



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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against Women**

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**Responses to the list of issues and questions with regard to the
consideration of the combined fourth and fifth periodic report**

Nepal*

* The present document is being issued without formal editing.



Abbreviations and acronyms

ARV	antiretroviral
BIMS	Budget Management Information System
CBS	Central Bureau of Statistics
GoN	Government of Nepal
GRB	Gender-responsive budget
GMSI	Gender mainstreaming and social inclusion
GBV	Gender-based violence
HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
IEC	Information, education and communication
IDP	Internally displaced persons
LMBIS	Line Ministries Budget Information System
MDGs	Millennium Development Goals
MoWCSW	Ministry of Women, Children and Social Welfare
MoLD	Ministry of Local Development
MoLJ	Ministry of Law and Justice
MoF	Ministry of Finance
MoE	Ministry of Education
MoPR	Ministry of Peace and Reconstruction
NGOs	Non-governmental organizations
NPC	National Planning Commission
NLSS	National Living Standard Survey
NLFS	Nepal Labour Force Survey
NMICS	Nepal Multi Indicators Surveillance
NPC	National Planning Commission
NWC	National Women Commission
PWD	Persons with disability
PMTCT	Prevention of mother-to-child transmission
SAARC	South Asian Association for Regional Cooperation
SLM	Self-learning modules
TYIP	Three Year Interim Plan
VDCs	Village Development Committees

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Responses to the list of issues and questions with regard to the consideration of the combined fourth and fifth periodic report

I. General

1. Manner in which the provisions of the Convention are reflected in the national development strategies and in the instruments such as the poverty reduction strategy papers and the Millennium Development Goals reports:

Gender mainstreaming, inclusion and equality have been a priority in national development plans of Nepal. Policy and legal reforms, leadership development, social rehabilitation of women affected by the conflict, legal aid, gender awareness and advocacy are some important activities being carried out to this end. The Gender Equality and Social Inclusion Policy, 2010 has been adopted, and it is being implemented through various programs including those launched with the support of local bodies and development partners. A Gender Equality and Social Inclusion Section has been established in the Ministry of Local Development (MoLD) for effectively implementing the said Policy, monitoring its implementation and contributing to making all activities of the MoLD and the local bodies gender friendly. Recently, provisions have been made to the effect that in appropriating their capital budget, the local bodies have to appropriate at least 35 per cent for the targeted group development programs, including 10 per cent for the programs directly benefiting the women of indigent class, 10 per cent for children and 15 per cent for the other targeted classes.

Poverty alleviation has been an overriding priority of the Government. Development plans have strived to reduce poverty and achieve a wider economic growth. Currently, the economic growth rate is 3.4 per cent, which is a reflection of existing problems including unemployment, poverty and increasing income disparity. In order to address this situation, the Government of Nepal (GoN) has strived to achieve the state's fundamental economic objective of transforming national economy into an independent, self-reliant and progressive economy, and to ensure equitable distribution of economic gains based on social justice and elimination of economic inequalities.

National Development Strategies

The GoN has taken a number of initiatives to promote gender equality and equity. National plans and programs have been formulated and implemented in line with the national and international commitments made by the GoN. Non-governmental organizations (NGOs), private sector, civil society and

development partners have also joined hands with the GoN in this effort. The Three Year Interim Plan (TYIP) has laid emphasis on: policy, legal and institutional reform to eliminate all forms of discrimination; protection and rehabilitation of the conflict affected women; gender mainstreaming in all sectors of development; affirmative actions; ensuring 33 per cent representation of women in all state structures; elimination of gender based violence; capacity building of national mechanisms for gender mainstreaming; engendering macroeconomic framework; and implementation of the gender management system, among others.

The GON has been implementing provisions of affirmative action in public services including the Nepal Police and the Nepal Army. Women's participation has been made mandatory in peace and rehabilitation committees as well as in the process of formulation and execution of local development plans. The provision of gender responsive budget (GRB) has been implemented in order to engender development programs.

Poverty Reduction Strategy

The Poverty Reduction Strategy Paper has been implemented focusing on, inter alia, structural reforms, broad-based economic growth and social inclusion through participation and empowerment of women, the marginalized or vulnerable groups and communities. Consequently, Nepal has achieved a significant progress in poverty reduction. The absolute poverty has gone down from 42 per cent in 2000 to 31.4 per cent in 2005 and further down to 25.4 per cent in 2009. In keeping with this achievement, the GoN is further streamlining its measures to narrow down the gap between the rich and the poor. The TYIP has aimed at reducing poverty to 21 per cent by July 2013.

Millennium Development Goals

The GoN is determined to attain the Millennium Development Goals (MDGs), including Goal 3, promotion of gender equality and empowerment of women. A range of measures have been adopted with a view to eliminating gender disparity in all levels of education by no later than 2015. The Education Policy aims at democratic, inclusive and egalitarian quality education for all. The GoN has made education free up to secondary level. A bill to provide free and compulsory basic education is under consideration. The ratio of girls to boys in primary education, which covers grades 1-5, has improved significantly since 1990 to the extent that the target set for 2015 has already been achieved. The ratio for gross enrolment now stands at 1.0 and the ratio for net enrolment at 0.98. Ratio of girls to boys in all other levels of education has also improved significantly.

The youth (15-24 years old) literacy rate for both males and females has increased significantly. At present, the literacy rate for women in this age group is 75.8%, while for men it is 91 per cent.

Although women are still mostly employed in traditional sectors, their participation in the non-traditional work force such as the armed forces and overseas employment has increased rapidly in recent years. In 2006/07, women's share of the total foreign labor force was 1.9 per cent. By July 2009, this figure had risen to 4 per cent.

Another area of employment that is expanding for women is the education sector. The proportion of female teachers is gradually increasing, particularly at primary and secondary levels.

Women's participation in the political domain can be taken as a major indicator of women's empowerment. Nepal has experienced major political change in recent years. At present, the country has an elected Constituent Assembly (CA), which also acts as the Legislature. Women occupy 32.8 per cent of seats in the CA. This is a substantial increase over previous parliaments. The Interim Constitution requires political parties to ensure that at least one third of their total representation is women. In the 2008 election of the CA, 368 (9.32 per cent) of 3,946 direct candidates and 3,067 proportionate candidates were women. Of total women candidates, 8.15 per cent were elected in the direct category (30 women) and 5.24 per cent in the proportionate category (161 women). In addition, six women were nominated to the CA.

The Interim Constitution has ensured women's rights and gender equality. The Act to Amend Some Nepal Acts to Ensure Gender Equality, 2006 has amended provisions in 17 other Acts including the General Code (Muluki Ain). The 12th Amendment to the General Code 2007 also made significant changes from a gender perspective. The National Women Commission Act, 2007 has established the National Women Commission as a statutory body with a mandate to act on gender equality. Constitutional provisions and the decision to secure candidates proportionately from social groups for the CA election in 2008 have greatly increased the participation of women in the political field.

