

**UN CEDAW COMMITTEE'S
LIST OF ISSUES
AND QUESTIONS IN RELATION
TO THE SEVENTH PERIODIC
REPORT OF NEPAL**



2024



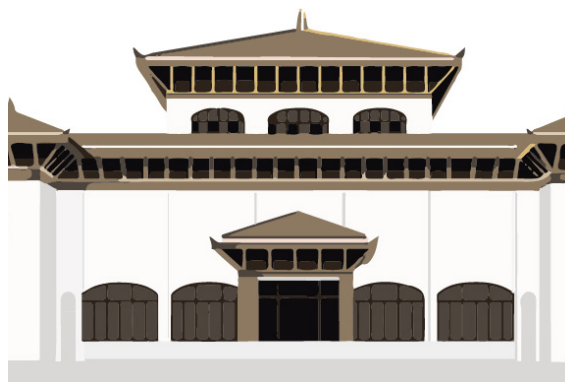
Working for Non-discrimination and Equality

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

1. Please describe efforts made and mechanisms put in place to face the coronavirus (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, energy crises and other relevant areas. Please inform on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises, and in elaborating adequate responses, such as policies, scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also inform on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

Constitutional and legislative framework and discriminatory laws

2. In line with the previous concluding observations (CEDAW/C/NPL/CO/6, para. 9), please provide detailed information on:
 - (a) Whether constitutional and legal provisions that discriminate against women and girls, in particular in the areas of nationality, distribution of marital property upon divorce and access to employment abroad, have been repealed;
 - (b) Supreme Court of Nepal landmark decisions which have referenced CEDAW provisions, mentioned in the State party report (para. 15);
 - (c) Whether the State party envisages adopting comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres, and guarantees effective remedies for victims and, if so, within what time frame.



Women's access to justice

3. In the light of the Committee's previous recommendations (CEDAW/C/NPL/CO/6, para. 11), please provide information on:
 - (a) Key features of the comprehensive free legal aid policy implemented by the Ministry of Law, Justice and Parliamentary Affairs to reform the delivery system of free legal aid mentioned in the Report (para.16);
 - (b) Training provided through the national Judicial Academy to all members of the judiciary, including members of judicial committees, and law enforcement officers on women's rights, as well as on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, in the past 5 years;
 - (c) Whether the statute of limitations provision on the registration of cases of sexual violence, including the crime of rape and other sexual offences, has been repealed;
 - (d) The number of registered cases and the types of violations of women's rights, in particular gender-based violence against women, in the past 5 years, in addition to the number of investigations, prosecutions and sentences imposed on perpetrators of such violations.



National machinery for the advancement of women

4. In the light of the Committee's previous recommendations (CEDAW/C/NPL/CO/6, para. 13), please provide information on:
 - (a) Efforts made to allocate adequate human, technical and financial resources for the functioning of the National Women's Rights Commission and provide it with a complaint mechanism and the authority to issue binding rulings;
 - (b) The implementation of the National Gender Equality Policy, 2021, in the State party, including the achievements and challenges, and about monitoring and evaluation mechanisms in place to assess its impact;
 - (c) The human resources and budget allocated to the Ministry of Women, Children and Senior Citizens and the inter-ministerial gender focal points' network (para. 27) and its relationship with the National Women's Rights Commission;
 - (d) Efforts made to strengthen the mandate and capacities of local governments to address women's rights and gender equality and reintroduce the allocation of targeted budgets at the local level for women's leadership.

Women human rights defenders

5. Please provide the Committee with details of the following:
 - (a) Protection mechanisms in place to address allegations of acts of intimidation, harassment and violence committed against women human rights defenders, and steps taken to investigate such acts and prosecute the perpetrators;
 - (b) Measures taken to provide a safe and enabling environment for women human rights defenders, women journalists, activists and civil society organizations to carry out their work and activities on women's rights and gender-related issues;
 - (c) Inspections, registration process and authorization requirements, as well as conditions of access to foreign funding applicable to women human rights defenders, women activists and civil society organizations.



