

# CONCLUDING OBSERVATIONS

*on Fourth and Fifth Periodic Reports (Combined)  
of Nepal on CEDAW Convention*



Government of Nepal  
Ministry of Women, Children and Social Welfare



Forum for Women, Law and  
Development (FWLD)

# CONCLUDING OBSERVATIONS

on Fourth and Fifth Periodic Reports (Combined) of Nepal on CEDAW Convention

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## Background

### *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention)*

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) is a significant document for the protection and promotion of human rights of women. Therefore, the Convention is often described as International Bill of Rights for Women. With the primary objective to eliminate discrimination against women and to ensure equality between men and women, the Convention, was adopted on the 18<sup>th</sup> of December 1979 by the General Assembly of the UN and entered into force from 3<sup>rd</sup> September 1981.

Generally, the Convention can be divided into 3 parts. The first part comprises of Articles 1-5, which includes common principles of the Convention such as principle of non-discrimination, principle of state obligation, principle of substantive equality and changes in stereotyping role. Articles 6-16 of the Convention comprises of several specific rights of women in various areas including political and public life, international representation, nationality, education, employment, health, economic and social rights, rural women, equality before the law, marriage and family. Articles 17-30 of the Convention comprises of procedures related to implementation of the Convention.

### *Committee on the Elimination of Discrimination against Women (CEDAW Committee)*

The Committee on the Elimination of Discrimination against Women is established under Article 17 of the Convention that monitors the implementation of the Convention. The Committee consider the reports submitted by the state parties for this purpose. In addition, on 6th October 1999, the General Assembly adopted the Optional Protocol to the CEDAW Convention, which has expanded the jurisdiction of the Committee. Then onwards, the Committee also entertain the complaints filed under the Optional Protocol and can also initiate inquiries into situation of grave or systematic violations of women's rights.

The Committee consists of 23 experts of high moral standing and competence in the field covered by the Convention. These experts are elected by the State parties from their nationals who represent equitable geographical distribution, different civilizations and principal legal systems. However, after the election, the members of the Committee do not represent their nation but work in individual

capacity. The office of the Committee is situated at New York, United States of America.

### *Reporting Obligation*

International Conventions create certain obligation to the state party towards the Convention. Accordingly, state parties of the CEDAW Convention are liable to implement the obligations under the Convention. It requires the state parties to periodically submit the report on the implementation of the obligations under the Convention to the CEDAW Committee. The Committee, through reporting, assess whether state party has fulfilled its obligation or not, analyze national laws, administrative rules, procedures and policies according to the standard set by the Convention and receive information relating to actual status of the implementation of each Article of the Convention.

The state party of the Convention has to submit two types of reports i.e. Initial and Periodic reports. These reports includes the progress made in legilstative, judiciary, administrative and other activities undertaken for the implementation of the Convention.

### *Concluding Observations*

Concluding Observations are remarks of the CEDAW Committee made after evaluating the Initial and Periodic Reports submitted under CEDAW Convention. Concluding Observations vary according

INITIAL REPORT	PERIODIC REPORTS
<p><b>An Initial Report is a report prepared by the state party and submitted to the Committee one year after the ratification of the CEDAW Convention.</b></p>	<p><b>A Periodic Reports is a report prepaerd by the state party and is submitted to the committee every four years thereafter from the presentation of Initial Report.</b></p>

to the state party, in which the Committee indicates country specific gaps and weaknesses in the implementation of the obligations and also provides precise recommendations. As Concluding Observations are provided on the basis of the Convention according to the process determined by the Convention itself, the state parties are obliged to abide it.