Similarly, the Department of Women and Children has adopted two broad policy measures: women's empowerment, and gender mainstreaming and social inclusion (GMSI). Women's empowerment provides skills development training and supports micro savings and credit schemes. GMSI is more advocacy based, working in areas such as sectoral networking, awareness-raising, and technical support to sectors to undertake gender audits. These activities have contributed to identifying and raising women's and gender issues and concerns by local line agencies and sectoral development partners.

Gender focal points have been appointed in all ministries, departments, district level line agencies and local bodies.

In addition, targeted sectoral interventions have been aimed at improving gender equality. The Ministry of Education (MoE) has adopted several gender equality and social inclusion (GESI) measures such as provision of at least one woman in school management committees, reservations for women in teacher quotas and recruitment (for instance, at the primary level where three and five teacher positions are available, one and two, respectively, should be allocated to women), financial and non financial incentives for girls and other marginalized children, awareness-raising about GESI, periodic review and revision of school curricular materials and teacher training materials from a gender perspective, and construction of toilets for girls in schools. The DOE, with the support of UNICEF, has begun a process of establishing a Girls' Education and Gender Equality Network in seven Terai districts where girls' participation in education is particularly low. The GoN believes that in keeping with these girls-focused initiatives that have contributed to increasing girls enrolment in primary and secondary levels, further concerted efforts will be made to retain them and support them to complete school level education so that more women will enter into the tertiary level education.

2. Status of data collection in general and sex-disaggregated data collection in particular

The Central Bureau of Statistics (CBS), established by the Statistics Act, 1958, is the central agency, under the National Planning Commission (NPC), responsible for maintaining statistical standards in the country. It carries out different household surveys and censuses regularly to assess the socio-economic condition of the country. Accordingly, it has carried out various censuses including the decennial population census, agriculture census, and manufacturing establishment census. National Living Standard Survey (NLSS), Nepal Labor Force Survey (NLFS) and Nepal Multi Indicators Surveillance (NMICS) are some of the important surveys carried out by the CBS. The NLSS has covered the information on household facilities, economic activities, employment status, expenditure patterns on health and education on sex disaggregated basis.

In addition, different sectoral ministries also carry out survey and publish flash reports in their respective domain. For instance, the Ministry of Health and Population (MoHP) carries out national demographic health survey in every five years and publishes yearly reports on status of health services. The MoE publishes yearly flash reports. These reports and publications are also important sources of statistics in the country. The data are managed on the sex disaggregated basis.

The next population census will be carried out by the CBS in June/July 2011. In addition to a general manual, a separate social inclusion and gender manual has been developed as the basis for the 2011 census. It is targeted to involve 40 per cent female enumerators and cover all households for gender specific information.¹

It is to note that recently the Supreme Court, in the case of Pro Public et al Vs. the Government of Nepal, Office of the Prime Minister and Council of Ministers et al (2010), has issued a directive order to the CBS and NPC to collect authentic statistics regarding the age, population, economic, social and educational condition of widow women useful for formulating necessary policies and programmes for their enhancement and development. This judicial measure has further contributed to the streamlining of measures also for sex-disaggregated data collection.

3. Measures put in place to disseminate the Optional Protocol

The Ministry of Women, Children and Social Welfare (MoWCSW) has translated into Nepali language the women and children related international instruments to which Nepal is a party. It has published and distributed the translated version free of cost. Similarly, the Ministry of Law and Justice (MoLJ) has prepared Nepali version of all human rights related international and regional instruments to which Nepal is a party and published in English and Nepali texts in a compilation and distributed for free. Moreover, the MoLJ has published a compilation of core Nepalese laws relating to women and CEDAW and Optional Protocol to CEDAW in Nepali language. This information has also been posted into ministries' web page.

The GoN is also conducting various programs such as training, interactions, radio program in partnership with various NGOs and INGOs for awareness raising on international human rights instruments including CEDAW and its Protocol. Moreover, it is worthy to mention that most of the provisions of the

¹ The major gender related information to be collected through Population Census 2011 are:

- a. Property (house and land) on women's name: to assess women's access to resource
- b. Head of the household: re emphasizing to see the trends of women headed households
- c. Marital status: to see different form of marriages and divorce trend
- d. More specific question on disability to capture right information on women's disability and inclusion of multiple category
- e. Household appliance/ utilities: to map poverty
- f. Internally displaced: to see impact of conflict
- g. Small enterprise: to see women's small enterprise/home based work
- h. Women's economic activities: to count women's economic activities
- i. Women's extended work: to review extended work
- j. Women's household work: to assess women's household work
- k. Children living with other than parents: to see whether the children are getting their parental care

Optional Protocol are to be implemented at international level and do not require taking special legal measures at national level.

II. Legislative and institutional framework

4. Concrete measures taken to amend discriminatory legal provisions

In pursuance of the recommendations of the CEDAW Committee, 65 discriminatory legal provisions have already been eliminated. Efforts have been made towards further elimination of laws perceived to be still discriminatory. A committee was constituted under the coordination of the Joint-Secretary at the MOLJ to identify discriminatory legal provisions and suggest amendments to such provisions. Based on the recommendation of the committee, the MoLJ has prepared a draft bill on “An Act to Amend Some Nepal Acts to Maintain Gender Equality, 2011”. This draft bill, which is now under consideration of the Cabinet, proposes amendment to about 60 provisions of 19 different Acts and envisages to introduce new gender friendly provisions.²

The said committee has also recommended for amendments to discriminatory rules and schedules framed under various Acts. Accordingly, the GoN is preparing a draft to amend all discriminatory provisions existing in the rules and schedules.

5. Allocation of the budget

The GoN has introduced the gender responsive budget (GRB) system since FY 2007/08, in keeping with the commitment to provide adequate resources for achieving gender equality goals. It has also formed a gender responsive budget committee, which is chaired by the joint secretary of Budget Division of Ministry of Finance, for the integration of the GRB process into the regular national budgeting system.

² The Bill includes Provident Fund Act, 1962, the General Code, Smallpox Control Act, 1964, Act Relating to Remuneration, Terms and Conditions of Service of the Supreme Court Judges, 1969, Bonus Act, 1974, Social Behavior (Reform) Act, 1976, Pension Fund Act, 1985, Children Act, 1991, Insurance Act, 1992, Working Journalist Act, 1996, Act Relating to Remuneration, Terms and Conditions of Service of the Attorney General, 1996, Act Relating to Remuneration, Terms and Conditions of Service of the Constitutional Bodies, 1997, Act Relating to Remuneration, Terms and Conditions of Service of the Secretary General and Secretary of the Legislative Parliament, 1998, Bonded Labour (Prohibition) Act, 2002, Public Debt Act, 1992, Military Act, 2006, Banks and Financial Institutions Act, 2006 and Act Made to Sell and Distribute the Land of Rapti Dun Development, 1967.

