

Nepal

Gender Equality and Social Inclusion (GESI) Profile For Humanitarian Action and Disaster Risk Reduction (Updated 31st August 2017)

Developed by UN Women in collaboration with the Ministry of Women, Children and Social Welfare (MOWCSW), Government of Nepal, with collective inputs by the UNCT Gender Theme Group Task Team on Inter-Cluster Gender in Humanitarian Action

Demographic Profile¹

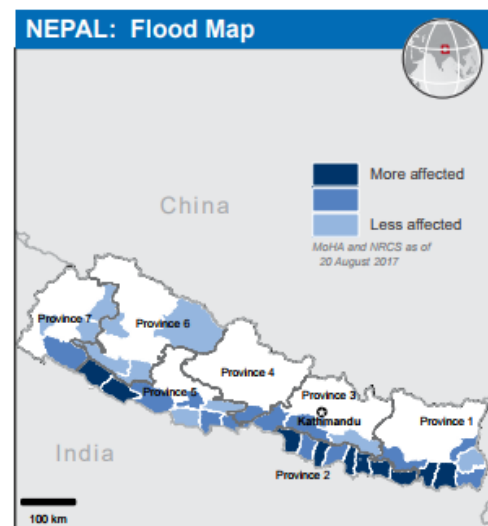
28.88m Total Population 2017 ²	0.94m/f Sex Ratio 2011	8-10%³ LGBTI population 2017	81.3% Hindu 2011	9% Buddhist 2011	4.4% Muslim 2011	3.1% Kirat 2011
1.4% Christian 2011	0.7% Prakriti, Bon, Janinism, Bahai, Sikhism 2011	49.7⁴ Contraceptive Prevalence Rate 2014.	36% Janajati 2011	31% Chhetri/Bahun 2011	14% Terai castes and Dalit 2011	5% Newar 2011
2% Persons with disabilities 2011	1.35% Average Population Growth Rate 2001-2011	69.6 Female Life Expectancy 2011	67.3 Male Life Expectancy 2011	2.3 Total Fertility Rate 2014	67/100 Dependency Ratio 2011	170 Maternal Mortality Rate (per 100,000 live births) 2011

2017 Flood Data

Beginning on 11 August 2017, the worst rains in 15 years struck Nepal, triggering widespread flooding and landslides, resulting in large-scale impacts on lives, livelihoods and infrastructure across 28 of Nepal's 75 districts: Panchtar, Illam, Jhapa, Morang, Sunsari, Saptari, Siraha, Dhanusa, Mahottari, Sarlahi, Rautahat, Bar, Parsa, Chitwan, Makwanpur, Lalitpur, Sindhuli, Nawalparasi, Palpa, Kapilbastu, Dang, Banke, Bardiya, Kailali, Surkhet, Salyan, Kalikot and Arghakhanchi. The following 10 districts were identified as the most affected: Morang, Sunsari, Saptari, Siraha, Mahottari, Sarlahi, Rautahat, Parsa, Banke, Bardiya.

As of 30 August 2017⁵, Ministry of Home Affairs reported:

- 159 dead (approx. 30% of which female⁶) and 45 injured
- 29 people remain missing
- 191,717 houses partially damaged and destroyed, out of which 43,433 completely destroyed
- 20,888 families have been temporarily displaced



Map Sources: UNCS, Nepal Survey Department, Ministry of Home Affairs (MoHA) and NRCS. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Map created on 21 August, 2017

¹ Government of Nepal, Central Bureau of Statistics, National Population and Housing Census 2011

² Government of Nepal, Central Bureau of Statistics, Population projection 2011-2031, 2011

³ As estimated by Nepal Federation for Sexual and Gender Minorities (FSGM)

⁴ Nepal Multiple Indicator Cluster Survey (NMICS) 2014

⁵ UN RCO Situation Report No 6: Nepal Floods 2017 (as of 30 August 2017)

⁶ Estimated based on sex breakdown for deaths from floods in 2017 as of 30 August 2017 reported by the MoHA DRR portal – i.e. total 45 females (28%), 114 males: <http://drrportal.gov.np/>

According to analysis undertaken by UN Women based on the 2011 Population Census⁷, out of **the 1.07 million total number of affected people in the ten most affected districts, 541,102 are women and girls (50.4%)**. An estimated **6,656 are women with disabilities** out of a total 10,736 persons with disabilities. Further, **18% of the affected households are female headed**, i.e. approx. 34,509 households. UNFPA further estimated that some **268,404 are women of reproductive age, of which around 21,000 are pregnant**. The next three months will likely see around **6,700 pregnant women experience complications requiring emergency obstetric care**.

Rural areas are hard hit without electricity and flood affected people are temporarily residing on rooftops and in schools, post offices, temples and on open ground. Flood affected people are in need of immediate food (including specific nutrition requirements), shelter, healthcare, water, sanitation and hygiene, clothes, as well as overall protection support and services.

Globally evidence has shown that gender based discrimination and violence is often reinforced, perpetuated and exacerbated by disasters. As the data above indicates, the flood affected districts are also home to some of the most marginalised population groups, including over 50% female, who already face multiple forms of prevailing discrimination, exclusion and inequalities based on gender, age, caste, ethnicity, marital status, mental and physical abilities, sexual orientation and gender identity. Integrating a gender equality and social inclusion (GESI) approach is critical to ensure that women and girls, particularly the most marginalised and vulnerable groups – single women, female headed households, persons living with disabilities, pregnant and lactating women, adolescent girls, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI)), senior citizens, children, caste and ethnicity-based minorities – groups who are particularly impacted and in need of targeted support to ensure equitable access to and benefit from relief, services and information, receive sufficient attention and support.

This emergency comes at a time when Nepal is still struggling to recover from the 2015 earthquake, and when much reconstruction and recovery work is still ongoing. Five of the current flood affected districts were also affected by the earthquakes. Additionally, four of the current flood affected districts were affected by large scale flooding in 2014, and have yet to fully recover.

Gendered and social impacts from past disasters – lessons learned

The Post Disaster Needs Assessment (PDNA)⁸ under the leadership of Nepal's National Planning Commission and Post Disaster Recovery Framework (PDRF)⁹, conducted under the leadership of the National Reconstruction Authority following the 2015 earthquakes in Nepal, recognised women and marginalised groups as among the most vulnerable of those affected by Nepal's earthquakes¹⁰.

- **Access to relief, services and information:** The findings from the Community Feedback Project Survey Rounds¹¹ throughout the humanitarian response period, showed that more women than men of all ages continued to report not receiving information about relief and services, unequal access to relief services and that their problems were not being addressed. Women above the age of 55 gave the highest ratio of negative responses (87%)¹². As per the UNFPA joint perception survey with the Common Feedback Project¹³, 48% of women respondents felt they had not received any support in staying safe following the earthquake and 48% of women responded that they had not been able to access services or information specific to their needs, reporting that their main needs were: how to stay safe during pregnancy and keep children safe; proper sanitation practice and disposal of menstrual pads; news on government and NGOs services and decisions; and shelter support. As per the Protection Thematic Report¹⁴ (30 July 2015), approximately 24% of the population did not possess a citizenship certificate, which presented a barrier to accessing government relief services and benefits. Women, low-caste, and minority ethnic groups in particular faced challenges acquiring citizenship documents. Lack of livelihood alternatives for LGBTI populations after the earthquake drove many into sex work and due to the limited supply of contraception in the post-earthquake context, many LGBTI sex workers were put at enhanced risk of

⁷ Government of Nepal, Central Bureau of Statistics, National Population and Housing Census 2011

⁸ http://www.npc.gov.np/images/category/PDNA_volume_BFinalVersion.pdf

⁹ http://www.np.undp.org/content/nepal/en/home/library/crisis_prevention_and_recovery/post-disaster-recovery-framework-pdrf2016-2020.html

¹⁰ PDNA, p. 61.

