economically or socially disadvantaged groups are eligible to apply. In the academic session 2079/80, the council has fixed a quota of 5,730 students for classified (free) scholarships at the diploma and certificate level and 2,084 at the pre-diploma level, 2,500 at the diploma and certificate level and 488 at the pre-diploma level. A total of 2988 people are studying after receiving this scholarship. The MoEST is equally focusing on TVET Sector Plan (TSSP 2023-2032); opportunities for vocational training; introduced apprenticeship program in TVET sector in collaboration with BIA'S; Nepal labour force survey; TVET sector analysis; provision of recognition of prior learning; national vocational/qualification framework approved; national competencies have been established; skill mapping in Sudurpashchim; gender parity in NER for basic level is 0.99 and secondary level 0.93 NER of basic level was 91 per cent in 2017 and 95.1 in 2080. In 2080, ECED had a gross enrolment ratio of 99.9. The literacy rate of 15-24 age group is 94.2 per cent; basic level (1-5) is 541.1 per cent and (1-8) is 43.2 per cent; national educational policy, 2076 implementation; vision paper of education, 2079; Nepal school education sector plan 2022/23-2031/32 implementation; 2151 community learning centre in operation.⁶⁵

Reply to paragraph 20 (b) of the list of issues and questions

146. The 15th periodic plan adopted strategic approach to pursue good practices by ensuring substantial participation of women in the benefits and outcomes by increasing their participation in the policy making positions at all levels of the state and sectors, including the implementation, monitoring and evaluation of programmes by espousing strategy of gender responsive governance at all levels of the governments, sectors and agencies.⁶⁶ The 16th periodic plan also internalises the same

⁶⁵ Government of Nepal, Ministry of Education, Science and Technology.

⁶⁶ Government of Nepal, National Planning Commission, *The Fifteenth Plan (Fiscal Year 2019/20 – 2023/24)*, Singh Durbar, Kathmandu, March 2020
https://www.npc.gov.np/images/category/15th_plan_English_Version.pdf.

principle and strategy.⁶⁷ Likewise, the National Planning Commission (NPC) has prepared the National Framework for Leave No One Behind (NLOB) in December 2022 for providing direction to all level of governments to “reach the furthest behind” in the implementation of LNOB 2030 Agenda.. The framework identifies the need of effective institutional mechanisms, the reliable and valid disaggregated data on a periodic basis and strengthening the ownership and capacity of different stakeholders. It also gives priority to intersectional and inter-sectoral focus.⁶⁸

147. The rural women are involved in the local level planning process as provisioned in the Local Government Operation Act, 2074 (2017). Participation of rural women in decision-making is sought through various community based organizations, such as women’s group, mothers’ groups women committees and women’s cooperatives.

Reply to paragraph 20 (c) of the list of issues and questions

148. Women have equal lineage rights to ancestral property. The 25 per cent revenue concession for the registration of land and housing property in women’s ownership and 35 per cent concession in the case of single women have increased the access of the women to land and housing. These special measures can be regarded as crucial intervention for economic empowerment of women in the country.

Disadvantaged groups of women

Reply to paragraph 21 (a) of the list of issues and questions

149. The Constitution as well as many other policies including GESI policy, plans, programmes and Gender Responsive Budgeting (GRB) of the local governments recognises the rights of Indigenous people and ensures their inclusion and participation in the social, political and economic arena.

Reply to paragraph 21 (b) of the list of issues and questions

150. The Constitution of Nepal assures equality of all Nepalese citizens regardless of gender, ethnicity and religion, the GoN is stringently implementing the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011. As provided by the law Nepal Police had registered a total of 154 cases of untouchability during the last five years from FY 2018/19 to FY 2022/23.⁶⁹ The National Assembly unanimously endorsed a resolution motion on 22 March 2023 aiming to put pressure on the government to work effectively towards ending discrimination and oppression against *Dalit*. The 19-point motion envisioned directing the government to act strictly against all sorts of discrimination in public and private places and ensure proper legal actions against the culprits. The resolution also desired the government to report to the upper house about the steps taken towards creating an equal and equitable environment to the *Dalit*. In response to the resolution, the MoHA has adopted a comprehensive implementation plan to check the issue.