**N**epal has ratified CEDAW Convention without any reservation on 22 April, 1991 and Optional Protocol to CEDAW on 15th June, 2007. After ratification of the Convention, Nepal submitted its Initial Report to the Committee in 1997. Nepal presented this Report during 434th and 439th session of the Committee in January 1999. Similarly, Nepal submitted its Second and Third Periodic Reports (Combined) to the Committee in October 2002. Nepal presented this Report during 630th and 631st session of the Committee. Likewise, Nepal submitted its Fourth and Fifth Periodic Reports (Combined) to the Committee in July 2009. Nepal presented this Report during 989th and 990st session of the Committee in 20th July, 2011. Full text of Concluding Observations made by the CEDAW Committee on Fourth and Fifth Periodic Reports (Combined) of Nepal is presented below:

CEDAW/C/NPL/CO/4-5

## Concluding Observations of the Committee on the Elimination of Discrimination against Women

### Nepal

1. The Committee considered the combined fourth and fifth reports of Nepal (CEDAW/C/NPL/4-5) at its 989th and 990th meetings, on 20 July 2011 (see CEDAW/C/SR.989 and 990). The Committee's list of issues and questions is contained in CEDAW/C/NPL/Q/4-5, and the responses of Nepal are contained in CEDAW/C/NPL/Q/4-5/Add.1.

### Introduction

2. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report. The report generally followed the Committee's guidelines for the preparation of reports, with references to the previous concluding observations. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the Committee's pre-session working group, and the further clarification to the questions posed orally by the Committee.
3. The Committee commends the State party for its multi-sectoral delegation headed by the Permanent Representative of Nepal to the United Nations in New York, which included representatives from different Government ministries and departments. However,

the Committee regrets the absence of the Minister for Women, Children and Social Welfare who is at the highest level of decision-making in women's empowerment. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee, while noting that answers to some questions were vague and some questions were left unanswered.

### Positive aspects

4. The Committee welcomes the adoption and implementation, since the consideration of the last report (CEDAW/C/NPL/2-3) in 2004, of several legislative measures aimed at the promotion of gender equality and the elimination of discrimination against women and at the achievement of compliance with the obligations under the Convention. Specific reference is made to the Interim Constitution of Nepal, 2007; the Five-Years Strategic Plan of the National Women Commission (2009-2014); the Domestic Violence (Crime and Punishment) Act, 2009; the Human Trafficking and Transportation (Control) Act, 2007; the National Women Commission Act, 2007; and the Gender Equality Act, 2006. The Committee notes with appreciation the Supreme Court decision of 21 December 2007 (2064-9-6).
5. The Committee notes with satisfaction that the State party has adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women, such as the National Plan of Action for the implementation of the Convention in 2004; the Women Development Program; the National plan of action against trafficking in children and women for sexual and labour exploitation; the Safe Delivery Incentive Programme (Aama programme) for free delivery services; and the Interim Plan (2008-2011) for social rehabilitation of conflict-affected and displaced women and to ensure the active participation of women in the peace process.
6. The Committee also notes with satisfaction that in the period since the consideration of the previous report the State party has ratified or acceded to the following international instruments: the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2007; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2006; the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2010; the Convention against Transnational Organized Crime, in 2006, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2008; and the South Asian Association For Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, in 2007.

### Principal areas of concern and recommendations

7. The Committee recalls the obligation of the State party to systematically and

continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Constituent Assembly and to the judiciary, so as to ensure their full implementation.

## **Parliament**

8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage the Constituent Assembly/Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention. The Committee also recommends that the Constituent Assembly take into account the provisions of the Convention and recommendations of the Committee while drafting the new Constitution.

## **Definition of equality and non-discrimination**

9. While noting that the Interim Constitution states that "no woman shall be discriminated against in any way on the basis of gender", the Committee is concerned that the Constitution does not embody the principle of equality between women and men and does not prohibit discrimination against women in line with article 1 of the Convention covering both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2 (e) of the Convention and the Committee's general recommendation No. 28 (2010).
10. The Committee urges the State party to include in the new Constitution the principle of equality between women and men, provisions prohibiting discrimination against women, in line with the definition provided in article 1 of the Convention, and a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in conformity with article 2 (e) of the Convention and the Committee's general recommendation No. 28 (2010).