Particularly, the amendments proposed to the General Code relate to the Chapters on Husband and Wife, Women’s Property, Adoption, Inheritance, Registration, Homicide, Rape, Incest, Marriage Adultery and Morality/Decency, which are perceived to contain some discriminatory provisions on matters of property rights, family relations, health issues, sexual offences and identity, among others.

The Budget Management Information System (BIMS), Line Ministries Budget Information System (LMBIS) and Financial Management Information System (FMIS) have been developed as software to effectively implement the GRB and monitor achievements made in this respect. In pursuance of the formats, manuals and guidelines issued by the National Planning Commission and the Ministry of Finance, all line ministries have to indicate their annual programs as per the classification, i.e. directly supportive, indirectly supportive and neutral.

The GoN has allocated a sum of Rs.60.61 billion i.e. 17.9 per cent of the total budget of FY 2010/2011 for the programs directly benefiting women. It has also allocated budget to establish a gender-based violence prevention fund for the continuation of programs initiated under the special campaign against gender-based violence.

Efforts have been made to conduct specific study for evaluating the benefits of budget to women. The GoN has started to publish the actual expenditure allocated in GRB from FY 2009/10. It is also reviewing and revising the existing GRB guidelines, manuals, GRB criteria. A team of experts has been deployed for this purpose.

Most of the Women Development Officers working in various districts on the temporary basis have now become permanent and been mainstreamed into the regular civil service of the Government. Women empowerment program is being implemented in 3043 out of 3915 Village Development Committees (VDCs) and 35 municipalities in all 75 districts. The Women and Children Offices are functioning as gender focal agency in districts.

6. Measures to maintain the independence of the National Women Commission

The National Women Commission (NWC), which had been initially established in 2002 by an Executive Order, was constituted as an independent and autonomous statutory body, by the National Women Commission Act, 2007, for the protection and promotion of the rights and interests of women, including their effective inclusion in the development mainstream, while establishing gender justice. The Act provides the NWC with an independent and autonomous status with perpetual succession. The remuneration, conditions of service and other facilities of the chairperson and other members of the NWC are those of the chairperson and members of a constitutional body. Hence, the independence of the NWC is expected to be the same as that of a constitutional body.

The Judiciary has also played an important role in further ensuring the independence of the NWC. In the case of Naina Kala Thapa, Dhana Kumari Sunar et. al v. Office of the Prime Minister and Council of Ministers et al, the

Supreme Court, on 23 October 2009, issued an interim order to the Government not to remove the petitioners from their positions in the NWC. It is, thus, obvious that any office-bearer of the NWC cannot be removed except in accordance with the provisions contained in the Act. It further reveals that the Judiciary is also effectively contributing to preventing direct political interference and maintaining the independence of the NWC.

Regarding constitutional status of the NWC and the National Dalit Commission, as deliberations on the contents of the new constitution are going on, the GoN considers that it is premature to express the commitment on this matter.

III. Stereotypes and harmful practices

7. Actions taken to remove and eliminate stereotypical images of women

The GoN has adopted a policy of removing and eliminating stereotypical images of women in school text books, and of maintaining gender equality in curriculum. A range of measures have been taken to this end. In FY 2008/09, curriculum of primary education (grade 4-5) was reviewed in line with this policy. Guidebooks and reference materials are also being developed in consonance with this policy.

8. Measures taken to abolish harmful practices

In an attempt to modernize its legal system and maintain gender equality in its legal system, Nepal is in the process of codifying and improving its civil and criminal law systems. The MOLJ has tabled the Bills on Civil Code, Civil Procedure Code, Penal Code, Criminal Procedure Code and Sentencing Act in the Legislative-Parliament. These Bills contain adequate measures for the protection of victims and abolishment of harmful traditional practices such as dowry system, child marriage, discrimination against widows, polygamy and witchcraft.

The MoWCSW has conducted a study on such different cultural practices of different ethnic groups as may be discriminatory to women and girls. The study has identified possible measures to be taken to overcome the situation. A draft umbrella Bill on Social Harmful Practices (Crime and Punishment) has been prepared and is in the process of consultation with stakeholders.

IV. Violence against women

9. Measures to eliminate violence against women

Various measures have been adopted to eliminate sex and gender based discrimination and violence. The 11th and 12th Amendments to the General Code, Act to Amend Some Nepal Acts to Ensure Gender Equality, 2006, Interim Constitution, 2007, Citizenship Act, 2007, Human Trafficking (Control and Punishment) Act, 2008, Domestic Violence (Offence and Punishment) Act, 2009 and rules and regulations framed under these Acts can be cited as some important examples of legislative measures taken to address the phenomenon of violence.

It is to note that judicial measure has also contributed to the legal reforms in the field of violence against women, as well. After the Supreme Court decision in *Resma Thapa v. GoN*, 2004, some important legislative provisions have been incorporated in the General Code. No. 10B of the Chapter on Decency of the General Code prohibits accusing any one of a witch or banishment or exclusion from residence or social activities on such accusation, or any inhuman or degrading treatment or torture to any person in any pretext. Such prohibited act is punishable with imprisonment for a term ranging from three months to two years or a fine of five thousand to twenty five thousand rupees or with both. Moreover, the proposed Penal Code also criminalizes such an act.

Similarly, Number 5 of this Chapter provides that any government employee who commits sexual intercourse or arranges for sexual intercourse by other person with a woman who is imprisoned or detained, or that any medical practitioner or health worker who commits sexual intercourse with a woman who has come to avail medical service during rendering medical service or any guardian or caretaker who commits sexual intercourse with a woman who is under his guardianship or care, or any official or employee in any organization where a woman suffering from mental or physical illness is staying for the purpose of treatment or rehabilitation, who commits sexual intercourse with such a woman is liable to the punishment of imprisonment for a term ranging from one year to three years. If such an act is an offence under this Act or any other prevailing law, the punishment imposed thereunder shall be added to such punishment. As these types of cases are regarded as State Cases, these cases are investigated by the police and prosecuted by the government attorney on behalf of the victims.

10. Content of the Domestic Violence Act

The Domestic Violence (Offence and Punishment) Act, 2009 was enacted to put an end to domestic violence. It provides for respecting the right of every

person to live a secure and dignified life, making punishable violence that occurs within family or is incidental to the family and protecting and providing justice to, the victims of domestic violence.

Domestic violence is defined as physical, mental, sexual and economic torture inflicted by a person on other person with whom that person has a domestic relation,³ and including any other act of abusing and causing emotional harm. Physical torture is defined as a bodily harm or injury, physical pain or other act connected therewith, except an amputation of limbs. Mental torture includes a threat of physical torture, terrifying behavior, abuse, false accusation, banishment from home, act likely to result in mental harm, and discrimination on the basis of thought, religion, culture or customs. Sexual torture is defined as a sexual misbehavior, humiliation, harm in self-respect and act undermining safe sexual health. Similarly, economic torture includes deprivation of enjoyment of personal or joint property or that of access to or enjoyment of employment or economic resources.