⁶⁷ Government of Nepal, National Planning Commission, *The 16th Plan (FY 2024/25-2028/29)*, Singh Durbar, Kathmandu, June 2024 (in Nepali) <https://npc.gov.np/images/category/240607021>.

⁶⁸ Government of Nepal, National Planning Commission, *National Framework for Leave No One Behind*, Kathmandu, December 2022 <https://npc.gov.np/images/category/231120105645LNOB%20UPDATED%20REPORT-Sept%203%202023%20updated.pdf>.

⁶⁹ <https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/>.

Reply to paragraph 21 (c) of the list of issues and questions

151. The Constitution of Nepal guarantees rights to social justice for the socially backward women, *Dalit*, indigenous people, indigenous nationalities, *Madhesi*, *Tharu*, minorities, PWD, marginalized communities, Muslims, backward classes, gender and sexual minorities, youths, farmers, labourers, oppressed or citizens of backward regions and indigent *Khas Arya*;⁷⁰ and rights to social security for the indigent citizens, incapacitated and helpless citizens, helpless single women, citizens with disabilities, children, citizens who cannot take care of themselves and citizens belonging to the tribes on the verge of extinction.⁷¹ Therefore, all the three levels of the governments are in the process of implementing social security schemes targeting the disadvantaged people including women. Social Security allowances, as stipulated in the Social Security Act, 2018 and Regulations, 2019 and Procedural Guideline, 2020 are being provided to targeted population. An amount of NRs 2660 is being provided to widowed women irrespective of their age and to helpless single women who are above 60 years old.

Climate change and disaster risk reduction

Reply to paragraph 22 of the list of issues and questions

152. The Government of Nepal (GoN) enacted the Disaster Risk Reduction and Management (DRRM) Act in 2017 which was amended in 2019 to clarify the governance structure for DRRM assigning authority and roles to local, provincial and the federal governments. Following the Act, the National Disaster Risk Reduction and Management Authority (NDRRMA) was established under the Ministry of Home Affairs (MoHA) as a lead federal agency for DRRM. The NDRRMA has adopted the Gender Equality, Disability and Social Inclusion (GEDSI) Strategic Action Plan for DRRM.

153. The GoN has formulated National Policy for DRR, 2018 in order to build a safer, more adaptive, and resilient nation by reducing the existing risks and preventing new and potential risks. It gives importance to the national needs and international commitments, expressed through the Sendai Framework, SDGs, and the Paris Agreement. Similarly, the Climate Change Policy, 2076 (2019) is in place with sector and cross-cutting focuses, of which DRRM is one. The National Adaptation Plan was formulated in line with the policy to help integrate Climate Change Adaptation (CCA) and DRRM in practice.

154. According to the Work, Responsibilities and Powers of the Executive Committee under Section 8 (d) of the DRRM Act, 2074 (2017), special attention for women, children, senior citizens, *Dalit* marginalized groups and communities, and disabled persons who are at risk of disasters have to be paid through periodic/annual plans, programmes and activities of the federal level ministries, the National Disaster Risk Reduction and Management Authority (NDRRMA), and Management Committees at the provincial, district and local levels.

155. According to the National Disaster Response Framework, 2070 [Point No. 5 under the national international aid coordination framework (5.2)], the MoWCSC which leads the Protection Cluster is the main responsible agency, and UNHCR, UNICEF, UNFPA are the supporting agencies in disaster response activities, especially targeting women, children, senior citizens, and disabled people in coordination with other government agencies.

⁷⁰ Article 42 (1), (2), (3), (4) and (5).

⁷¹ Article 43.