¹¹ <http://www.cfp.org.np/>

¹² <http://www.cfp.org.np/>

¹³ <http://www.cfp.org.np/>

¹⁴ UN OCHA Nepal Earthquake Assessment Unit:

https://www.humanitarianresponse.info/en/system/files/documents/files/150730_protection_thematic_report.pdf

unsafe sexual practices¹⁵. Many transgender populations either lacked ID needed to access relief or their ID did not match with their gender identity which created barriers to their equal access to relief services¹⁶. Further, most of the emergency response efforts targeted families, which increased the risk of excluding LGBTI groups not living in traditional families.

- **Shelter and Camp setting risks:** According to the Displacement Tracking Matrix Round 5¹⁷ (published on 25 November 2015), in 83% of the 140 sites assessed, there were either no or inadequate lighting available in communal areas such as around WASH facilities and in public spaces. In 79% of the sites assessed, there were no gender segregated latrines causing a major concern for women, girls and third-gender in particular. The majority of latrines/bathrooms had no lighting (85%), and around half had no lock from inside (43%). 86% of sites did not have designated safe social places for women. Many landlords of LGBTI persons whose rented houses sustained the earthquake either doubled the rent price or asked them to leave the house because of their LGBTI identity.¹⁸
- **Gender based violence:** UN Women joint perception surveys with the Common Feedback Project¹⁹ showed that 52% of women respondents felt there was an increase in tensions and risk of violence or harassment since the earthquakes with community and family members as the main perpetrators closely followed by strangers. According to the report “After the Earthquake: Nepal’s Children Speak Out”²⁰ (27 July 2015), girls reported increased feelings of vulnerability to exploitation, sexual abuse and trafficking including due to the inadequacy and insecurity of tents and other temporary shelters. Maintaining menstrual hygiene in a cramped, shared space was a major concern for adolescent girls. Girls described being embarrassed to change the pads and having nowhere private to wash. People in Need safety assessments²¹ highlighted that 65% of women respondents reported feeling “unsafe” while changing their clothes and 81% of women reported feeling “unsafe” when using the toilets because of a perceived increase risk of sexual and gender based violence.
- **Participation and Decision-Making:** The Protection Thematic Report²² (30 July 2015) reported that female representation was lacking in relief coordination and decision-making committees at the community and site level.
- **Economic and livelihoods impact:** The PDNA revealed that women’s narrow asset base, burden of domestic work, limited access to economic resources, and lack of alternate livelihoods meant that “recovery for women will take longer than for men.”²³ The report on the joint assessment on food security, livelihoods and early recovery (November 2015)²⁴ reported that more women were economically inactive (21.8%) after the earthquake than men (8.3%). Males aged 17-59 represent the bulk of labour market participation (with nearly 70% of this group reportedly in employment), whilst only half (49.3%) of women in the same age group were reported as participating in the labour market. Women respondents in the UN Women joint perception survey with the Common Feedback Project²⁵ reported an increase in the care work time use burden with 69% of women reporting an increase in time spent on child and elderly care, 51% reported an increase in time spent on fetching water and 63% reported an increase in time spent on cooking and cleaning. On the other hand, 68% of women reported a decrease in time spent on paid work and 72% reported a decrease in time spent sleeping and resting.

The PDNA and PDRF drew the conclusion that women and marginalised groups have a unique capacity to drive resilience building of communities and that recovery and reconstruction programmes present an “opportunity to reduce the vulnerability of women and increase gender equality.”²⁶ A “Common Charter of Demands for Gender

¹⁵ Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

¹⁶ Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

¹⁷ <https://drive.google.com/file/d/0B-wBRZ4U5NszMThCM2pROF83eXM/view>

¹⁸ Gender Equality Update No 3 – Response to Nepal Earthquake (as of 9/7/2015): <http://reliefweb.int/report/nepal/gender-equality-update-no-3-response-nepal-earthquake-972015>

¹⁹ <http://pub.lucidpress.com/CFPSeptember/> and <http://my.visme.co/projects/unfpa-perception-survey-5daf1f>

²⁰ https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/150727_sc_pi_wv_unicef_children_consultation_final_lowres.pdf

²¹ “Her Safety Assessment Report” (November 2015) and a “Assessment of Girls Attending School in Sindhupalchok” (November 2015).

²² UN OCHA Nepal Earthquake Assessment Unit:

https://www.humanitarianresponse.info/en/system/files/documents/files/150730_protection_thematic_report.pdf

²³ PDNA, p. XVII.

²⁴ <http://reliefweb.int/report/nepal/nepal-earthquake-response-joint-assessment-food-security-livelihoods-and-early-recovery>

²⁵ <http://www.cfp.org.np/>

²⁶ PDNA, p. 91.

Equality and Women's Empowerment in the Humanitarian Response"²⁷ was developed by the **Women Friendly Disaster Management (WFDM) CSO Network** comprised of women's groups and gender equality advocates in Nepal, with technical support from UN Women. The Charter calls for ensuring women's leadership and participation in all aspects of the humanitarian response, gender sensitiveness in the work of all humanitarian clusters, and special programmes for women. It was submitted to the Minister of the Ministry of Foreign Affairs, and the Chairperson of the Legislative Parliament Committee on Women, Children, Senior Citizens and Social Welfare. Further, a subsequent Kathmandu Declaration²⁸ on Gender -Responsive Disaster Management, as well as a lobby document for gender-friendly legal frameworks relating to disasters in Nepal, and a position paper on gender-responsive disaster preparedness and disaster risk reduction²⁹, were launched by the WFDM following a National Women's Conference in March 2016.

Based on the lessons learnt and good practices on integrating gender equality into the humanitarian response to the 2015 earthquakes in Nepal through the work of the Inter-Cluster Gender Working Group (GWG), co-chaired by UN Women and UN OCHA, the GWG developed The **Gender Equality Resource Guide for the Nepal Emergency Response Preparedness (ERP) plan**³⁰ consisting of two parts:

1. The Main Guidance document for "Mainstreaming Gender Equality in Preparedness and Response (for the ERP)" with Key Actions in 7 areas: Humanitarian Country Team (HCT), Inter Cluster Coordination Group, Flash Appeal/Humanitarian Response Plans, Clusters, Information Management, Promoting Participation and Dignity of Affected Population, and Engaging Local Women Organisations in the Coordination of Humanitarian Action,
2. Annexes with Templates/Tools by the GWG to support implementation of the Key Actions - you can access these via the following link to Google Drive:
<https://drive.google.com/open?id=0B7wF7RT4rYB7SzZKMXJWbUZHZZQ>

The Resource Guide also responds to recommendations put forward in the HCT After Action Review (AAR) and the IASC's Senior Transformative Agenda Implementation Team (STAIT) Preparedness Learning Review in Nepal (30 November – 8 December 2015), which identified the establishing of a gender coordination architecture, through the GWG, to mainstream gender equality in the earthquake response in Nepal as one of the good practices and advocated for its continuation across the humanitarian-development continuum.

Social Inclusion/Exclusion and Vulnerability in Nepal

Traditional socio-cultural practices have affected certain development efforts in Nepal, particularly related to social and economic exclusion of women and other marginalized groups. The Government of Nepal has expressed its commitment in the Constitution to the social and economic inclusion of marginalized groups, though the outcomes of efforts to eradicate long-standing systems and practices of exclusion will likely take time to become apparent. The **Preamble of the Constitution of Nepal states**: "Ending all forms of discrimination and oppression created by the feudalistic, autocratic, centralized, unitary system of governance, recognizing the multi-ethnic, multi-lingual, multi-religious, multi-cultural and diverse regional characteristics, resolving to build an egalitarian society founded on the proportional inclusive and participatory principles in order to ensure economic equality, prosperity and social justice, by eliminating discrimination based on class, caste, region, language, religion and gender and all forms of caste-based untouchability."