## **Discriminatory laws**

11. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation, including in the Interim Constitution as well as in the 2006 Gender Equality Act which revised discriminatory provisions in the areas of property,

marital rape and age of marriage. However, the Committee remains concerned at the persistence of a significant number of discriminatory laws and provisions.

12. **The Committee calls upon the State party to repeal all the remaining discriminatory laws and provisions and ensure that the new Constitution does not contain any discriminatory provisions.**

### **National machinery for the advancement of women**

13. While welcoming the coordinating and gender mainstreaming role of the Ministry of Women, Children and Social Welfare, the Committee is concerned about the limited short term progress in women's rights.
14. **In accordance with its general recommendation No. 6 and the guidance provided in the Beijing Platform for Action, the Committee calls on the State party to provide the national machinery for the empowerment of women at the central and local levels with the necessary human, financial and technical resources for their effective functioning in all areas of women empowerment. It also calls on the State party to strengthen its monitoring mechanisms for the implementation of laws and plans of actions aimed at achieving de facto equality between women and men, and the development of a comprehensive gender indicator system, with a view to improving the collection of sex-disaggregated data as a means of assessing the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.**

### **Temporary special measures**

15. The Committee welcomes the measures ensuring the presence of 33 per cent of women in the Constituent Assembly, special inclusive measures in the recruitment process in the public service, economic empowerment programmes for women and the favouring of women's access to land, and notes with appreciation that the State party acknowledges the need for additional temporary special measures to reach de facto equality. However, the Committee is concerned that temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 are not systematically applied as a necessary strategy to accelerate the achievement of de facto or substantive equality between men and women, in particular women facing multiple forms of discrimination, in all areas of the Convention, including health, employment, education, housing, land ownership and public life.
16. **The Committee encourages the State party to:**
  - (a) **Adopt temporary special measures to accelerate the advancement of women in areas in which women, in particular women facing multiple forms of discrimination, are underrepresented or disadvantaged, including in political representation, the administration and the judiciary, and access to health, education, employment, housing and land ownership; and**
  - (b) **Include in its legislation specific provisions on the adoption of temporary special measures that encourage their use in both the public and private sectors.**



## Stereotypes and harmful traditional practices

17. The Committee is concerned that patriarchal attitudes and deep-rooted stereotypes that discriminate against women remain entrenched in the social, cultural, religious, economic and political institutions and structures of the Nepali society, as well as in the media. The Committee is concerned at the persistence of harmful traditional practices in the State party, such as child marriage, dowry system, son preference, polygamy, widows accused of witchcraft, Chaupadi, Jhuma, Deuki and Dhan-Khaane.
18. **The Committee recommends that the State party:**
  - (a) **Put in place without delay a comprehensive strategy, with concrete goals and timetables, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention;**
  - (b) **Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the involvement of civil society, as well as community and religious leaders, to eliminate harmful traditional practices, and collaborate with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women; and**
  - (c) **Promptly enact the draft law on social harmful practices, ensure that it covers all forms of harmful practices and ensure full implementation of this law without delay as well as monitoring of its effective implementation.**

## Violence against women

19. The Committee welcomes the enactment of the Domestic Violence Act 2009 and the launch of a National Plan of Action on Gender Based Violence. However, the Committee is concerned about the continued prevalence of violence against women and girls, including domestic violence, in particular against disadvantaged groups of women such as Dalit women. The Committee is concerned that most of the incidents are undocumented and unaddressed. The Committee is further concerned about the lack of statistical data on violence against women, including sexual violence and domestic violence; the existence of a statute of limitation for registration of cases of sexual violence; and the weak penalty for marital rape.
20. **The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address such violence, in accordance with its general recommendation No. 19. To this end, the Committee recommends that the State party:**
  - (a) **Ensure the effective implementation of the Domestic Violence Act and other existing legislation, as well as proper prosecution and punishment of perpetrators of such violence;**
  - (b) **Develop a nationwide data collection program on cases of violence against women;**
  - (c) **Take immediate measures to abolish the statute of limitation for registration of cases of sexual violence to ensure women's effective access to courts for the crime**

- of rape and other sexual offences;
- (d) Continue to provide the police, public prosecutors, the judiciary and other relevant Government bodies, as well as healthcare providers, with the necessary training on domestic and sexual violence and undertake wider awareness-raising programs in all communities, including Dalit community, specifically targeting men and boys; and
  - (e) Adopt and enact without delay the draft law under preparation which significantly increases the punishment for marital rape, as mentioned during the dialogue, and undertake an awareness-raising campaign on the new provisions in this regard.