Temporary special measures

6. Please provide updated information on:
 - (a) Temporary special measures adopted and effectively implemented, in line with the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of substantive equality between women and men in all areas covered by the Convention, in particular in education, employment and participation of women in political and public life, and in relation to disadvantaged groups of women;
 - (b) Measures taken to demonstrate the value of temporary special measures and increase awareness among relevant government officials, parliamentarians, employers and the general public of the non-discriminatory nature, value and importance of temporary special measures.



Harmful practices

7. Please inform the Committee of:

- (a) Measures taken to adopt legislation prohibiting all forms of harmful practices against women and girls, including chhaupadi, dowry, polygamy, discrimination against widows, accusations of witchcraft, jhuma, deuki and dhan-khaane;
- (b) Data on complaints of such practices, investigations, prosecutions, sanctions imposed and compensation provide to victims, in the past 5 years;
- (c) Measures taken to adopt a comprehensive strategy, with a budget and results-oriented targets, benchmarks and incentives, to raise awareness among all stakeholders, including the police, the judiciary, village-based health networks and religious and community leaders, of legislation prohibiting all forms of harmful practices;
- (d) Steps taken to adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons.



Gender-based violence against women

8. Please describe measures taken to :

- (a) Develop a comprehensive legal framework and long-term strategy to combat gender-based violence against women and girls;
- (b) Implement the Strategy to end child and/or forced marriage by 2030, through its six pillars;
- (c) Ensure that all reports of gender-based violence against women are duly investigated, that perpetrators are prosecuted and that victims have access to effective reparations, including compensation;
- (d) Provide targeted, mandatory capacity-building activities on the prevention and detection of, and the response to, all forms of gender-based violence, including domestic violence, for law enforcement and judicial officials, health and social workers and other professionals who deal with gender-based violence and interact with victims, including in rural areas.



9. Please provide the Committee with statistical data on the number of complaints of all forms of gender-based violence against women, disaggregated by sex, age, ethnicity, geographical location and relationship between the victim and the perpetrator, on the number and type of protection orders issued, on the rates of dismissal and withdrawal of complaints, on prosecution and conviction and on the amount of time taken for the disposal of cases.

Trafficking and exploitation of prostitution

10. Please provide information on:

- (a) The definition of trafficking in the law and measures taken to comply with the Palermo Protocol, and information on the new National Plan of Action (NPA) against Trafficking in Women and Girls, the human, financial and technical resources for its implementation and the progress achieved in its application;

- (b) Criminal investigations, prosecutions and convictions in human trafficking crimes, in the past 5 years, as well as sentences imposed on perpetrators;
- (c) Measures to prevent trafficking in women and girls, both concerning Nepalese women and girls abroad as migrant women and girls in the country, information on the national referral mechanism for the early identification of and assistance to victims, including shelters;
- (d) Data, disaggregated by sex, age, nationality and geographical area, on the number of victims of trafficking in the past five years and on the extent and forms of exploitation of women and girls.



11. Recalling the Committee's previous recommendations (CEDAW/C/NPL/CO/6, para. 27), please provide the Committee with:

- (a) Information on training of law enforcement to identify victims of trafficking when encountering women who engage in prostitution;
- (b) Data on the number and nature of complaints of police abuse and complicity in corruption targeted at women engaged in prostitution, and on prosecutions, convictions and sentences imposed;
- (c) Measures taken to reduce the demand for prostitution and to provide women in prostitution with exit programmes and support services.

Participation in political and public life

12. Please provide information on:

- (a) Measures adopted to achieve substantive equality between women and men in the judiciary, law enforcement and the diplomatic service, in particular at the decision-making level;
- (b) Monitoring the implementation of electoral quotas and the composition of State entities at the local, district and federal levels, as well as sanctions against political parties that do not comply with the regulations;
- (c) Campaigns to raise awareness among politicians, the media, teachers, community leaders and the general public, including disadvantaged groups of women, about the importance of the participation of women in decision-making at all levels.