The Fundamental Rights under Right to Equality states: "No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds. (3) The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds." **The Right to Equality and the Right to Social Justice under the Constitution** specifies the following population groups: the poor, socio-culturally backward women, Dalits, indigenous peoples (adibasi/Janajati), Madhesis, Tharus, Muslims, oppressed and backward classes, minorities, marginalised communities, farmers/peasants, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated and helpless people, people from backward regions, and poor *khas aarya*. In addition, figure 1 (below) provides a summary overview of key excluded and

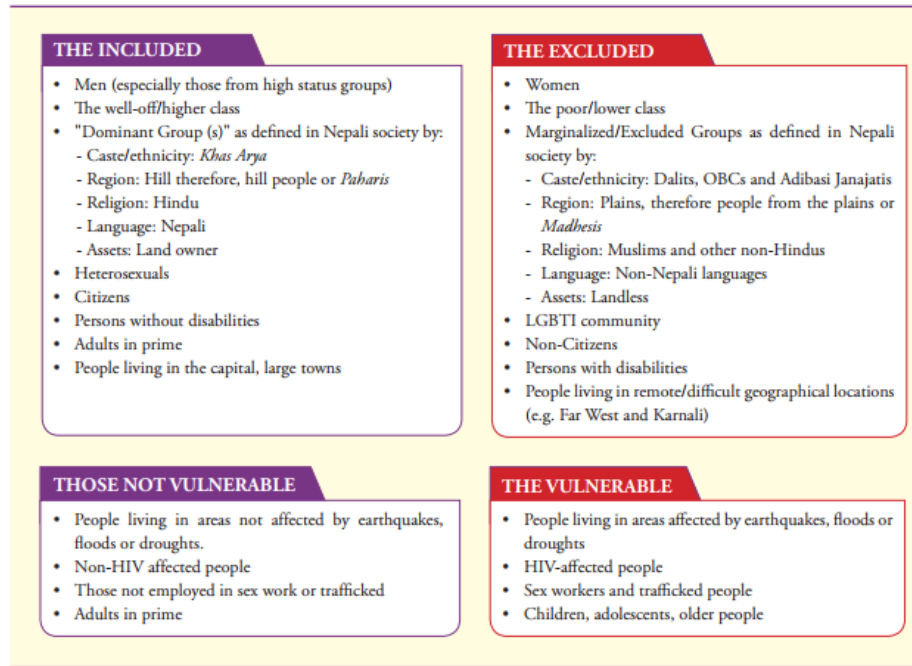
²⁷ <https://www.humanitarianresponse.info/ru/operations/nepal/document/common-charter-demands-women%E2%80%99s-groups-nepal-gender-equality-and>

²⁸ <https://www.dropbox.com/s/cmbw7sh5jif8eut/Ktm-Declaration-2016.pdf?dl=0>

²⁹ <http://www.beyondbeijing.org/publication-reports/>

³⁰ <http://un.org.np/thematicareas/disasterpreparedness/erp>

vulnerable groups in Nepal as per the **Common Gender Equality and Social Inclusion Framework for Nepal (2017)**³¹.



Source: Based on evidence provided by DPs for developing this framework and discussion with GoN and DPs

Figure 1 Key excluded and vulnerable groups in Nepal as per the Common Gender Equality and Social Inclusion Framework for Nepal (2017)

National Machinery for Gender Equality and Social Inclusion: Laws, Policies, Plans and Institutions

Laws, Policies and Plans

Nepal is signatory to 23 human rights treaties and International human rights instruments with legal framework in Nepal largely supporting GESI, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPfA), the Child Rights Convention, the Convention on the Rights of Persons with Disabilities, the Sustainable Development Goals (SDGs), and UN Security Council Resolutions 1325 and 1820. Nepal was the first country in Asia to develop a National Action Plan on Women, Peace and Security in 2011 and women and girls' right are protected in the Comprehensive Peace Accord.

The **CEDAW Committee**³², highlighted 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 Nepalese society and in the media. The CEDAW Committee also expressed concern about the persistence of harmful traditional practices in the country, such as child marriage, the dowry system, son preference, polygamy, widows accused of witchcraft, and other harmful practices such as chhaupadi, jhuma, deuki and dhan-khaane³³.

³¹ A Common Framework for Gender Equality & Social Inclusion (2017) <http://asiapacific.unwomen.org/en/digital-library/publications/2017/04/gesi-framework>

³² Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) Committee (2011) *Concluding observations of the Committee on the Elimination of Discrimination against Women*, Paragraph 17, p.4

³³ Chhaupadi is a practice where girls/women are not allowed to enter inside the house and touch water and milk for four to seven days during their menstruation period. They must live, sleep and stay in a hut outside identified as a Chhaupadi's house or in a Chhaupadi goth). Deuki is the offering of young girls to temples for ceremonial purposes. Jhuma is enforced nunhood. Dhan-khaane is a form of bonded labour, practiced in the far-west where food is provided as wage instead of money.

Nepal was reviewed by the **Universal Periodic Review (UPR)** at the 23rd session of the Human Rights Council in November 2015³⁴ in which a total of 73 states participated in the dialogue (36 HRC members and 37 observers). States participating in the dialogue posed a series of recommendations to Nepal, including the following: 1) to advance efforts to prohibit discrimination and violence against women and provide assistance to victims, 2) to increase efforts to protect women from violence and discrimination, 3) to ensure that police provided a safe and confidential environment for women and girls to reports incident of violence, 4) to bring rape laws in line with international standards and remove the 35-day limitation on lodging a complaint with the police, and 5) to ensure full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act.

Nepal promulgated a new **constitution** on 20 September 2015. The constitution, the seventh in the constitutional history of the country and the first to have been promulgated by the Constituent Assembly through public consultation, contains many positive provisions that seek to advance gender equality, social inclusion and women's empowerment (see above). However, certain aspects of the constitution remain inconsistent with Nepal's international treaty obligations under such human rights instruments as the Universal Declaration of Human Rights, and CEDAW. The constitution guarantees non-discrimination in the application of general laws on various grounds, including sex, physical condition, health condition, marital status, pregnancy, and economic conditions, and allows for special provisions by law for the protection, empowerment or advancement of women.³⁵ The constitution reinforces positive discrimination in education, health, employment and social security to create special opportunities for women, and guarantees proportional representation of women in all state organs.³⁶ Women's representation in various government structures and at the leadership level has been guaranteed to a significant extent. The constitution ensures the fundamental right of women to participate in all organs of the state on the basis of the principle of proportional inclusion. Moreover, the constitution guarantees the right of women to protection against physical, mental, sexual, and psychological or any other forms of violence as a fundamental right with penalties for perpetrators and entitlement of compensation for victims. Further, it prohibits oppression against women based on religious, social, cultural, or traditional practices, with offenders liable not only for punishment, but also compensation to victims.³⁷ The constitution also prohibits human trafficking and bonded labour with penalties for perpetrators and compensation for the victims from the perpetrator.³⁸ The constitution guarantees the right of every woman to safe motherhood and reproductive health as fundamental rights.³⁹ For the first time in the constitutional history of Nepal, the constitution establishes the right to lineage for every woman, without any gender discrimination as a fundamental right.⁴⁰ It also guarantees equal rights to property and family matters to the legal spouse.⁴¹ The constitution guarantees the right to social security for single women, along with economically poor, physically incapacitated and helpless persons and children as provided under the law.⁴² Although the constitution recognizes the equal right of women to lineage without any gender discrimination,⁴³ it does not guarantee equal and independent citizenship rights to all people of Nepal and discriminates against women. Despite a clause stating that a person can obtain Nepali citizenship through either father or mother⁴⁴, the subsequent clauses restrict the rights of women to pass on Nepali citizenship independently.⁴⁵ These provisions create a real risk of statelessness for children born to Nepali mothers and whose fathers will be unknown, unsupportive or deceased. The constitution recognizes the "sexual and gender minority" community and guarantees their rights to equality, social justice and citizenship by their identity for the first time in the constitutional history of Nepal. Further, the Constitution establishes the following eight constitutional bodies as National Human Rights Institutions entrusted with protection and promotion of human rights: National Human Rights Commission, National Women's Commission, Nepal Dalit Commission, Nepal Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission and Muslim Commission.