156. Pursuant to the DRRM Act, 2074 (2017), each province has Provincial Disaster Management Council (PDMC) and the Provincial Disaster Management Executive Committee (PDMEC). At the district level District Disaster Management Committee (DDMC) is in place and there is Local Disaster Management Committee (LDMC) to Ward Level Disaster Management Committee (WLDMC) at the local municipality.

157. The local governments have vital roles to invest in DRRM. They are responsible for preparing the integrated DRRM and climate change plans by using the Local DRR and Climate Resilience Planning Guideline. Nepal targets to achieve SDG for climate action focusing on gender sensitive climate smart villages, climate smart farming, climate change education, and greenhouse gas (GHG) mitigation. It desires to strengthen the resilience and adaptive capacity of people and stakeholders during natural and climate-related disasters. Although Nepal's SDG target for poverty reduction has significant achievement, it is frequently threatened by natural disasters and pandemic. In order to minimize the risk of disasters arising from climate change and other causes and properly manage them, the following policy arrangements are being implemented to include women, children, senior citizens, PWD, and gender and sexual minorities in every stage of disaster management. Thus, the Disaster Management Committees at all levels have been carrying out work by keeping the safety of women, children, senior citizens, and disabled people as the first priority, by following the GESI principles.

Marriage and family relations

Reply to paragraph 23 (a) of the list of issues and questions

158. Section 74 of the National Civil Code, 2074 (2017) attempts to address the issue of informal marriage. It includes that if a woman who is eligible to marry on her own bears a child as a result of physical intercourse with a man, and if such intercourse is not rape, incest or polygamous, the man and the woman can be considered to have been married automatically. Hence the provision legitimates voluntary relationship between adults who are legally eligible to marry; and this provision provides protection to women and establishes their property rights vis-à-vis their husbands, who may abuse and disown the relationship after pregnancy and childbirth, leaving the women to fend off on their own. The provision is meant in no way to force pregnancy, childbirth or marriage on women, as it is within their rights to determine if the relationship was voluntary/consensual or not.

Reply to paragraph 23 (b) of the list of issues and questions

159. The National Civil Code 2074 (2017) stipulates that all types of marriage have to be registered.

Reply to paragraph 23 (c) of the list of issues and questions

160. The prevailing law of the country does not recognize unilateral divorce such as *Talaq*.

Reply to paragraph 23 (d) of the list of issues and questions

161. There is a legal provision relating to Divorce is in Chapter 3 of part 3 of the National Civil Code, 2074 (2017). Couples can seek a divorce by mutual consent or,

in the absence of agreement one party can petition the court for divorce. The process is quick and cost effective if both parties agree to a divorce at any time. There are various other grounds on which either spouse can seek a divorce without the consent of the other. These include three years separation, adultery and physical or mental torture. Grounds differ slightly depending on whether it is the husband or wife filling for the divorce. There is a provision that if divorce is to be effected because of the husband, the concerned court shall cause partition of property to be effected between the husband and wife before effecting divorce, if the wife so demands and the court may effect divorce between the husband and wife and order the husband to provide the wife with monthly expenses as alimony according to property and income of the husband until the partition is effected. And if the wife who effects divorce desires to obtain a lump sum amount or annual or monthly alimony or expenses from the husband, instead of the partition share, the court may order the husband to provide such wife with a lump sum amount or annual or monthly alimony or expenses on the basis of his property or income.

Reply to paragraph 23 (e) of the list of issues and questions

162. As stated above the Constitution have ensured equal lineage rights to women over ancestral property. The GoN has made special provision of 25 per cent revenue concession for the registration of land and housing property in women's ownership and 35 per cent concession in the case of single women. Similarly, there is the provision of transferring the ownership of the land and house in joint ownership of wife and husband by paying only NRs 100. These special measures have promoted the transfer of ownership of land and housing in the name of women. Now 23.8 per cent of women have their ownership over the land and housing property.