Women and peace and security

13. In the light of the concerns expressed by the Committee in its previous concluding observations (CEDAW/C/NPL/CO/6, para. 23), please provide information on:

- (a) Removal of the statute of limitations for filing cases relating to sexual violence perpetrated during the conflict, and amendment of the amnesty provisions of the Truth and Reconciliation Commission Act, to bring it into line with its obligations under international law;
- (b) Human, technical and financial resources allocated for the operation of the Commission on Investigation



of Disappeared Persons and the Truth and Reconciliation Commission, and measures taken to ensure the independence and impartiality of the Commissioners;

- (c) Access for women and girls who are victims of the armed conflict to interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence;
- (d) The Second National Action Plan on UN Security Council Resolutions (UNSCR) 1325 and 1820 on Women, Peace, and Security adopted in December 2022, the participation of women in its development and how they will be involved in its implementation, the time frame, benchmarks, dedicated budget and regular monitoring mechanisms.

Nationality

14. Please provide information on:

- (a) Measures taken to guarantee that Nepalese women may transmit their nationality to their children, as well as to their foreign spouses, under the same conditions as Nepali men;
- (b) The number of citizenship applications filed in the past five years, as well as the number of cases granted or denied, and the justifications provided, disaggregated by sex;
- (c) Measures taken to ensure that women, in particular single mothers, and their children, including in rural areas, have access to registration countrywide, including birth registration and identification documentation;
- (d) The State party's plans to ratify the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).



Education

15. Please provide information on:

- (a) Proportion of girls, compared to boys, pursuing secondary, technical and vocational education, as well as attending higher education and digital education institutions, including in remote areas;
- (b) Measures taken to increase the enrolment and reduce the number of female students from poor and vulnerable groups who drop out of general education institutions, and to introduce re entry policies to enable their return to school;
- (c) Investigations, prosecutions and convictions of harassment and gender-based violence, including corporal punishment, perpetrated against girls and women in educational institutions, and protection provided to victims;
- (d) Data on dropout rates for girls in secondary and higher education due to early marriage, pregnancy or discriminatory gender stereotypes that favour boys' access to education;
- (e) Measures taken to introduce age-appropriate education on sexual and reproductive health and rights in school curricula, which include information on sexual and reproductive health and rights, responsible sexual behaviour and measures to prevent early pregnancy and sexually transmitted infections, at all levels of education, and provide training to teachers thereon.



Employment

16. Please provide information on:

- (a) Measures taken to address the low representation of women in the workforce (para. 161), in particular in formal employment and in leadership positions, and relevant measures with regard to addressing the high rate of unemployment among women;
- (b) Information on measures taken to address occupational segregation in the labour market;
- (c) Measure taken to raise awareness among women employed in the formal and informal sectors, in particular among home-based workers and women micro, small, and medium enterprises (MSME), on their right to social protection;
- (d) Complaint mechanism and reparations provided in the Sexual Harassment at the Workplace (Elimination) Act, the status of implementation of the legislation, as well as the number of cases adjudicated in the past 5 years in relation to sexual harassment against women in the workplace;
- (e) Measures taken to provide adequate human, technical and financial resources for labour inspectorates to enforce labour law standards and monitor, report and impose fines for discriminatory practices against women in the workplace, including in the domestic sector and the informal economy;
- (f) Please inform the Committee about the steps taken to ratify the Workers with Family Responsibilities Convention, 1981 (No. 156), Maternity Protection Convention, 2000 (No. 183), Home Work Convention, 1996 (No. 177), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.



Women migrant domestic workers

17. Please provide information on measures taken to:

- (a) Ensure that women migrant domestic workers are aware of their rights and have access to legal aid and protection, including shelters, as well as to effective legal recourse in criminal and civil courts;
- (b) Monitor the work of employment agencies;
- (c) Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization; and
- (d) Provide data on the number of cases of violation of the rights of women migrant domestic workers reported, investigated and prosecuted, and convictions and penalties imposed on perpetrators.