In its **14th Three Year Plan (2016/17-2018/19)**, the GoN aims for economic prosperity with social justice. The plan recognizes that improving gender equality and addressing issues of "backward" regions, classes and communities and excluded groups requires conscious efforts, such as targeted programs, equitable distribution of resources, and social security for poverty reduction. It emphasizes the meaningful participation of all citizens for Nepal's inclusive development and aims to improve the human development and empowerment index of those who have been economically and socially left behind. This includes Women, Dalits, Adibasi/Janajatis, Madhesis, Tharus, Muslims,

³⁴ <http://www.upr-info.org/en/review/Nepal?gclid=CPqa5NXOgskCFYcojgodX28MFg>

³⁵ Article 18(2) and Article 18(3), Constitution of Nepal 2015.

³⁶ Article 38, Ibid.

³⁷ Article 38(3), Ibid.

³⁸ Article 29(3), Ibid.

³⁹ Article 38(2), Ibid.

⁴⁰ Article 38(1), Ibid.

⁴¹ Article 38(6), Ibid.

⁴² Article 43, Ibid.

⁴³ Article 38(1), Ibid.

⁴⁴ Article 11 (2), Ibid.

⁴⁵ Article 11(5) and 11(7), Ibid.

Other Backward Classes (OBC),¹³ minorities, the marginalized, persons with disabilities, gender and sexual minorities, farmers, laborers, people of backward regions and poor Khas Aryas

The country has adopted a number of **policies, programmes and plans** of action to promote gender equality and the empowerment of women. It has made some notable progress on legal and policy reforms concerning discrimination against women and gender equality, with many discriminatory laws recently amended and gender equality laws adopted. The Government's extensive normative and legal commitments to gender equality and women empowerment (GEWE) include adopting the Human Trafficking and Transportation (Control) Act (2007), the Domestic Violence (Crime and Punishment) Act (2009), the Sexual Harassment at Workplace (Protection) Act (2014), Directives to Regulate Domestic Workers to Work in Gulf Countries, National Action Plan on Foreign Employment, Witchcraft related Accusation (Crime and Punishment) Act (2015), the five-year National Strategy and Action Plan on Gender Empowerment and Ending Gender-based Violence (2013-2017), and criminalising Chhapadi, included in the Criminal Code (2017). In 2015, the Act on Amending Some Nepal Acts relating to Gender Equality and Ending Gender Violence was adopted which amended the 32 discriminatory Acts, including the Domestic Violence (Crime and punishment Act), 2009; Human Trafficking and Transportation (Control) Act, 2007 and the legal code (muluku ain) regarding rape chapter 14. Among the various amendments, the 35-day statutory limitation period on reporting rape has been increased up to 180 days. The Election Act (2007) provides a substantive quota for women (33%) to be represented in the Constituent Assembly (CA). However, as many civil society organizations have noted, gender equality is often limited to laws and policy and is not translated into reality for women.⁴⁶ Large numbers of women, especially in rural areas, are also unaware of laws to protect them. Dalit women and other marginalized groups also face major hurdles in accessing justice and social services due to a lack of legal identity.⁴⁷ While the Government of Nepal recognizes the third-gender category, many LGBTI individuals continue to experience discrimination and violence in employment, family, healthcare and education (UNDP/USAID 2014).

The 2015 Nepal Constitution provides strong guarantees for the rights of persons living with disabilities (PWD), as does the overall legal and policy framework, including the Disabled Protection and Welfare Act (1982), the National Policy and the Plan of Action on Disability (2006), and the Nepal Disabled Protection and Welfare Regulation. The Disability Bill is being drafted and will substitute the Act of 1982. However, despite existing legislation and policies, most services are out of reach for PWDs. Livelihoods options for PWD are limited by inaccessible workplaces, shortage of training opportunities and negative stereotyping. The unemployment rate is three times higher among PWD. Research⁴⁸ confirms that there are important gendered differences in the way disability is experienced by women and men. In Nepal, 84% of women with disabilities reported not being able to lead a dignified life.

Institutions

Nepal established the **Ministry of Women, Children and Social Welfare** (MoWCSW) in 1995. At the national level, the MoWCSW is responsible for all issues concerning women in the country. It hosts the Department of Women and Children (DWC) and extends its services in all the 75 districts through Women and Children Officers (WCO). The **National Women's Commission** (NWC) was established in 2002 to protect, promote and safeguard the interests and rights of women and upholding justice through overall development of women. The Commission has been established as the Constitutional body by the new constitution promulgated in 2015. The **National Planning Commission** (NPC), responsible for coordinating the formulation of plans and policies, has a Gender Equality and Environment Section under Social Development Division. The section works to mainstream gender equality and women's empowerment into sectorial ministries. All ministries and their departments also have Gender Equality and Social Inclusion Focal Points (GFPs).

Similarly, the **Ministry of Finance** (MoF) has a Gender Responsive Budgeting Committee (GRBC) responsible for gender issues in development programmes, budgeting and implementation. The GRBC under the MoF has been strengthening the Gender Responsive Budget (GRB) system in the public financing system since 2007/08 at the national and local level. The Government of Nepal (GoN) has taken significant steps to enhance budgetary accountability for gender equality by increasing allocations to directly gender-responsive actions from 11.3 percent in fiscal year (FY) 2007/8 to 37 percent in FY 2017/18, and by allocating targeted budgets to selected communities,

⁴⁶ Government of Nepal and UN Country Team Nepal, MDG Progress Report 2013

⁴⁷ "How a Legal Identity leads to a Better Life", Open Society Foundations (22 January 2015), available online at: <http://www.opensocietyfoundations.org/voices/how-legal-identity-leads-better-life>

⁴⁸ "Women and Disability Don't mix! Double Discrimination and Disabled Women's Rights" Lina Abu Habib, gender and Development vol 3, No 2 June 1995, pp 49-53, quoted in OHCHR: Thematic Study on the issue of violence against women and girls and disability", 2012

including a 10 per cent allocation to women's leadership at the community level.⁴⁹ 17 ministries and 75 district authorities have established GRBCs at the national and district level. The commitment to apply the Government's GRB principles to all recovery and reconstruction programmes was included in the PDRF. As a result, the MoF requested all ministries to adopt the GRB principles in their reconstruction plans.

The **National Reconstruction Authority (NRA)** was established in January 2016 with a two-tier structure at central and sub-regional levels to oversee the overall reconstruction and rehabilitation work following the 2015 earthquakes in Nepal. A directive committee of the authority has created six departments at the centre and sub-regional stations. The NRA's central office is supported by six divisions — Planning, Monitoring and Development; Urban, Housing and Heritage; Rural, Housing and Resettlement Development; Human Resource Management; Public Building Development and Social Mobilisation and Rehabilitation. The women's groups' leader, Sharmila Karki, has been appointed as a member of the NRA Advisory Council. In 2017, the NRA established a GESI section within its Social Mobilization and Management Division to coordinate with relevant government and non-government stakeholders to ensure the effective mainstreaming of GESI components in recovery and reconstruction efforts both at the national and sub-national levels through technical guidance and capacity development support, in line with the GESI recommendations in the PDRF.

Women and Children Service Directorate has been established by the Nepal Police to provide accessibility to justice for women and children. The Directorate extends its services to all 75 districts through 240 Women and Children Service Centres. With the restructuring of local governance, district level line agencies have been shifted to the local level (municipality and rural municipality), in line with this, Women and Children Officials - the focal agency for addressing issues of women, children, senior citizens and persons with disabilities – are also being shifted to the local level. Additionally, the District Coordination Committees (DCC) – which are extensions of the Ministry of Federal Affairs and Local Development (MoFALD) – has a mandate to coordinate on addressing GESI issues. Women's participation has been made mandatory in local level planning and programme execution. A recent provision also requires Community Forest User Committees to have 50% women members.⁵⁰

Gaps in the necessary human, financial and technical resources of the national women's machinery, combined with weak monitoring mechanisms for the implementation of laws and plans of action, have meant limited short-term progress in women's rights⁵¹ and coordination between different plans and policies is a challenge.