### Trafficking and exploitation of prostitution

21. The Committee welcomes the adoption of the National Plan of Action against trafficking in children and women for sexual and labour exploitation. However, the Committee is concerned about the lack of specific data on trafficking of women and girls, the lack of effective implementation of the Human Trafficking and Transportation Act 2007, the persistence of sexual exploitation, in particular among the Dalit community, and the persistence of the root causes of trafficking and prostitution, including poverty.
22. The Committee urges the State party to fully implement article 6 of the Convention, through the following:
  - (a) Collecting and analysing data on all aspects of trafficking and prostitution, disaggregated by age, sex and country of origin, in order to identify trends;
  - (b) Implementing the Human Trafficking and Transportation Act 2007 to ensure that perpetrators are punished and victims adequately protected, assisted and provided shelters;
  - (c) Strengthening preventive measures aimed at improving the economic situation of girls and women, gainful employment and other resources to eliminate their vulnerability to traffickers;
  - (d) Strengthening its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange;
  - (e) Ensuring effective implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution;
  - (f) Ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and
  - (g) Provision of information and training on the anti-trafficking legislation to the judiciary, law enforcement officials, including immigration and border police and social workers in all parts of the country, and undertaking awareness-raising campaign among the population.

### Participation in political and public life

23. The Committee welcomes the 33 percent representation of women in the Constituent Assembly. However, the Committee is deeply concerned about the very low representation of women, in particular Dalit and indigenous women, in high-level decision-making positions, the public service, the judiciary and the diplomatic service, in the National Human Rights Commission and at the local level.
24. **The Committee recommends that:**
- (a) **The quota system for women representation in the Constituent Assembly is increased in the future Parliament; and**
  - (b) **The State party fully utilize the Committee's general recommendation No. 23 and adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life. To this end, the Committee recommends that the State party:**
    - (i) **Establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from local level, including at the Village Development Committee level, to national and diplomatic levels; and**
    - (ii) **Implement awareness-raising activities on the importance of the participation of women in decision-making for society as a whole, and develop targeted training and mentoring programmes for women candidates and women elected to public office, as well as programmes on leadership and negotiation skills for current and future women leaders.**

### **Nationality**

25. While noting the State party's explanation that women are not subjected to discrimination in access to citizenship, the Committee remains deeply concerned about obstacles for women to transfer citizenship to their children and foreign husband, for married women to obtain citizenship certificates, and about the persistence of the underlying conditions obstructing access to citizenship including poverty, geographic isolation and onerous administrative requirements.
26. **The Committee strongly urges the State party to:**
- (a) **Ensure that the new Constitution provides for equal and full citizenship rights for women, including by exerting their right to transfer citizenship to their children and foreign husband;**
  - (b) **Implement training programmes to Government officials at all levels on legal provisions related to transfer of citizenship;**
  - (c) **Carry out a second comprehensive national campaign to issue citizenship certificates, taking into consideration the hardships faced by women in securing proof of nationality;**

- (d) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and
- (e) Ensure that children born on the territory of Nepal who would otherwise be stateless be granted Nepali citizenship