Health

18. In the light of the concerns expressed by the Committee in its previous concluding observations (CEDAW/C/NPL/CO/6, para. 39), please provide information on:

- (a) Measures taken to decriminalise abortion and legalise it in all cases, and to ensure access to safe abortion and post-abortion services;

- (b) Measures taken to combat and eliminate sex-selective termination of pregnancy for non-medical purposes;
- (c) Measures taken to end discrimination by health-care providers against Dalit women, indigenous women, lesbian, bisexual and transgender women, intersex persons and women in prostitution;
- (d) Health services available for women and girls with disabilities;
- (e) Coverage and availability of youth-friendly sexual and reproductive health services, prevention of sexually transmitted infections programmes, cervical cancer and human papillomavirus screening programmes, including through women's clinics, and updated data on the prevalence of early pregnancies, disaggregated by age and region;
- (f) Number of obstetricians and gynaecologists per woman of childbearing age, especially in rural and remote areas.



Economic empowerment and social benefits

19. Please inform the Committee on the following:

- (a) Mechanisms for ensuring equal access for women to loans, mortgages and other forms of financial credit, providing them with financial services, including financial technology (fintech), microcredit at low interest rates, start-up and scale-up funds, venture capital, and equipment financing and leasing;
- (b) Data on women who are working in the informal economy, self-employed or engaged in agricultural work;
- (c) Current data on the participation rate of women in the social security system and availability of social protection, including buffers, for women in the informal sector and self-employed women.



Rural women

20. Please provide information on measures taken to:

- (a) Address poverty and unemployment affecting rural women, in particular those living in remote areas and women-headed households, and to ensure that they have access to justice, education, formal employment, skills development and training opportunities, including with regard to the use of digital technology, health care, housing, fertile land, natural resources, credit and income-generating opportunities;
- (b) Ensure the equal participation of rural women in decision-making, including by involving them in the design, development, implementation, monitoring and evaluation of all relevant policies, strategies, plans and programmes;



- (c) Measures in place to address the problem of women's limited control over land and other productive resources; and provide data on rural women, disaggregated by age, gender, occupation and geographical area.

Disadvantaged groups of women

21. In the light of the concerns expressed by the Committee in its previous concluding observations (CEDAW/C/NPL/CO/6, para. 41), please specify the measures taken to :

- (a) Ensure the recognition of the rights of indigenous women in the Constitution and the right of indigenous peoples to self-determination, in line with the Committee's general recommendation No. 39 (2022) on the rights of Indigenous women and girls;
- (b) Ensure the effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act (2011);
- (c) Eliminate stigmatization and discrimination against disadvantaged groups of women and girls, including indigenous, Dalit women, women with disabilities and widows in the Hindu community, and to ensure their access to justice, employment, health care, including sexual and reproductive health services, social protection, housing, credit and income-generating opportunities.



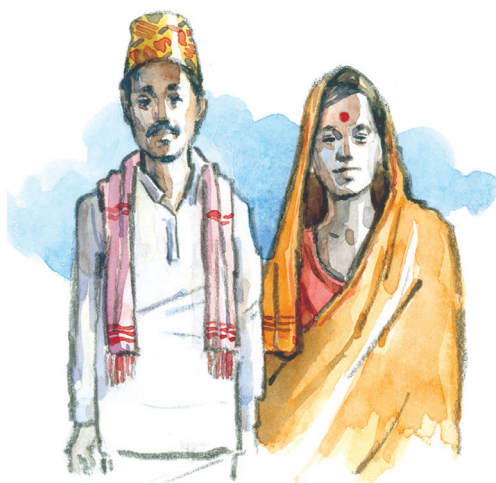
Climate change and disaster risk reduction

22. Please describe steps taken to integrate a gender perspective into national policies on climate change in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction and land and environmental resource management.

Marriage and family relations

23. In view of the Committee's previous recommendations (CEDAW/C/NPL/CO/6, para. 43), please provide information on measures taken to:

- (a) Repeal the provisions of the Civil Code on automatic marriage, by which a woman who bears a child is automatically married to the father of that child;
- (b) Adopt legal measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages, and provide for the mandatory registration of all marriages, including religious and customary marriages;
- (c) Eliminate the practice of unilateral divorce (talaq) through legal and policy measures that promote equality in matters of marriage and divorce;
- (d) Guarantee that women and men have equal rights to divorce, including with regard to grounds for divorce and the financial consequences, taking into account the contributions made by the woman to the family's economic well-being during the marriage;
- (e) Enforce the legal provisions on the equal rights of women and men to inherit property, including land.



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