Representation and Leadership

In Nepal, **women's participation, especially amongst Dalit and indigenous women, remains low at the higher levels of decision-making**⁵², in positions of public importance and in specific sectors.⁵³ Government records show low levels of women's representation in public life with around 16% in civil service, 4.5% in the judiciary, 5.8% in the Nepal Police, 5% in the Armed Police Force, and 3.2% in the Nepalese Army.⁵⁴ The historic representation gains – 33% in the first CA – have not been maintained. In the CA elections held in November 2013, women candidates secured approximately 29.41% of the 595 CA seats contested under first past the post, proportional representation and including 20 nominated seats, compared to 33.22% in the first CA. Women's representation in high-level political leadership has been encouraging in recent years with a female Head of State, Head of Judiciary and Speaker of the Legislature-Parliament.⁵⁵ However, women in Nepal are still struggling to exercise their rights to political participation and leadership. This is due to social norms that limit women's voice and agency, women's limited access to information on the provisions of the Constitution and election related laws, resource constraints, inadequate support systems and mentoring support. However, the Constitution guarantees women's right to participate in all structures and bodies on the basis of the principle of proportional inclusion. Further, the Election Commission Act 2017 directed the Election Commission Nepal (ECN) to adopt gender friendly and inclusive principles while conducting local

⁴⁹ CEDAW Committee (2017) *Sixth Periodic Report of States parties due in 2015, Nepal*

⁵⁰ The above discussion on the components of the national women's machinery is from Government of Nepal, Ministry of Women, Children and Social Welfare (MoWCSW), March 2014, National Review on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

⁵¹ CEDAW Concluding Observations, AW Committee Concluding Observations on Fourth and Fifth Periodic Reports of Nepal, 2011, paras 13-14

⁵² CEDAW Concluding Observations, 2011, paras 23-24

⁵³ NAP on UNSCRs 1325 and 1820 Mid-term Monitoring Report, 2014, available at <http://www.saathi.org.np/images/stories/pdf/saathimidtermreportenglish.pdf>

⁵⁴ NAP on UNSCRs 1325 and 1820 Mid-term Monitoring Report, 2014

⁵⁵ CEDAW Committee (2017) *Sixth Periodic Report of States parties due in 2015, Nepal*

elections in a free and fair manner.⁵⁶ During the first and second phases of the local level elections in 2017, 45,965 out of the total 111,698 candidates that contested were women. Out of the total number of elected representatives (28,167), 41% (11,507) were women⁵⁷.

Women account for 16 percent of ministers (8 out of 50 ministers) in the recently formed Cabinet, occupying portfolios of Cooperatives and Poverty Alleviation, Women, Children and Social Welfare, Population and Environment, Physical Infrastructure and Transportation, Agricultural Development, Culture, Tourism and Civil Aviation, and Land Reform and Management⁵⁸. As per the National Review of the Sustainable Development Goals (2017)⁵⁹, women now occupy 29.5 % of seats in the national parliament and approximately 40 % in local level governments. Women's participation in decision-making in the private sector is 25 % and 50 % in the cooperative sector. Constitutional guarantees for the proportional representation of Dalits have not yet translated into practice. The government appointed 169 judges in 2015, but none of them were Dalit. Only 1.94 % of civil servants are from the Dalit community⁶⁰.

Poverty/Development

As per the **National Review of the Sustainable Development Goals (SDGs) (2017)**⁶¹, Nepal has made significant progress in poverty reduction and human development over the last two decades. The percentage of people living below the national poverty line dropped from 38 % in 2000 to 21.6 % in 2015. Nepal started implementing the SDGs in 2016 to achieve the national goals with the aspiration that “no one is left behind while eradicating poverty and promoting prosperity.” The national review notes that Nepal made significant progress in achieving the MDGs, including by halving extreme poverty and hunger within two and a half decades (MDG 1), nearing the achievement of MDG 2 of universal primary education for all by 2015 as primary school enrolment rate reached to 96.6 % and the literacy rate of 15-24 years increased to 88.6 %, reaching gender parity at all levels of education (MDG 3) and reducing maternal, infant and under-5 mortality rates (MDG 4 and 5). However, it was emphasized that significant MDG agendas remain unfinished and is in need of further strengthening for the successful implementation of the SDGs, including SDG 5 on gender equality and the empowerment of women and girls and integration of GESI aspects across all SDGs. The report particularly noted the gap in 1) reducing wide gaps between the level of poverty across all regions, social groups, age, sex, and by disability status and 2) increasing the grade promotion rates of girls in secondary schools and the enrolment of women in technical and vocational education and training.

Nepal has set itself the goal to graduate from least developed country (LDC) status by 2022. The focus on broad-based economic growth and poverty alleviation has produced encouraging results. However, inclusive growth is a persistent challenge, with development progress continuing to be uneven across ethnic, caste, gender, and other categories, and vulnerabilities and inequalities being further exacerbated by geographical and environmental factors. The UN-led country analysis highlights the persistent discrimination emanating from socio-cultural traditions, norms and practices.⁶² As in other countries, poverty, discrimination, violence, gender inequality and social exclusion persist because of structural inequalities, the result of structural barriers and discrimination in the economic, social, environmental and political domains.⁶³ Nepal ranks 144th out of 188 countries in the **Human Development Index (HDI)**, marking its rise from low to medium human development.⁶⁴ As noted in the 2016 Human Development Report⁶⁵, there are group-based disadvantages and wide variations in HDI values across population groups - The Newar people have the highest HDI value (0.565), closely followed by Brahmans and Chhetris (0.538), followed by

⁵⁶ Government of Nepal, Election Commission, Nepal (2017) *Local Level Election Act 2017*, provisions that in any five membered Ward Committee, two women (40 per cent), including one Dalit woman (20 per cent) shall be elected. Similarly, there is a provision to elect at least four and five women as members of each Rural Municipality and Municipality Executive Committee respectively. Additionally, the Act guarantees at least 33 per cent representation of women and 11 per cent representation of Dalit or minority community representatives in all DCCs. The Act has further mandated political parties to ensure 50 per cent representation of women among candidates for Chairperson and Vice -Chairperson; Mayor and Deputy Mayor; and Chief and Vice-chief of the Rural Municipality, Municipality and DCC respectively

⁵⁷ IFES Nepal Election Update, July 14, 2017

⁵⁸ As of August 2017. For more details, please see: <http://www.opmcm.gov.np/en/council/>

⁵⁹ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

⁶⁰ <http://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>

⁶¹ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

⁶² United Nations Country Team in Nepal, 2011, A Country Analysis with a Human Face, available at

http://un.org.np/sites/default/files/Nepal_CountryAnalysis_2011_Feb2013.pdf

⁶³ The Right to Equality in Post-2015 – Speech by UN Women Deputy Executive Director, Assistant Secretary General John Hendra, in Oslo, 13 June 2013, available at <http://www.unwomen.org/en/news/stories/2013/6/the-right-to-equality-in-post2015-a-speech-by-john-hendra-in-oslo#sthash.DVohIBPR.dpuf>

⁶⁴ United Nations Development Programme (2017) Human Development Report 2016

http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

⁶⁵ http://www.np.undp.org/content/nepal/en/home/library/human_development/human-development-report-2016.html

Janajatis (0.482), Dalits (0.434) and Muslims (0.422). The greatest inequalities are in education, with pronounced long-lasting effects on capabilities. Dalits comprise the poorest community in Nepal by all poverty-related measures, including income, human development and land ownership.