## Education

27. While welcoming the overall increase in gender parity in primary and secondary education, the Committee is concerned about the minimal increase in female enrolment, the very high rate of drop out among girls, the urban/rural disparities in access to education and illiteracy rates, and the low literacy rate of female adults. The Committee is further concerned about the very low number of female teachers at all levels of education.
28. **The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. To this end, it urges the State party to:**
- (a) **Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, provide access to education to girls with disabilities through improvement of infrastructures and provision of support systems, with special attention to girls from Dalit, Indigenous and other disadvantaged groups;**
  - (b) **Adopt concrete measures, including effective enforcement of provisions banning early marriage, to prevent drop out of girls from school;**
  - (c) **Strengthen its efforts to improve the literacy rate of women through the adoption of comprehensive programmes of formal and non-formal education and training; and**
  - (d) **Increase training and recruitment of female teachers.**

## Employment

29. While welcoming the prohibition of so called bonded labour, the Committee is concerned about reports that such practice still exists among the indigenous group of Tharu people. The Committee is further concerned about the high rate of child labour, with a particularly high level of girls of 8-14 of age exposed to it; the high proportion of women in the informal sector, and the widespread prevalence of sexual harassment in the workplace. The Committee notes with concern that the draft law on sexual harassment has been pending before Parliament since 2009.
30. **The Committee recommends that the State party ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee recommends that the State party:**
- (a) **Strengthen its efforts to eradicate bonded labour and child labour and ensure effective implementation of the ILO Convention No 105 on Abolition of Forced Labour;**

- (b) Regulate the informal sector to ensure that women in this sector are not exploited;
- (c) Align the draft law on sexual harassment in the workplace with the Committee's general recommendation No. 19, enact it without delay and ensure its effective implementation;
- (d) Develop a confidential and safe system of filing complaints, facilitate access to justice for victims of sexual harassment and conduct awareness-raising campaigns targeting in particular working women to break down the culture of silence surrounding sexual harassment; and
- (e) Consider ratifying the ILO Convention No 189 on Decent Work for Domestic Workers

## Health

31. The Committee welcomes the Aama programme for free delivery services, as well as the decrease in the maternal mortality rate. However, the Committee is deeply concerned about: the low access to basic medical care, in particular by women in situation of poverty, rural women and women with disabilities; the persistence of a very high maternal mortality and morbidity rate, in particular among rural, poor and young mothers; the challenges in accessing delivery services, especially emergency obstetric care; poor nutrition, which is strongly correlated to higher risks of maternal mortality and morbidity; the high prevalence of Uterine Prolapse despite efforts of the State party to provide corrective surgery; the high rate of unsafe abortion, in particular by women in situation of poverty, women from rural villages and from marginalized communities within urban areas, in spite of the legalization of abortion in 2002; the lack of access to family planning and the highest unmet needs for contraception of rural women, adolescents, poor women and women with disabilities; and the lack of data on HIV prevalence of pregnant women.
32. **The Committee recommends that the State party:**
- (a) Ensure access to basic health care and health-related services, within the framework of the Committee's general recommendation No. 24, in particular for poor and rural women and women with disabilities, and enhance the number of medical staff, including female doctors and other health care providers;
  - (b) Develop and pursue effective policies and programs to further reduce maternal mortality rate;
  - (c) Prioritize programs that ensure access to a full range of maternal health services, including antenatal, postnatal, and emergency obstetric care, particularly for poor women, rural women, and young mothers;
  - (d) Address discriminatory and harmful practices against women and girls such as the lack of provision of sufficient food and the Chaupadi practice, which jeopardize women and girls well-being and health, including reproductive health;
  - (e) In order to combat the problem of uterine prolapse, take preventive measures, such as adequate access to family planning, awareness raising and training under the already-existing Safe Motherhood programs, and ensure sufficient allocation of funds for quality corrective surgeries and follow up visits, which prevent

- post-operative complications such as fistula and other health problems;
- (f) Improve access to abortion services throughout the country; and
  - (g) Address unmet need for contraception by prioritizing universal access to the full range of contraceptive methods, information, and services, including emergency contraception, with a particular focus on rural women, poor women, and adolescent girls.