A person who knows that domestic violence has been committed, is being or about to be, committed has locus standi to file a complaint within 90 days of the commission of such act. A victim may, at his or her choice, make such a complaint to a police office or NWC or local body or court.

Punishment of both fine and imprisonment, along with compensation, is provided for as a sanction for compliance with this law. The offender of domestic violence is liable to punishment of fine of three thousand to twenty five thousand rupees or imprisonment for a term of six months or both. An attempt or incitement to commit the offence carries half the punishment to the principal offender. An offender who holds a public office is liable to additional 10 per cent punishment.

Moreover, depending on the nature of the act of violence, pain suffered, economic and social status, the court may order the offender to pay appropriate compensation to the victim. Similarly, the offender is also liable to bear medical expenses of the victim for treatment of injuries. In the event of the offender being indigent, the service center established by the GoN is to provide such expenses. The cases of domestic violence are subject to reconciliation at the option of victims.⁴

³ “Domestic/family relationship” includes relationship between two or more persons that are living together in a shared household and related by descent, marriage, adoption.

⁴ Under sub-section (8), if the police officer or local body upon recording the statements of the perpetrator finds reason to believe that an act of domestic violence has been committed and the victim so desires, the officer or body may, within thirty days from the date of registration of the complaint, execute reconciliation/mediation between the parties. Under sub-section (9), the assistance of a psychologist, sociologist, social activist and a family member trusted by the victim and any other witness as per necessity and availability may be taken while conducting reconciliation pursuant to sub-section (8). In the course of such reconciliation, psychological and social effects on the victim, as well as his/her right to privacy are to be taken into consideration.

11. Comprehensive strategy to combat all forms of violence against women

Various measures have been adopted to combat violence against women in any form. A special program has been launched to observe the year 2010 as a Year against Gender Based Violence (GBV). The GoN has adopted a National Plan of Action on GBV in 2010. The Plan of Action has detailed provisions on health aspect in response to GBV, and recognizes that a concerted effort on different dimensions like health, education, legal rights, protection and security is necessary to address GBV. It has set out 19 objectives,⁵ and a range of achievements have been achieved under this special program.⁶

⁵ They are: formulate, review and revise policies, laws and institutional framework to control gender based violence; strengthen voice of gender based violence affected people to demand justice; build capacity of service providers to implement laws in a gender sensitive manner; set up effective complaint management, response and monitoring mechanisms on complaints on gender based violence; strengthen/establish where necessary and operate community based service centers in all districts to protect and to provide security to the victims of gender based violence; mobilize and institutionalize recurrent resources for addressing gender based violence at district and sub-district levels; establish and enhance health care services for gender based violence cases in all government health facilities; strengthen public private and civil society partnership and establish effective implementation processes for addressing gender based violence; building capacity of health service providers; develop and ensure implementation of code of conduct at all levels; awareness campaigns from community to national levels on gender equality and zero tolerance to violence; work with men and boys to prevent violence against women and girls; establish system for disaggregated data and evidence on gender-based violence; special programs in schools to end gender based violence; strengthen collective ability of women and girls to resist violence; strengthen economic condition of women, especially those at risk of gender based violence; formation of preparation and coordination committee for the “Year Against Gender Based Violence”; formulate annual program to observe, and monitor the implementation of, the Year Against Gender Based Violence, 2010.

⁶ In order to inform the public about the Domestic Violence Act, different ministries have developed resource materials (posters, calendars and leaflets), held workshops and interactions on domestic violence, also in collaboration with, and with the support of various NGOs, media and development partners. A GBV Complaints Management Unit has been established in the OPMCM to facilitate prompt settlement of complaints. A total of 427 para-legal committees in 82 VDCs of 23 Districts have been established and, they are working at the grassroots level. A total of 110 women and children cells in police offices have been established and mobilized. A total of 6 resource centers have been established in five districts. GBV complaint handling desks have been established in 43 District Development Committees. Under the establishment of community based and outreach services for protection of survivors/victims of GBV, such service centers have been established in 15 districts. Rehabilitation centers have been established in eight districts for the rehabilitation of those who are victims of and affected by trafficking in person. In order to provide health care services for GBV cases, it is aimed to establish one stop crisis centre in district hospitals for GBV. Protocols on Reproductive Health have been in place. In order to address GBV issues, the GoN has pursued a policy of strengthening public, private and civil society partnership, through the mobilization of multicultural networks of different social groups (e.g. Muslim, Dalit, Janajati community level groups, users groups). Collection of disaggregated reliable and comparable data on violence against women and girls, trafficking, harmful traditional practices, sexual harassment at workplace and schools is under process. In order to provide practical socio-economic support to women and girls at risk of GBV, Women’s Federations and Women’s groups actively working. Life skill training was provided for 2131 adolescents girls. Adolescents counseling and information were carried out in 72 districts through Women Development Officers.

A Central Level Complaint Management Unit has been established in the OPMCM, so that immediate action can be taken in cases where concerned agencies are unresponsive. Recently a Gender-Based Violence Prevention Fund (Operation) Regulation, 2010 has been adopted and enforced. The Fund has started with the seed money of 10 million 9 hundred 92 thousand rupees. Now, the dedicated fund can be used to immediately rescue, provide legal aid, psychological treatment and psycho counseling services, and to rehabilitate the victims of GBV.

12. Definition of rape

The Chapter on Rape of the General Code has been amended, broadening the definition of rape including criminalization of marital rape, and removing discriminatory provision regarding rape of a prostitute. According to No. 1 of this Chapter, entering into sexual intercourse with a woman without her consent or with a girl below the age of sixteen years with or without her consent is an offence of rape. It is to note that consent obtained by way of fear, coercion, undue influence, misrepresentation or use of force or kidnapping or hostage taking is invalid. Similarly, commission of sodomy (a kind of unnatural sexual intercourse) with a minor is considered to be rape.

A draft Bill on Act to Amend Some Nepal Acts to Maintain Gender Equality, 2011, which is under consideration of the Cabinet, proposes the extension of limitation in the case of rape, and increase in punishment on marital rape.

13. Status and contents of the Truth and Reconciliation Commission Bill

The draft Bill on Truth and Reconciliation Commission (TRC) is under consideration of the Legislature-Parliament. The Bill aims to establish the TRC to probe allegations of serious violations of human rights during the armed conflict, and recommend prosecution of perpetrators and provide reparations for victims. It defines 'serious violation of human rights' broadly, also including rape and sexual violations. TRC is a transitional justice mechanism, which is also envisioned in the Comprehensive Peace Accord, 2006 and the Interim Constitution.

The Bill aims to establish an independent and impartial commission consisting of a maximum of seven persons, who are appointed on the recommendation of a three-member committee chaired by the chairperson of the CA.

According to the Bill, the TRC is empowered to initiate investigations suo mottu or upon any complaint by victims or their attorneys. It may make necessary arrangements for the protection of witnesses, persons giving statements, victims and victims' families, among others. It can also hold public hearings for finding the truth in cases of grave violations of human rights. Except in grave crimes such as murder, torture, rape, disappearance and

abduction, the TRC may, at the request of victims, mediate and reconcile disputes.