Nepal's human development outcomes have been and continues to be slowed by gender, social and geographical exclusion and inequalities.⁶⁶ Gender inequality remains high as indicated by the **Gender Inequality Index (GII)** of 0.497 in 2015.⁶⁷ The 2014 Gender Development Index (GDI) ranks the country on place 102nd (with value 0.912). According to the GDI, women's life expectancy at birth is 69.6 years (2013 figures), women's mean years of schooling 2.4 (2002-2012), expected years of schooling 12.5 (2000-2012 figures), and their estimated gross national income per capita USD 1,857 (2013 with 2011 PPP\$).⁶⁸ Nepal's national GDI, capturing inequality in terms of the same dimensions as the HDI⁶⁹, is 0.534. Among the ecological regions, the GDI value is the highest for Hills (0.515), followed by Tarai (0.458) and the Mountains (0.430). The Central region (0.503) has the highest GDI value, followed by the Western region (0.491) and the Eastern region (0.481). The Far Western (0.423) and Mid-Western (0.442) regions have the lowest values, primarily due to low life expectancy and adult female illiteracy. The value of the Gender Empowerment Measure (GEM), indicating the relative empowerment of women and men in various political and economic spheres⁷⁰, for Nepal is 0.568. The Mountains has the lowest value (0.483) and the Hills the highest (0.572). The Eastern region has the highest GEM (0.575), followed by the Central and Western regions. The Far Western region has the lowest GEM at 0.523, primarily due to its low share of women in administrative and professional positions.⁷¹

The inequalities vary between Nepal's urban and rural areas, between different regions and population groups⁷² and many women and other socially excluded groups face multiple forms of discrimination, which besides gender, can be based on for example class, caste, region, language, religion, and sexual orientation. Individuals considered of lower caste continue to be excluded from certain jobs and services, and Dalits earn considerably less than non-Dalits. Discriminatory treatment of persons with disabilities is widespread.⁷³ While the Constitution provides rights to sexual and gender minority citizens, political advances have not fully translated to implementation, and lesbian, gay, bi-sexual, transgender and intersex (LGBTI) individuals experience discrimination and violence in all aspects of their life.⁷⁴ Young women, in particular, are underrepresented in the work force⁷⁵ and women's mobility, especially during the formative adolescence and youth years, is restricted – exactly at the time when boys develop their political and leadership skills.⁷⁶ Thus achieving the inclusive vision of the Constitution and following the imperative of leaving no one behind requires going beyond gender equality, and addressing the intersectionality between gender discriminations and other forms of exclusion and marginalization.

Nepal ranks very high in terms of **women's labour force participation**⁷⁷, but not in other aspects of economic equality. Women's participation in and contributions to the country's progress are constrained by a lack of employment or alternative livelihood opportunities, compounded by their limited access to economic resources, and

⁶⁶ International Development Partners Group – Gender Equality and Social Inclusion Working Group (IDPG GESI WG) (2017) *A Common Framework for Gender Equality and Social Inclusion*

⁶⁷ United Nations Development Programme (UNDP), *Human Development Reports, Gender Inequality Index, 2015 Values*, available at: <http://hdr.undp.org/en/indicators/68606>, accessed on 20 July 2017

⁶⁸ The above data are from the United Nations Development Programme, Human Development Report 2014. Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience

⁶⁹ Long and healthy life measured by life expectancy at birth, knowledge measured by adult literacy and mean years of schooling and a decent standard of living measured by GNI per capita in PPP \$.

⁷⁰ Reflecting opportunities open to women, rather than their capabilities, in three key areas: political participation and decision-making, economic participation and decision-making, and power over economic resources.

⁷¹ The above data on GDI and GEM are from the Government of Nepal and United Nations Development Programme, Nepal Human Development 2014: Beyond geography: Unlocking Human Potential

⁷² United Nations Development Programme (UNDP) (2017) *Human Development Report 2016: Human Development for Everyone*, available at: http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf The Mid and Far-Western Regions have the lowest rankings in the country on both the Gender Empowerment Measure as well as on the Gender-related Development Index (GDI). The Newar people have the highest HDI value (0.565), followed by the Brahmans and Chhetris (0.538), followed by Janajatis (0.482), Dalits (0.434) and Muslims (0.422).

⁷³ Ibid.

⁷⁴ USAID, UNICEF, UNDP (2014) *Being LGBT in Asia: Nepal Country Report: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society*, available at: https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

⁷⁵ British Council, Association of Youth Organisations Nepal (2011) *Youth Survey of Nepal*, available at: http://www.youthpolicy.org/national/Nepal_2011_Youth_Survey.pdf

⁷⁶ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organizations with support from UN Women Nepal (2015) *Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable*, available at: http://un.org.np/sites/default/files/Progress%20Of%20Women%20In%20Nepal%20-%20Low-res_1.pdf

⁷⁷ Government of Nepal, Central Bureau of Statistics (2016) *Annual Household Survey 2014/15 (Major Findings)*, available at: <http://cbs.gov.np/image/data/2016/Annual%20Household%20Survey%20Report%202014-15.pdf>, male and female labour force participation is 86.3 per cent and 79.8 per cent respectively

most women are engaged in unpaid, home-based labour - 74.8 % of the unpaid family labour is carried out by women.⁷⁸ Girls have responsibilities of helping their mothers with household work while men and boys are not expected to assist with domestic work. Nepalese women have much higher workload than the global average⁷⁹. Extensive labour migration of men from rural areas has led to that 77 % of economically active women are engaged in agriculture.⁸⁰ However, the share of women's wage employment in the non-agricultural sector has more than doubled, from just under 19.9% in 2009 to 44.8% in 2011.⁸¹ A considerably larger share of men than women is occupied in managerial positions or considered 'professionals' within their sector⁸² and only 17 % of private firms include women in top management positions.⁸³ Wage inequality between sexes for equal work remains high⁸⁴, and women's contribution to unpaid domestic/care work is yet to be recognized and valued in the national economy.⁸⁵ The limited opportunities and the constraints have also driven many women to seek employment opportunities elsewhere in Nepal or abroad, a trend accompanied by concerns about their vulnerability to sexual exploitation, forced labor and abuse, and their concentration in the informal sector.⁸⁶ Endeavoring to contribute to their family income through remittances (which contribute to about a quarter of Nepal's GDP), women often leave through unofficial and unregulated channels, rendering it difficult to have realistic figures of the overall number of women choosing foreign labour migration.

According to the 2011 Census⁸⁷, 19.71% of households reported ownership of land or house or both in the name of female members of the household, an increase from 11% in 2001. The proportion of currently married women who earn cash for their work and decide independently on the use of their cash earnings has increased from 31% in 2006 to 53% in 2011. As per the UNFPA Population Situation Analysis of Nepal (2017)⁸⁸, although among the working age population (15-64) the share of females is more than half (53%), their employment in the formal sector is low while in the informal and private sectors their employment is high but the wages are lower for the same type of job compared to their male counterparts. However, as noted in the Nepal MDG Status Report (2016)⁸⁹, several milestones have been passed recently on the representation of women. In the civil service, the representation of women has doubled in the last decade due to affirmative action. Women are increasingly opting for non-traditional sectors such as overseas employment and jobs in the police and army, however, the presence of women in positions of high authority is still limited. Although a large number of women join the teaching profession at the primary level, their representation decreases at secondary and tertiary levels. It is worth noting that while the proportion of economically active women involved in agriculture declined between 1991 and 2001 (from 90.5 to 72.8 percent), there has again been an increase since 2001. Agriculture is becoming feminized in Nepal due to factors such as widespread out-migration of men and the closure of many carpet and garment factories (SAHAVAGI 2016, 120). Many women also have difficulties accessing credit and face discrimination at the workplace. Societal norms and lack of access to economic resources also hold back women from participating in politics and other professional fields.

Education and Health

The educational attainment of females is lower than that of males even if the gender gap has narrowed in recent years. In the 15-49 age group, over 40% of women versus 14% of men have never been to school. The ratio of girls to boys in primary school (grades one to five) has improved significantly since 1990, and the target set for 2015 had been achieved by 2013. The ratio of girls to boys in primary education increased from 0.79 in 2000 to 1.09 in 2015 with gender parity achieved in primary education in both the gross enrolment ratio (GER) and net enrolment ratio (NER) in 2015. The GER was 1.09 and NER 0.99 in 2015⁹⁰. Primary education completion also improved with 86.9 percent of girls and 86.4 percent of boys completing it in 2015 compared to 59 percent of girls and 79 percent

⁷⁸ Nepal MDG Progress Report 2013

⁷⁹ Government of Nepal and United Nations Development Programme, Nepal Human Development Report 2004

⁸⁰ NPC, GoN and WFP (2011), National Population and Housing Census

⁸¹ Nepal MDG Progress Report 2013

⁸² *ibid.* By the Nepal Standard Classification of Occupations, male managers are about three times more than female managers and the proportion of male who are in professional field are almost two times of female.