### **Female migrant workers**

33. While noting the adoption of the New Foreign Employment Act in 2007, the Committee remains concerned about the situation of Nepalese women migrant workers, and in particular at the fact that a large number of Nepali women are undocumented, which increases their vulnerability to sexual exploitation, forced labour and abuse; their concentration in the informal sector; the limited initiatives to ensure pre-departure information and skills training; and the lack of institutional support both in the State party and in countries of employment to promote and protect the rights of Nepali women migrant workers.
34. The Committee urges the State party to:
- (a) Investigate the cause of women's migration, create employment or self-employment opportunities for women within the country and ensure provision of loan opportunities for women;
  - (b) Establish mechanisms to promote safe migration procedures and protect and fulfil women's rights throughout the migration cycle;
  - (c) Enforce and monitor standardized and comprehensive pre-departure orientation and skill training;
  - (d) Sign bilateral agreements with the country of employment with adequate provisions ensuring the security of women migrant workers and establishing mechanisms in the country of destination dealing with violation of the rights of women migrant workers during employment;
  - (e) Provide assistance for migrant women who seek for redress;
  - (f) Create alternative livelihood opportunities for returnees and promote their reintegration; and
  - (g) Prosecute and punish the perpetrators engaged in illegal recruitment processes fuelling trafficking of women in the name of foreign employment.

### **Women affected by the conflict**

35. While welcoming the adoption of the National Action Plan on Security Council resolutions 1325 and 1820 in October 2010, the Committee remains deeply concerned that cases of sexual violence, including rape allegedly committed by both security forces and Maoist combatants during the conflict, are not being investigated and perpetrators have not been brought to justice. The Committee is also concerned that a large number of women affected by the conflict face difficulties to access justice and the statute of limitation for

filing complaints relating to rape and other sexual offences could obstruct access to justice for women victim of rape and other sexual offences during the conflict. The Committee is further concerned that many survivors of sexual violence during the conflict suffer significant post-traumatic stress disorder and other mental and physical health problems. In addition, the Committee expresses its concern about the lack of women's participation in peace and reconstruction processes.

**36. The Committee urges the State party to:**

- (a) **Prioritise the consideration of the draft laws on Truth and Reconciliation Commission and Commission of Inquiry on Disappearances and ensure that the Commissions are gender sensitive, independent and authoritative and that the Truth and Reconciliation Commission deals with sexual violence and pay particular attention to the social and security dimension of public testimony for victims of sexual violence;**
- (b) **Investigate, prosecute and punish all acts of violence including acts of sexual violence perpetrated by the armed forces and Maoist combatants as well as by private actors through transitional and restorative justice, and ensure that, in the draft law on Truth and Reconciliation Commission, the statute of limitation for filing complaints relating to rape and other forms of sexual offences during the conflict does not preclude women's access to justice;**
- (c) **Initiate thorough and complete investigation into the perpetration of sexual abuse during armed conflict and the post-conflict period;**
- (d) **Ensure women's access to justice and make legal aid available and accessible to all women affected by the conflict, including women victim of sexual violence during conflict and post-conflict periods;**
- (e) **Ensure protection of victims and witnesses and provide shelter homes for victims of sexual violence, including in rural and remote areas;**
- (f) **Ensure effective implementation of National Plan of Action on Security Council Resolutions 1325 and 1820 and ensure that victims of sexual crimes receive appropriate reparations, rehabilitation and counselling;**
- (g) **Establish counselling centres for women to address the traumatic experiences, specifically with regard to sexual violence, and provide adequate access to healthcare services;**
- (h) **Enhance inclusion and representation of women/survivors in institutions and mechanisms on peace building at the decision, policymaking and implementation levels.**

### **Women in situation of poverty**

37. While welcoming the implementation of women development programs, the Committee remains concerned about the overall living conditions of women in situation of poverty, especially rural women and women heads of household, and their lack of access to land, adequate food, safe drinking water and fuel for cooking and heat. The Committee is also concerned about discrimination against girl children and women in food distribution within

the household.