The Bill entrusts the TRC with a wide array of recommendatory powers. It may recommend the GoN to return victims' confiscated properties, make compensation and reconstruction of structures. It may also recommend for free education and health facilities, vocational training, loan facility and employment services to victims. In the case of public official perpetrators, the TRC can even recommend for their suspension.

Representation of women in the Truth and Reconciliation Commission

The Bill ensures the representation of women in the TRC. Out of seven members of the TRC, at least two members must be women. Importantly, according to the Bill, a three-member recommending committee is to be formed for making recommendations for the appointment of the members of the TRC. The committee is to include one member from among human rights activists, legal experts, psychologists, women's right activists or those engaged in the peace process.

14. Impact of the conflict on women and girls

The Ministry of Peace and Reconstruction (MOPR) has supported initiatives for constructive conflict management, promotion of participation of all spheres of society in the peace process, forging international support to sustain the peace process and ensure transitional justice to conflict victims. The MOPR has reconstructed 1,411 out of the 5,560 infrastructures damaged due to conflict, provided financial assistance to the families of 14,064 out of 16,729 deceased, distributed relief to 25,000 out of 78,689 internally displaced persons, relief to 1,179 out of 1,327 disappeared persons, and subsistence allowance to 23 persons injured during the People's Movement. In pursuance of the decision of the GoN to provide relief to the families of those who died in the course of armed conflict, the MOPR is providing a sum of 100 thousand Nepalese Rupees to each of the dead persons.

Efforts are being made for a comprehensive study to assess the impacts of conflict on women and girls. Similarly, a range of regular programs are also being implemented, targeting women and girls. Such programs include financial support to the families of deceased in the conflict, scholarships to the children of deceased, financial support against the loss of personal property during the conflict, financial support to abducted persons, the disabled, displaced and widow due to conflict and livelihood allowance to the families of the deceased and the wounded.

Compensation for conflict victims

<i>SN</i>	<i>Program</i>	<i>Total quantity</i>	<i>Number of beneficiaries</i>	<i>Total amount provided (up to July 15, 2010) in NRs.</i>
1	Financial support to the families of deceased	16719	14064	1,40,64,00,000
2.	Relief to the family of the disappeared	1327	1179	11,79,00,000
3.	Financial support to the persons with disability out of the conflict	4305	1297	7,31,44,000
4.	Financial support to abducted people	1219	221	55,25,000
5.	Livelihood allowance to the families of deceased	26	26	
6.	Livelihood allowance to the wounded.	23	23	
7.	Scholarship to the wounded and the offspring of the wounded	30	30	27,21,000
8.	Financial support to widow	9000 (estimated)	3668	9,17,00,000
9	Financial support against the loss of personal property during the conflict,	11775	4238	7,23,76,759
10.	Relief to internally displaced persons and their families and rehabilitation assistance	78689	25000	34,00,00,000

V. Trafficking and exploitation of prostitution

15. Information on the number of women and young girls engaged in prostitution

As prostitution is an illegal activity, it is reported to have been carried out clandestinely. Therefore, exact data is not available. However, according to police information, some dance restaurants, bars and massage parlors were allegedly used as a place of prostitution. Now, these places are under strict monitoring and surveillance.

Laws and measures to prevent and punish the exploitation of prostitution

The General Code, in the Chapter of Intention of Sex, provides that if a person lures a woman to have illegal sexual intercourse with himself or with any other person or contacts and manages for prostitution, the person is liable to the punishment of imprisonment for a term ranging from six months to two years or a fine of five hundred rupees to six thousand rupees or with both.

The Human Trafficking and Transportation (Control) Act, 2007 is a specific law also intending to prevent and punish the exploitation of prostitution. Human trafficking is defined to include any act of using someone in prostitution, with or without any benefit. A person who is involved in the transportation of a human being is liable to punishment. An offender indulged in human trafficking for prostitution within or outside the country is liable to punishment of fine and imprisonment ranging from ten years to twenty years. In the case of child victim, punishment is higher. Any movable or immovable property acquired as a result of offence of prostitution is liable to seizure.

The Act mandates the GoN to manage for the rescue of citizens of Nepal trafficked in foreign countries, establish necessary rehabilitation centers, provide economic support, manage medical treatment and consultation, social rehabilitation, family reconciliation, skillful training, employment, and monitor rehabilitation centers. A rehabilitation fund is to be established for the operation of rehabilitation centers.

The GON has constituted district committees on anti-trafficking in all 75 districts involving representation from both the governmental and non-governmental sectors for the effective implementation of this legislation.

Moreover, local administration, as per the Public Offences and Punishment Act, is also responsible for prevention of activities like prostitution, and punishment for such activities.

Rehabilitation and support for the social reintegration of women who wish to leave prostitution

The GoN has launched various programs to support women who wish to leave prostitution. These programs include provision of skill development training, psycho-social counseling, loans to carry out poultry, goat, cow and agriculture farming through Agricultural Bank, micro financing/credit facilities, and other programs launched in support of various non-government organizations and development partners.

16. Data-collection system for trafficking

The GoN is trying to establish a data collection system in a reliable manner. So far, the reported cases in each police cell are the main source of

information. However, information received from other sources such as media is taken as reference. Considering the constraints of reliable data, useful questionnaires have been developed to be administered during the census 2011, to trace the causes of women out of house. This will give primary information of trafficked girls/women.

SAARC has initiated to develop a system for Gender Info-Base in the region since last three years. The member countries have decided to develop gender info-base in three thematic areas. Information on trafficking is one of them. The MOWCSW is the focal agency for this purpose in Nepal. There is an advisory committee consisting of the representatives of NPC, CBS, MoE, Ministry of Agriculture, Ministry of Labour and Transport Management (MoLTM), Ministry of Industry, and MoHA. A working committee consisting of members of NPC, CBS and MOWCSW is functioning under the advisory committee to manage the available data, conduct necessary research and validation of the data. Basic SAARC level indicators and the formats have been developed. Software for data sharing has also been launched. The process of collecting and sharing information is under way.

17. Provisions on victim assistance and compensation and victim and witness protection

If victims themselves report cases to the police, the police should take the victims to the nearest district court to certify the statements as soon as possible. The district court, even if it does not have jurisdiction in the case, should certify the statements of victims. This provision has been instrumental in the reduction of tendency of changing statements by victims due to various pressures and threats. Such statements certified by the victims are taken as evidence even if the victims do not appear in the court in further proceedings. The victim assistance is also enhanced during trial stage of court proceedings. Practicing new system, the legislation allows the victims to keep additional law practitioners to represent their cases during court hearings. Additionally, the legislation has the provision of translator/interpreter in a situation where the victim does not understand the language used by court or other office dealing with the case.