⁸³ World Economic Forum (2016) *The Global Gender Gap Report 2016, Nepal Country Profile*, available at: http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf

⁸⁴ *ibid.* By the estimated earned income in the USD value at Purchasing Power Parity, women in Nepal earned 56 per cent of men's income. The values were calculated using the methodology of the United Nations Development Programme (UNDP)'s Human Development Report 2007/2008. Data used to calculate this indicator includes: world population by country, GDP PPP (current international \$), labour force participation rate, and mean nominal monthly earnings of employees by economic activity.

⁸⁵ Statement by the Government of Nepal at the 61st session of the Commission of the Status of Women, 15 March 2017

⁸⁶ CEDAW Concluding Observations, 2011, paras 33-34; MDG Report 2013

⁸⁷ Government of Nepal, Ministry of Health and Population et al., *Nepal Demographic and Health Survey, 2011*.

⁸⁸ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

⁸⁹ http://www.npc.gov.np/images/category/MDG-Status-Report-2016_.pdf

⁹⁰ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal: <http://www.npc.gov.np/images/category/reviewSDG.pdf>

of boys in 2000 (DoE 2015). Secondary education completion rates also increased with 90.4 percent of girls and 89.7 percent of boys completing secondary education in 2015 compared to 35.5 percent of girls and 51.9 percent of boys in 2000 (DoE 2015). There are however some significant disparities by social group and geographic location: the gross enrolment rate for Dalits was (1.03) slightly lower than that for Janajati (1.02) and the national average. Literacy rates among Dalits are much lower than the national average. 51.8 percent of Hill Dalits and 23.1 percent of Tarai Dalits are literate, as compared to a national average of 59.6 percent (CDoS/A 2014, 10). Dalits comprise only 1.8 percent of those who have completed an SLC degree and 0.8 percent of those with a Bachelor's (CDoS/A 2012). Literacy rates are particularly low among women from Tarai Dalit castes. The situation for high school (0.91) and tertiary level (0.71) education is further from gender parity, and unlikely to be achieved by 2015. The national average of literacy rates of youths (15-24 years) is 85.11% and 92.97% of male youths are literate. In a recent national survey⁹¹, it was further reported that 84 % of young women in Nepal aged 15-24 years are able to read a short simple statement about everyday life or have attended secondary or higher education. There is a notable gap between the literacy levels of urban and rural youths, and particularly among females. In urban areas, 96.30% of males and 91.05% of females are literate, whereas in the rural areas the rates are 91.89% and 76.26% respectively.⁹² The Gender Parity Index at both primary and secondary school level is equal to 1, meaning that reportedly the net attendance rate for girls is equal to that of boys⁹³. The ratio of women to men in tertiary education increased from 0.28 women to every man in 2000 to 1:1.05 in 2015. However, there is a wide gap in master's degree education with a GPI of 0.82⁹⁴. The GPI is also low in most tertiary technical and vocational subjects at 0.3 in science and technology, 0.12 in engineering, 0.84 in medicine, although it is 1.67 for education (UGC 2015). Further, recent report by the National Planning Commission (NPC)⁹⁵ on the demographic dividend in Nepal noted that as Nepal is moving towards an "ageing society" with lower mortality and fertility rates, and as schooling becomes universal and the demands of the workforce and the economy change, Nepal will need to use its "demographic window of opportunity" to invest in early childhood, primary and secondary education, especially for women and girls. As stated in the report, this would include a focus on addressing gender and social barriers by preventing early school dropout, delaying marriage and expanding educational and work opportunities for young people, especially women.

There has been a **substantial decline in maternal mortality** from 539 per 100,000 live births in 1996 to 170 in 2013 (MoHP 2015, 270). Women's life expectancy increased from 55.5 to 70 years between 1996 and 2013. The proportion of contraceptive users increased from 29 to 45 percent and the total fertility rate (TFR) declined from 4.6 to 2.6 in the same period (SAHAVAGI, 8). Dalits often face discrimination in access to health services. 43 percent of Tarai Dalits and 14.6 percent of Hill Dalits reported experiencing discrimination when receiving medical treatment at local health centres. Dalit women suffer even greater discrimination than men. 79 and 85 percent of Hill and Tarai Dalit women respectively reported facing discrimination while accessing health services. Awareness of and access to health services for persons living with disabilities is low in Nepal – a study in 2016⁹⁶ revealed that only 1.5% of persons with disabilities interviewed have benefited from public health services for general ailments due to lack of knowledge about the location of the facility (9%), expensive services (11%) and distance to be travelled (18%).

Harmful Cultural Practices

Though gender discrimination is formally prohibited under Nepal's Constitution⁹⁷, discriminatory social norms and cultural practices continue in many parts of Nepal. There are gender differences in different communities and regions of Nepal. For example, in more traditional Hindu communities in the Tarai, women's roles tend to be more limited to domestic duties and subsistence farming while in Tibeto-Burmese communities, women tend to be more economically active. In matriarchal Tharu communities, gender roles and relations may be reversed with women as the leaders and men in a submissive or even abused role. Marriage plays a decisive role in all women's life choices and socio-economic position.⁹⁸

⁹¹ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

⁹² Government of Nepal and UN Country Team Nepal, Nepal Millennium Development Goals Progress Report 2013, September 2013

⁹³ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

⁹⁴ National Review of the Sustainable Development Goals (2017), National Planning Commission, Government of Nepal:

<http://www.npc.gov.np/images/category/reviewSDG.pdf>

⁹⁵ "DEMOGRAPHIC CHANGES OF NEPAL: Trends and Policy Implications" (2017), National Planning Commission, Government of Nepal,

http://www.npc.gov.np/images/category/Demographic_Dividend_Report_May_2017_final_for_circulation1.pdf

⁹⁶ Kathmandu University, 2016

⁹⁷ Constitution of Nepal, 2015

⁹⁸ CARE Nepal Women Empowerment Program Framework 2010

Dalit women face a high degree of exclusion and traditional harmful practices such as Badi, Chaupadi, Kamlari and Deuki, as well as child marriage, which are still prevalent in many parts of Nepal despite being formally prohibited.⁹⁹ Women also face violence related to accusations of witchcraft. There are also other traditional practices like son- preference, stigmatization of widows, seclusion of women (purdah), family violence, and polygamy. Third-gender face a separate and specific set of gender inequality issues. Boys are more likely to be educated in Nepal as they are seen as the future family breadwinner while daughters live home to live with their in-laws.

Although prevalence of **child, early and forced marriage** has dropped dramatically, it still exists, particularly in the remote rural areas. This is related to extreme poverty, the low status of women and community vulnerability, as much as to socio-cultural norms.¹⁰⁰ According to the Civil Code (2016 revision), the minimum legal age at first marriage is 20 years with or without parental consent for both males and females in Nepal. Yet, almost half of the population gets married between the age of 14 to 19 years and dowry is the major driver of child marriage as well as a cause of violence against girls and women. A recent national survey¹⁰¹ with a sample of 12,405 women across all 75 district of Nepal, indicated that 15.5% of women aged 15-49 years were married for the first time before the age of 15 and 48.5% of women aged 20-49 had their first marriage before the age of 18. Further the same survey showed that 25.5% of surveyed women aged 15-19 are currently married. The survey also reported that 71 % of women aged 15-19 years are mothers and 16% of women aged 20-14 years gave birth at least once before the age of 18. In Nepal, more than 227,000 girls, aged 15 to 19 years, give birth every year¹⁰². Early pregnancies occur primarily due to early marriage and many girls who become pregnant drop out of school, drastically limiting both their future opportunities and earnings, and risking both their own health and the health of their children.