38. The Committee recommends that the State party:
- (a) Pursue and implement macroeconomic, social and sectoral policies that are geared towards eradicating poverty and reducing gender-based inequality, and encourage broad-based sustained economic growth, and address the structural causes of poverty within the overall framework of achieving people-centred sustainable development;
  - (b) Strengthen initiatives aimed at encouraging women's economic sustainable empowerment, including the promotion of women's access to land and credit and the promotion of training on micro-enterprise development and management, and monitor the impact resulting from these programs;
  - (c) Ensure equal access of women to resources and nutritious food by eliminating discriminatory practices preventing it, providing women with land ownership, and facilitating women's access to safe drinking water and fuel; and
  - (d) Provide for the right to adequate food in the new Constitution.

### **Women facing multiple forms of discriminations**

39. The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities.
40. The Committee urges the State party to prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women, and the adoption of legal provisions and comprehensive programs, including public education and awareness raising campaigns involving the mass media as well as community and religious leaders, to combat multiple discriminations.

### **Asylum-seeker and Refugee Women**

41. The Committee is concerned that the State party report does not provide any information about its national policy with regard to applications from asylum seekers and nor does it contain information on the vulnerable situation of asylum seeker and refugee women and girls from neighbouring countries.
42. The Committee recommends that the State party:
- (a) Provide in its next report comprehensive information on its national policy on applications from asylum-seeker and refugee women in Nepal;
  - (b) Provide enabling environment and gender sensitive policy in dealing with application from women asylum seekers and provide enabling environment for asylum seeker and refugee women to report acts of sexual harassment; and
  - (c) Pay specific attention to the vulnerability of asylum-seeker and refugee women.



## Discrimination in marriage and family relations

43. The Committee is concerned about the persistent practice of early marriage despite legal provisions banning it; the existence of discriminatory legal provisions relating to the unequal right to inheritance for a married daughter; the existence of contradictory legal provisions on bigamy, that both recognize and criminalize bigamy; and the lack of clear legislation providing for the equal share of all marital property upon dissolution of marriage.
44. The Committee recommends that the State party:
- (a) Enforce legal minimum age of marriage, which is set at 20, and undertake awareness-raising measures throughout the country on negative effects of early marriage on women's enjoyment of their human rights, especially their rights to health and education;
  - (b) Take legal measures ensuring that women and men have equal rights to inheritance;
  - (c) Adopt without delay the draft law repealing the provision on bigamy, which is under preparation, so that polygamous marriages are invalidated; and
  - (d) Ensure that, in law and in practice, women and men are granted equal rights to share all marital property upon dissolution of marriage.

## National Human Rights Institution

45. The Committee recommends that the State party amend the draft law on the National Human Rights Commission with a view to achieving full compliance with the Paris Principles and that the National Human Rights Commission continue to strengthen its cooperation with OHCHR-Nepal.

## Amendment to article 20, paragraph 1, of the Convention

46. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

## Final paragraphs

### Dissemination

47. The Committee requests the wide dissemination in Nepal of the present concluding observations in order to make the people, including Government officials, politicians, members of the Constituent Assembly and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee recommends that the dissemination include the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of the present observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action

and the outcome of the twenty-third special session of the General Assembly on the theme “Women 2000: gender equality, development and peace for the twenty-first century”.

### **Ratification of other treaties**

48. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Nepal to consider ratifying the treaties to which it is not yet a party, namely: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Follow-up to concluding observations**

49. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 26 and 36 above.

### **Technical assistance**

50. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Development Programme, the United Nations Children’s Fund, the United Nations Population Fund, the World Health Organization and the Statistics Division. The Committee recommends, in particular, that the State party continue its cooperation with the Office of the United Nations High Commissioner for Human Rights in Nepal.

### **Preparation and date of next report**

51. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women’s and human rights organizations during that phase.

52. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report in

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1. The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

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53. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

*Lets Work Together to Effectively  
Implement the Concluding Observations  
of CEDAW Committee*