Furthermore, as discussed above, the legislation obliges the Government to carry out a range of measures including those relating to rehabilitation, compensation and social integration of victims. Accordingly, the GoN has established necessary rehabilitation centers for physical and mental treatment, social rehabilitation and family reconciliation of the victims. Any organization can obtain permission as prescribed to establish and run a rehabilitation center for treatment, rehabilitation and reconciliation of victims which shall be regularly and effectively monitored by the GoN. The center is to manage for the medical treatment and consultation service and facility to the victims. The

legislation restricts prohibit engaging the victims in the center in any work against their wish. The GoN has also established a rehabilitation fund for the operation of the rehabilitation centers. The fund consists of amount from government, national and international organizations and individuals and half of the amount received as fines from perpetrators.

A national committee and necessary district committees have been established to coordinate the activities of government bodies and non-governmental organizations working to rehabilitate victims and control the offences of trafficking in person. In regard to protection of character of a victim, publication or broadcasting of the real name, photograph or any information of the victim without his or her consent is prohibited.

Compensation

In relation to the compensation, the court is entitled to issue appropriate orders to provide compensation to the victims, which shall not be less than half the fine imposed as punishment to the offender. However, if the victim dies before receiving the compensation, his or her children below 18 years are entitled to receive the compensation. If the victim does not have any child, the dependant parents are entitled to such compensation.

Witness protection

The case of human trafficking can be initiated on the report of any person. If such a person requests to remain unnamed, the police office which registers the report has to maintain his or her confidentiality.

If any person informs about the offender and the offender is arrested based on such report, such informant shall receive 10 per cent of the fine imposed as punishment as an incentive. The name and address of such an informant is to be kept confidential. The anti-trafficking legislation further provides for the security of witness once requested. The witness can ask security during traveling in course of attending case proceeding in the court. The witness may be kept under police protection or at a rehabilitation center.

Number of cases brought to the court under the new legislation and outcomes of such cases

In Fiscal Years 2006/7, 2007/8, 2008/9 and 2009/10, a total of 119, 120, 110 and 152 cases were filed in the district courts in the charge of human trafficking, respectively. According to the Annual Reports of the Attorney General Office of Nepal, the conviction rate in trafficking cases is 70.27%, 59.45%, 59.42% out of 111, 74, 138 and 119 disposed cases during the said period.

18. The allegation of traffickers' ties with some Government officials

In this regard, the GoN has not yet obtained any valid and authentic report. As no single information regarding involvement of government official in trafficking has been received, the allegation is not credible and is without proper evidence.

The allegation that cabin restaurants and massage parlors in Kathmandu facilitate trafficking and are co-owned by senior police officers and army officials

The chapters on code of conduct of the Military Act and Regulation, Police Act and Regulation, and Civil Service Act and Regulation have strictly prohibited being involved in the establishment of the company or firm and engaging in profit making business activities by personnel and their family members. If someone is found to have been engaged in such activity, he or she is liable to not only departmental action but also removal from office. The GoN has found no credible evidence about the specific officials being engaged in such business.

Rule of law is the guiding principle of the Interim-Constitution. No person is immune from punishment under the Human Trafficking and Transportation (Control) Act, 2007. Sub-section (3) of Section 15 of the Act provides that if an offence under the Act is committed by a person holding a public post, such a person is liable to 25 per cent additional punishment. Similarly, clause (h) of sub-section (1) of Section 15 of the Act provides for half the punishment in the case of any person engaged in provocation, conspiracy and attempt of an offence of human trafficking or transportation or an abettor of that offence.

The SC has issued a manual aiming to safeguard best interests of workers particularly girls/women working in dance restaurants, cabin bars and massage parlors. The manual, which remains in force until an enabling legislation is made, has defined the code of conduct to be followed by the business owners, customers and the employees. As per the manual, a three-member committee has been formed under the chairpersonship of the chief district officer. The committee is responsible for monitoring and overall facilitation of the implementation of the manual in the district concerned.

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

19. Measures taken to eliminate the stereotypes and patriarchal attitudes to achieve women's full and equal participation in public life

The GoN has taken multi-dimensional approach to eliminate the stereotypes and patriarchal attitudes to achieve women's full and equal participation in

public life. The major initiatives taken to eliminate the stereotypes and patriarchal attitudes include:

Policy initiatives: The GoN has launched policies to affect the transformation of the attitude through the change in policy from welfare based approach to the right based one. Women's rights have been incorporated as fundamental right in the Interim Constitution. Amendments in the existing laws are continued to ensure gender equality. Similarly, reservation or quota or affirmative action for women in local bodies, Constituent Assembly election, civil service and other public spheres is ensured. Education is the key to address this issue and MoE has taken various measures to increase literacy rate and the participation of women in higher education quantitatively and qualitatively.

Institutional arrangement: Gender focal unit under the planning division of each Ministry, establishment of women development office in all 75 districts, arrangement of National Women Commission, Women, Children and Social Welfare committee of Constituent Assembly and Women Caucus in the Legislature-Parliament are some of the institutional arrangements to implement and develop gender friendly policies and programs.

Awareness Raising: In consonance with the Interim Constitution, political parties are required to amend their respective statutes to make them gender friendly. The GoN has launched awareness raising programs and encouraged the NGOs to partake in awareness campaigns. Moreover, programs like Campaign of Violence against Women Year 2010 are some of the instances regarding the measures adopted. Such stereotypes and patriarchal attitude are gradually reducing day-by-day.

20. Participation of women in international organizations and high-level diplomatic and consular missions

Comparatively, a limited number of Nepalese women are participating in international organizations and high level diplomatic and consular missions. Since the incorporation of affirmative measures in the civil service, recently 19 women have been able to join the Foreign Service at a time in different levels of officers including joint secretary. The process of enhancing participation of women in international organizations and consular missions is gradually increasing.

VII. Education

21. Educational programmes available for girls and women who have left school before school leaving age and graduation

The TYIP focuses on literacy, post literacy, income oriented and informal education useful for living and aims to conduct as a campaign focusing on the targeted groups, in particular, the women, Dalits, Adibasi Janajatis, Madhesi community, person with disability and those affected by the conflict. Working policy of the TYIP is to integrate learning and achievements obtained from formal and informal ways with constructive and reformative evaluation and certification. Open general and technical/vocational education system is in the process of adoption.

Main programs of TYIP includes the “Education for all”, under which a range of literacy programs have been launched, focusing on targeted groups and areas including disadvantaged communities, Dalits, indigenous peoples and women. Furthermore, informal and income generating programs have also been carried out after identification of their needs in order to make the campaign effective right from the first year of the Three Year Plan. Alternate school education is another major program of TYIP which is an alternative of formal education those who have left the school’s formal education. After developing indicators, similar programs will be launched to transfer from informal education to formal education.

Of the primary level girls students, 50% (7,61,638 girls students) of them, who are underprivileged and financially weak, have been provided with scholarship. Likewise, secondary level girl students were granted scholarship through Secondary Education Support Program (SESP). Stipends were provided to primary, lower secondary and secondary level girl students belonging to marginalized communities. Scholarships at the rate of Rs. 400 per year is provided to 1,213,868 girls students which is 50 per cent of the total girl students from Dalit, nationalities, marginalized and backward communities admitted at basic education level by mid-March of FY 2009/10.

The literacy rates of young women increased significantly from 79.0 per cent to 91.1 per cent (urban females 15-24 year olds) and 51.3 per cent to 72.8 per cent (rural females 15-24 year olds). The GoN has also initiated policies and measures to improve female literacy rate in the rural areas.⁷

⁷ The TYIP aims to make all the citizens literate by ensuring access of all to quality and employment-oriented education. It has targeted literacy gender equity index to 0.9. Similarly, it has targeted percentage of girl students in primary level to 50% It has framed strategies to make basic education free, easily accessible and compulsory in a gradual way. Program on literacy will be conducted as a campaign focusing on women. As women in rural area are having problem to pursue higher degree education, TYIP focuses on concept of at least one school in one village. Accordingly, TYIP has strategies to provide mobile facilitators for running literacy programs in a special way for women.

22. Nepal Labour Force Survey 2008 and gender disparity in labour force

Since the 1998/99 NLFS, many of the labour related indicators have remained relatively stable, but there was a slight increase in the share of women aged 15 years and above in wage employment in the non-agricultural sector (15.1 per cent to 19.1 per cent) and in female youth unemployment (which increased from 2.1 per cent to 2.9 per cent for the age group 15 to 24 years).

Male and female literacy rates for those aged 5 years and above stand at 74.7 and 53.1 per cent, respectively. The figures gender wise reveal that more male adults (87.5%) are currently active compared to adult females (80.1%) while the proportion of currently active girls (37.8%) outnumber the boys (30.2%). The difference between male and female activity rates is wider in urban areas (76.6 per cent for men against only 58.5 per cent for women) than it is in rural areas (90.0 for men against 84.2 per cent for women).

VIII. Employment

23. Situation of women in the labour market

According to Report on the Nepal Labour Force Survey 2008 (NLFS), Nepalese female unemployment rate is 2.0 per cent which was slightly lower than male unemployment rate of 2.2 per cent. Similarly, the Report stipulates that 3.5 per cent of youth males and 2.9 per cent of youth females are unemployed. The data show that female population is less unemployed compared to the male population.

The Report also indicates that out of the total 11.8 million currently employed people, a large number (7.5 million or 64 per cent of employment) are engaged in subsistence agriculture which was 67% in 1998. Elementary occupation is still the second major occupational group and engages 1.2 million people. The Report shows that there is an increase in employment in the sectors of 'craft and related trades'. The survey estimates that the number of persons working as private household workers (mainly women) has declined sharply from 289 thousand to a mere 33 thousand people.

The Interim Constitution prohibits discrimination in remuneration and social security between men and women for the same job. The GoN adopted the Labor and Employment Policy in 2005. It is designed to provide productive, non-discriminatory and decent work opportunities for citizens, through building and managing a labor market. In order to protect the rights of working women, this Policy has introduced several measures and committed to gradually implementing international standards of gender equality, ensuring women friendly workplaces, gender auditing, and generation of employment opportunities for women. The GoN has also introduced tax concessions for

women to enhance economic empowerment through the creation of opportunities for savings and investment.

The Foreign Employment Act, 2007 stipulates that there should be no gender discrimination in foreign employment and prohibits sending girls and boys aged less than 18 years for such employment. Elimination of gender discrimination while facilitating foreign employment, special facilities and protection for women employees by the employment agency, reimbursement of women's orientation fees from the Foreign Employment Welfare Fund, appointment of a women's labor attaché in host countries with more than 1,000 female Nepali workers, mandatory provision of life insurance equivalent to NRs 500,000, and child care centers operated through the Foreign Welfare Fund for the children of women working abroad are other important provisions supportive of gender equality in this Act.

24. Measures taken to address sexual harassment in the workplace

The GoN has already submitted a Bill on Prohibition of Sexual Harassment at Workplace to the Legislature-Parliament.⁸ The Bill is being actively considered by the Legislative Committee.

25. Assertion that article 13(4) of the Interim Constitution is not in conformity with ILO Convention 100

Article 13(4) of the Interim Constitution provides that there shall be no discrimination with regard to remuneration and social security between men and women for the same work. The Labour Act, 1991 and Labour Regulation, 1994 prohibit any discrimination between male and female in relation to remuneration for the same job. The existing gap, if any, between male and female in remuneration is not on the basis of sex or gender but on the basis of different level of skill and knowledge possessed by them. The GoN is effortful to provide skill and knowledge to women to ensure equal pay for work of equal value so as to end the wage gap.

⁸ A Bill on "Sexual Harassment at Working Place" is under consideration of the Legislature-Parliament. Domestic Violence Regulation and Manual have been adopted for the effective implementation of the Domestic Violence (Crime and Punishment) Act. Amendment on rape law has already been initiated. A Plan of Action for United Nations Security Council Resolution 1325 and 1820 has been adopted. Ministry of Industry has amended the schedules of Company Act to take adequate measures to prevent gender based violence at workplace. The Industrial Policy, 2010 has made special provisions for the promotion of women entrepreneurship.

IX. Health

26. Health and financial support

In regard to the prevalence of HIV/AIDS as of June 2010, a total of 15,945 HIV and 2,403 HIV/AIDS cases have been reported in Nepal, of which 31 per cent are women aged between 15 and 49. Nepal has been receiving assistance from the Global Fund for HIV, Tuberculosis and Malaria. The GoN is also working in collaboration with various NGOs, development partners and United Nations organizations to combat this problem, including support to women living with HIV/AIDS.⁹

HIV/AIDS, reproductive health and rights are included in the school curricula of (grade 8-10). Such curricula include specifically concept of contraception, methods and devices, concept of reproductive rights, reproductive health services and facilities.

27. School curriculum

Revision and updating of curriculums, textbooks and other teaching learning materials are an integral part of the school programs. Adolescents comprise more than one fifth (23.6%) of the total population in Nepal. Adolescence issues are being included as the part of the school curricula from grade 6-10. Along with the school curricula, guides and self-learning modules have been developed for teachers, trainers and facilitators.

The MOHP has also adopted some measures to prevention from mother to Child transmission, which include Comprehensive PMTCT service, free ARV drugs and testing for the babies and 21 PMTCT sites to offer pediatric ART. A total of 3,423 individuals or 22.7% of reported cases were receiving ART in November 2009. There are now 23 centers in 19 districts providing free of cost ART, of these 2 are run by the private sector and the rest are within the government health services. In order to support the ART expansion, 13 CD4 testing service sites have been established, four with Fluorescence — Activated Cells Sorting (FACS) caliber. A viral load machine has been installed at the National Public Health Laboratory in Kathmandu for pediatric use initially but with plans for expanded use in the future.

⁹ For example: National Association of People Living with HIV/AIDS in Nepal (NAP+N), Autonomous Network of People Living with HIV/AIDS.

28. Impact of conflict on women's health

The decade long armed conflict adversely affected the life of women. A full impact assessment study is yet to be conducted.

29. Information on preventive health-care services

Cervical cancer is a major cause of cancer death of women between the ages of 20 and 50 in Nepal. Accurate screening of cases of cancer of the cervix in Nepal continues to be a major problem.

Prolapsed uterus is a major reproductive morbidity. A screening conducted in many places of Nepal suggests that about 10 per cent of women of reproductive age have this problem.

Various initiatives have been taken to reduce malnutrition and anemia among women. Realizing the direct relation between neonatal survival and nutritional status of pregnant mother, various measures have been taken to improve access to iron tab by village women (especially during pregnancy). Female community health volunteers were trained to distribute the iron supplements. A strong monitoring system has been put in place by using community-level micronutrient registers to track pregnant women. According to the Demographic Health Survey in 2006, the national coverage of iron supplementation has increased from 23% to 59%. Consequently, anemia in pregnant women has reduced from 75% to 42%.

X. Disadvantaged groups

30. Measures taken to protect marginalized women and promote their inherent rights

GoN has taken a number of measures to protect the rights of Dalit, marginalized communities, indigenous, ethnic groups and women. It has aimed to conduct social and economic empowerment programmes to ensure their rights and access to services.

Nepal has ratified the ILO Convention 169 and is working out to adopt a national action plan for its implementation to ensure indigenous peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country, through various affirmative measures.

31. Laws and policies to ensure the accessibility of women with disabilities in the labour market

Nepal has become a party to the Convention on Rights of Persons with Disability (PWD) and its Protocol in 2010. The GoN is implementing the National Policy and Plan of Action on Disabilities, 2006, in tune with the Extended Decade Work Plan for Asia Pacific Region PWDs 2003-2012. Legislative reforms, promotion of awareness on disability prevention, free education and medical care, family and community based rehabilitation and employment are major areas of intervention. Required resources are being channeled to the Local Bodies for the development and empowerment of PWD and their enhanced participation in development plans. The right based and inclusive approach is the bedrock of the GoN's policies and plans in this field. Privileges in relation to education, health, skills-based training and transport services, among others, are some examples of positive discrimination in favour of PWDs. A National Coordination Committee oversees and coordinates activities in this field, also in collaboration with the civil society.

The Protection and Welfare of Persons with Disability Act, 1983 and Regulation, 1994 are major legal measures to give effect to the Convention. The GoN is working out for timely improvements in the policy and legal regimes in the field of rights of PWDs. It has also framed building codes requiring public buildings to be PWD friendly. The Labour and Employment Policy, 2006 has taken policy of creating appropriate employment opportunities through the adoption of positive discrimination and the concept of developing work friendly places.

XI. Internally displaced persons and refugees

32. Internally displaced persons

Efforts have been made for the protection of IDPs women from forced disappearance, abduction, arbitrary detention, murder, suicide, inhuman or degrading treatment discriminatory arrest and detention on the ground of displacement, as well. Their right to choose place of residence has also been guaranteed.

Efforts made by the GoN for protection of IDPs

The GoN had launched IDP focused program since 1990. The program provides Rs. 100/- per day as livelihood allowance and necessary travel cost to the IDPs to reach location of their temporary shelter. A campaign was launched, which aimed at building congenial environment for the returnees, providing financial and health facility, education, employment and availing the earning activities for the IDPs. Similarly, in 2004, the GoN established a working group for the resolution of the problems of IDPs, and announced a

relief program focusing on conflict victims. The victims were provided with skill oriented trainings in their own district headquarters. The training intended to enhance their skills enabling them to withdraw the loan to maintain their livelihood. Importantly, in 2007, the GON established MOPR with a mandate to accomplish functions relating to reconstruction and rehabilitation of conflict victims which include IDPs.

On 26 February 2007, the GoN decided to take various measures towards ensuring respectful resettlement of IDPs. Such measures included provision of transportation fare and certain financial assistance to construct or repair their houses and for their daily expenses. A sum of Rs. 300 to Rs. 1,000 was provided to each person as a transport fare, Rs. 10,000 for each family to construct their destroyed houses and Rs. 5,000 to repair damaged houses. Furthermore, decision was also made to provide an interest-free loan of Rs. 25,000 to each family for cultivation and animal husbandry once all the displaced people return home and the displaced persons would have to pay back the money in five years.

The GoN is conducting relief programs including the temporary housing facility for IDPs. Furthermore, it has launched counseling and health services programmes for the victims of conflict. It has also launched programs specially targeted to women, aged, children and orphans, incapacitated and other such persons.

XII. Equality before the law and in civil matters

33. Initiatives for equality before the law

Different initiatives mentioned in different paragraphs above ensure the right to equality before the law. A Bill to Amend Some Nepal Acts to Maintain Gender Equality is also under consideration of the Cabinet. This Bill is designed to further ensure equality before the law in civil matters.

XIII. Marriage and family relations

34. Law of polygamy is widely known and duly enforced

According to Nepal law, polygamy is a criminal offence. It has been a criminal offence in Nepal since 1963. The cases of polygamy are considered as state cases. The Report of the Attorney General of Nepal suggests that very few cases of polygamy were reported or filed. In Fiscal Year 2064/065, a total of 73 cases of polygamy were awaiting trial in different courts.

Moreover, if a person holding public office in the public service, such as civil, police, army and other government service, is convicted of the offence of

polygamy, that person is dismissed from the office. The proposed penal and civil codes contain sufficient safeguards against polygamy.

35. Law on divorce and economic consequences of divorce on Nepalese women

Chapters on Husband and Wife and Marriage of the General Code are the law on divorce. A divorcee woman can get partition share from her husband's property. The concerned court, while making the decision of divorce, is required to make the decision about her share of property. The proposed Civil Code has made sufficient measures to address the issues.

XIV. Nationality

36. Training for the citizenship issuing authority on the new Constitution and Citizenship Act

The MoHA regularly conducts symposia and conferences for the chief district officers, who are authorized to issue citizenship certificates. The citizenship issue is extensively discussed at such programs. Furthermore, the Administrative Staff College, a statutory body, conducts various pre-service and in-service trainings to the civil employees. The major contents of such trainings also incorporate the constitutional provisions and laws and practice relating to citizenship.

37. Acquiring citizenship

At the moment Constituent Assembly is working on formulating New Constitution of Nepal. For ensuring the citizenships rights for women the Constituent Assembly is consulting and collecting wide views of stakeholders and people at large. Thus the issue of citizenship is under consideration.

XV. Article 20, paragraph 1

38. Acceptance of amendment to article 20, paragraph 1, of the Convention

Acceptance of the amendment to article 20, paragraph 1, of the Convention is under consideration. The Cabinet, by a resolution dated 16 June 2010, has decided to table a proposal of acceptance before the Legislature-Parliament.