In Nepal, **gender-biased sex selection and son preference** are topics that need to be explored extensively. Strong empirical evidence on the practice of sex selection, the pursuing of son preference and the factors that influence the sex ratio at birth remains limited. However, some sources of data show an unnatural rise in sex ratio at birth in certain areas of Nepal which indicates discrimination against girls and may have significant implications for future population dynamics in the country¹⁰³.

The **Badi** were originally an entertainment caste. Political, cultural and economic changes have contributed to and produced the development and practice of prostitution as a strategy of survival for many in the Badi community. Subsequently, it has been said that prostitution is the "traditional caste occupation" of the Badi and it has often been defined thus as a part of the caste system.

Chhaupadi¹⁰⁴ is a practice where girls/women are not allowed to enter inside the house and touch water and milk or prepare food for 4 to 7 days during their menstruation period. They must live, sleep and stay in a hut outside identified as a Chhaupadi's house or in a Chhaupadi goth. Chhaupadi was criminalized and included in the Criminal Code in 2017.

Kamlari is a traditional system of bonded labour practiced in southern Nepal, in which socially and economically disadvantaged parents (mostly indigenous southerners and Dalits) would sell their daughter to domestic service for a contracted period to wealthier landowners buyers.

Deuki is an old custom practiced in far western regions of Nepal in which parents offer their young daughter to a local temple to gain protection, religious merit and/or approval and higher status from communities for the sacrifice they have made.

Although there has been improvements in women's overall status, including increases in the literacy rate, many challenges remain. Suicide is the single leading cause of death among women of reproductive age. The maternal mortality rate is still highest in the world (170 per 100,000 birth)¹⁰⁵. According to the Amnesty International 2014 report *Unnecessary Burden*, it is estimated that more than 600,000 women suffer from conditions related to uterine prolapse due to early marriage, early pregnancy, overwork and neglect. According to International Labour

⁹⁹ Nepal MDG Progress Report p. 35; Amnesty International, Nepal Submission to the United Nations Human Rights Committee, 2014

¹⁰⁰ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹⁰¹ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

¹⁰² <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹⁰³ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹⁰⁴ <http://reliefweb.int/report/nepal/unfpa-nepal-2017-population-situation-analysis-nepal-respect-sustainable-development>

¹⁰⁵ Nepal Demographic Profile 2014- Mundi

Organization (ILO), 12,000 women and children are trafficked to the Middle East and India every year, mainly for exploitation in brothels or as forced labour.

Gender Based Violence

The prevalence of **violence against women and girls** in Nepal remains high, though there have been significant efforts made to combat violence against women such as the introduction of Nepal's Domestic Violence Act and National Strategy and Plan of Action on violence against women.¹⁰⁶ The National Demographic Health Survey (2011) showed that, among women age 15-49, 22 % had experienced physical violence and 12 % had experienced sexual violence at least once since the age 15. Among married women, one third had experienced emotional, physical and sexual violence from their spouse and 17 % had experienced it within the 12 months immediately prior to the survey. The most commonly reported perpetrator of physical violence among married women is the husband (84%). Factors such as women's age, caste/ethnicity, wealth status, physical ability status, geographical zone, region and number of living children can all impact the degree to which they may experience spousal violence, with Muslim women generally experiencing the highest level (55%).¹⁰⁷ Rural women are more likely to have experienced physical violence (22%) than urban women (19%). A recent national survey¹⁰⁸, reported that 42.9% of women aged 15-49 years stated that their husband is justified to hit or beat his wife in at least one of the five situations; when a wife neglects the children (32%), if she demonstrates her autonomy, exemplified by going out without telling her husband (25%), arguing with him (17%), refusing to have sex with her husband (3%), or if she burns the food (5%). A recent survey found that one in five women reported being the victim of physical violence and more than one in ten reported experiencing sexual violence.¹⁰⁹ Domestic violence, marital rape, dowry-related violence and trafficking of women and girls for sexual exploitation are particular problems. About a third of married women suffer from spousal violence, with higher rates of occurrence in Tarai and among those with no education and in poorer households.¹¹⁰ Survivors of conflict-related sexual violence in Nepal are especially lacking in redress and services and there has been a failure by the authorities to prosecute such cases.¹¹¹ A study conducted in 2013 identified the key challenges to combating violence as gaps in legislation and weak implementation of laws.¹¹² One of the major legal barriers to obtaining justice for rape survivors has been Nepal's 35-day statutory limitation for filing reports of rape, which was however increased up to six months by the Government in 2016.¹¹³ Weak penalties for rape also impede women's access to justice. Another major obstacle is women's lack of awareness of rights and the social stigma that discourages women from reporting violence and seeking redress.

The dominant heterosexual cultural norms in Nepal create a basis for stigma and attendant prejudice, discrimination, and violence, which underlie society's general lack of attention to the health, education and overall challenges of LGBTI people. Nepal currently lacks anti-discrimination laws or hate crime-legislation to protect people from **violence, harassment, or discrimination based on their sexual orientation or gender identity**¹¹⁴. As a result of numerous social and structural constraints, lesbians often find themselves in a position that one report, which included research on sexual violence against lesbians, characterized as "a three-layered oppression: for being women, for being a minority, and for being subordinates."¹¹⁵

Poverty and lack of employment opportunities and necessary skills for employment in rural settings are fueling unsafe internal and external **migration and trafficking**.¹¹⁶ With large scale urbanization, the intensity of female workers migrating from villages to cities is an increasing trend. Women going through irregular or illegal channels of migration are mostly from marginalized and disadvantaged communities and indigenous groups.¹¹⁷ Lack of adequate

¹⁰⁶ National Strategy and Plan of Action related to Gender Empowerment and Ending Gender Based Violence 2012-2017

¹⁰⁷ Tuladhar, S., et Al. 2013. 1 Women's Empowerment and Spousal Violence in relation to Health Outcome in Nepal. Further analysis of the 2011 Nepal Demographic and Health Survey.

¹⁰⁸ Nepal Multiple Indicator Cluster Survey 2014 (May 2015):

<http://cbs.gov.np/image/data/Surveys/Nepal%20Multiple%20Indicator%20Cluster%20Survey%202014%20key%20Findings%20and%20Tables/Nepal-Multiple-Indicator-Cluster-Survey-2014-key-Findings-and-Tables.pdf>

¹⁰⁹ Nepal Demographic and Health Survey, 2011.

¹¹⁰ Ibidem.

¹¹¹ TRIAL et al, Written Information for the Consideration of Nepal's Second Periodic Report by the Human Rights Committee, February 2014

¹¹² UNFPA, UN Women, UK Aid, UCL, CRHEPA 2013 GBV tracking study

¹¹³ Human Rights Watch, Silenced and Forgotten: Survivors of Nepal's Conflict-Era Sexual Violence, 2014

¹¹⁴ UNICEF, UNDP, USAID (2016) "Being LGBT in Asia: Nepal Country Report":

https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

¹¹⁵ UNICEF, UNDP, USAID (2016) "Being LGBT in Asia: Nepal Country Report":

https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

¹¹⁶ CEDAW Committee (2017) *Sixth Periodic Report of States parties due in 2015, Nepal*

¹¹⁷ SAHAVAGI, DIDI BAHINI and Feminist Dalit Organizations with support from UN Women Nepal (2015) *Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable*, available at: http://un.org.np/sites/default/files/Progress%20Of%20Women%20In%20Nepal%20-%20Low-res_1.pdf

information, skills training and institutional support has added to the vulnerability of women migrant workers, increasing their risk of being trafficked.¹¹⁸ An estimated total of 6,100 persons were subject to trafficking in FY 2015/16.¹¹⁹

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¹¹⁸ CEDAW Committee (2011) *Concluding Observations of the Committee on the Elimination of Discrimination against Women*, paragraphs 33-34; MDG Report 2013, p.33

¹¹⁹ National Human Rights Commission (2017) *Trafficking in Person, National Report 2015-16*, available at: http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf