

Key Resources Related to Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)



NATIONAL WOMEN COMMISSION

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**National Women Commission
2020**

This publication has been published with the support of UN Women





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मिति: 29 July 2020



FOREWORD

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) is a significant document for the protection and promotion of human rights of women. Therefore, the Convention is often described as International Bill of Rights for Women. CEDAW is vital document in the context of Nepal because of its economic, cultural and social status. Women Rights are enshrined in CEDAW but still there is gap in the implementation.

With the primary objective to eliminate discrimination against women and to ensure equality, the Convention, was adopted on the 18th of December 1979 by the General Assembly of the UN and entered into force from 3rd September 1981. Internationally, Nepal has made strong commitment to human rights, and ratified almost all major international human rights conventions, including CEDAW in 1991. Therefore, it is a duty of the Government of Nepal to implement the provisions of these conventions. Article 18 of CEDAW states that the state parties are required to submit first report within one year of its ratification or accession, and periodic reports must be submitted in every four years or anytime on the request of the committee. Nepal has submitted its 6th periodic report in 2018 and has obtained Concluding Observations from the committee.

Nepal has been making legal and institutional improvements for the promotion of women's rights, by establishing protection mechanisms such as National Human Rights Commission and National Women's Commission. National Women Commission has been working on the various issues of Women since last 18 years aiding the objective of CEDAW. NWC also has the right to monitor the implementation of international instruments and provide recommendations to the Government of Nepal.

National Women Commission in collaboration with UN Women is working towards preparing the Status Report on the Concluding Observations of Sixth Periodic Report of CEDAW under the project "Support to the National Women's Machinery to monitor the Implementation of CEDAW Concluding Observations". The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Federal Parliament and the judiciary, to enable their full implementation.

NWC is going to publish, "Key Resources related to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" in order to disseminate provisions of CEDAW and Concluding Observations. NWC hopes that the timely dissemination of this publication to stakeholders will aid in the dissemination of information and its implementation. I would like to thank UN Women for its technical support to the project. Lastly, I would like to thank Ms. Kalpana Kumari Khatiwada, Under Secretary; Ms. Palita Thapa, Technical Advisor and all the staffs of NWC who contributed in this publication from various aspects.

Shanta Adhikari Bhattarai
Secretary
National Women Commission

Secretary



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CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Adopted by the United Nations General Assembly on 18 December 1979

Entry into force, 3 September 1981

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the

principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;

- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the

post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that

of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be

- elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
 3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
 4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
 5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
 6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
 7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
 8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
 9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned;
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be

effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999

Adopted by General Assembly resolution A/54/4 on 6 October, 1999 and opened for signature on 10 December, 1999

ENTRY INTO FORCE: 22 December 2000

The States Parties to the present Protocol,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women⁴ ("the Convention"), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

Article 1

A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.

Article 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 4

The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies

is unreasonably prolonged or unlikely to bring effective relief.

The Committee shall declare a communication inadmissible where:

- (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (b) It is incompatible with the provisions of the Convention;
- (c) It is manifestly ill-founded or not sufficiently substantiated;
- (d) It is an abuse of the right to submit a communication;
- (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.
2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.
3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.
4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.
5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any,

including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.
2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

Article 13

Each State Party undertakes to make widely known and to give publicity to the Convention

and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

Article 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Article 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.
2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 16

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 17

No reservations to the present Protocol shall be permitted.

Article 18

1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 19

1. Any State Party may denounce the present Protocol at any time by written notification

addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

Article 20

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 18;
- (c) Any denunciation under article 19.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.

CONCLUDING OBSERVATIONS

On the Sixth Periodic Report of Nepal on CEDAW

Concluding Observations Issued by Committee on the Elimination of Discrimination Against Women*

1. The Committee considered the sixth periodic report of Nepal (CEDAW/C/NPL/6) at its 1631st and 1632nd meetings (see CEDAW/C/SR.1631 and CEDAW/C/SR.1632), held on 23 October 2018. The Committee's list of issues and questions is contained in CEDAW/C/NPL/Q/6, and the responses of Nepal are contained in CEDAW/C/NPL/Q/6/Add.1.

A. INTRODUCTION

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the Committee's previous concluding observations (CEDAW/C/NPL/CO/4-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.
3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Women, Children and Senior Citizens, Tham Maya Thapa, and included representatives of the Ministry of Law, Justice and Parliamentary Affairs and the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva.

B. POSITIVE ASPECTS

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined fourth and fifth periodic reports (CEDAW/C/NPL/4-5) in undertaking legislative reforms, in particular the adoption of the following:
 - (a) Safe Motherhood and Reproductive Health Rights Act, in 2018;
 - (b) Sexual Harassment at the Workplace (Elimination) Act, in 2015;
 - (c) Act to amend some acts for maintaining gender equality and ending gender-based violence, in 2015;
 - (d) Witchcraft-related Accusation (Crime and Punishment) Act, in 2015.
5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:
 - (a) Agriculture development strategy, in 2015, which defines the achievement of gender equality in agriculture as an integral component of development;
 - (b) Gender and social inclusion policy of the Election Commission, in 2013, aimed at achieving gender equality at all stages of the electoral process;
 - (c) National strategy and action plan for the elimination of gender-based violence and the empowerment of women, in 2013;
 - (d) National action plan against trafficking in persons, especially women and children,

in 2012.

Sustainable Development Goals

6. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. PARLIAMENT

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the Federal Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

D. PRINCIPAL AREAS OF CONCERN AND RECOMMENDATIONS

Constitutional and legislative framework and discriminatory laws

8. The Committee welcomes the adoption by the State party in 2015 of its progressive Constitution, article 18 (2) of which prohibits discrimination on the basis of sex. It notes that the State party plans to complete the ongoing reform aimed at bringing its legislation into line with constitutional provisions by mid-March 2019. The Committee is concerned, however, about the following:
 - (a) The State party's approach to discrimination, as reflected in its Constitution and legislation, which does not provide sufficient protection for women and girls from multiple and intersecting forms of discrimination and does not explicitly cover direct and indirect forms of discrimination in the public and private spheres;
 - (b) The fact that discriminatory laws and provisions of the Constitution have not been repealed, including article 11 of the Constitution, on citizenship, and the provisions of the Foreign Employment Act of 2007 and the Civil Code that restrict women's rights to citizenship, access to employment abroad and marital property upon divorce.
9. The Committee recommends that the State party accord priority to its legislative reform process, taking into consideration the links between articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end to all forms of discrimination against all women and girls everywhere, and also recommends that the State party:
 - (a) Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing elements of direct and indirect discrimination and multiple and intersecting forms of discrimination in the public and private spheres, and guarantees effective remedies for victims;
 - (b) Repeal all remaining constitutional and legal provisions that discriminate against women and girls, in particular in the areas of nationality, distribution of marital property upon divorce and access to employment abroad.

Access to justice

10. The Committee welcomes the establishment of judicial committees at the local level and takes note of the drafting of the integrated free legal aid policy and the planned

reform of the free legal aid scheme. It expresses its concern, however, about the following:

- (a) The low level of awareness among women and girls of their rights and the mechanisms available for gaining access to justice and seeking remedies;
 - (b) The lack of targeted financial support and legal aid in commonly spoken languages for women facing intersecting forms of discrimination;
 - (c) That the statute of limitations, which provides for a period of one year to file cases of rape and other forms of sexual violence, fails to take into account the stigma that women and girls face when reporting cases of sexual and gender-based crimes and, therefore, fosters impunity for such crimes;
 - (d) The fact that judicial and law enforcement officers, in particular at the local level, prevent the registration of cases of sexual and gender-based violence, do not comply with the rulings of higher courts and fail to execute such judgments.
11. The Committee recommends that the State party, in line with its general recommendation No. 33 (2015) on women's access to justice:
- (a) Reinforce targeted outreach activities to disseminate information on the legal framework and the available mechanisms for gaining access to justice and legal aid schemes and promote a culture and a social environment in which justice-seeking by women is viewed as both legitimate and acceptable, rather than as a cause for additional discrimination or stigmatization;
 - (b) Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women;
 - (c) Repeal the statute of limitations provision on the registration of cases of sexual violence in all contexts to ensure effective access for women to justice for the crime of rape and other sexual offences;
 - (d) Provide mandatory training through the national Judicial Academy to all members of the judiciary, including members of judicial committees, and law enforcement officers on women's rights, as well as on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, in line with commitments made in the context of the second review cycle of the State party under the universal periodic review mechanism of the Human Rights Council (A/HRC/31/9, para. 122.46).

National machinery for the advancement of women

12. The Committee welcomes the recognition of the National Women's Rights Commission under the Constitution. It is concerned, however, that:
- (a) The appointment of the Commissioner on Women's Rights remains pending, insufficient resources are allocated for the functioning of the Commission and its mandate is limited, preventing the Commission from receiving complaints and from issuing rulings that are legally binding, all of which results in the Commission being unable to effectively protect and promote women's rights;
 - (b) Adoption of the national gender equality policy remains pending and there is insufficient coordination between the National Women's Rights Commission, the Ministry of Women, Children and Social Welfare, the Ministry of Federal Affairs

and Local Development and the Ministry for Social Development in their efforts in promotion of gender equality;

- (c) There is a lack of a clear mandate, expertise and resources in local government to adequately address discrimination against women and girls.

13. The Committee recommends, in line with its general recommendation No. 6 (1988) on effective national machinery and publicity, that the State party:

- (a) Expedite the appointment of the Commissioner on Women's Rights, provide the National Women's Rights Commission with a complaint mechanism and the authority to issue binding rulings, and allocate adequate human, technical and financial resources for its functioning;
- (b) Prioritize the adoption of a national gender equality policy, ensure that the entity in charge of the implementation of the policy has adequate decision-making authority and human and financial resources to ensure the coordination and cooperation among the ministries tasked with the promotion of women's human rights at all levels;
- (c) Strengthen the mandate and capacities of local governments to address women's rights and gender equality and reintroduce the allocation of targeted budgets at the local level for women's leadership.

Civil society organizations and national human rights institution

14. The Committee welcomes the proactivity of civil society organizations in the realization of women's rights in the State party. It is concerned, however, about the following:

- (a) The insufficient efforts made by the State party to consult civil society or the National Human Rights Commission in the development of legislation for the implementation of the provisions of the Constitution;
- (b) The insufficient engagement of the National Human Rights Commission in the protection of civic space and the promotion of civil society engagement;
- (c) That the civic space in the State party is at risk, due to the restrictive provisions of the Electronic Transactions Act, the National Broadcasting Regulations and the draft online media directive, and is facing further restrictions should the draft national integrity and ethics policy and the privacy policy be adopted without the necessary amendments to protect the activities of civil society organizations and their access to funding for advocacy work.

15. The Committee recommends that the State party:

- (a) Ensure the meaningful participation of women's non-governmental organizations, the National Women's Rights Commission and the National Human Rights Commission in the design and implementation of legislation and programmes aimed at protecting women's rights;
- (b) Strengthen the mandate of the National Human Rights Commission for the protection of civic space and the promotion of civil society engagement;
- (c) Revise the draft national integrity and ethics policy, the draft privacy policy and the draft online media directive and amend the Electronic Transactions Act and the National Broadcasting Regulations, in consultation with the National Human Rights Commission and civil society, to ensure that they do not restrict the activities and freedom of expression of representatives of non-governmental organizations working on women's rights.

Temporary special measures

16. The Committee welcomes the introduction of provisions allowing for “special opportunities” for women in the fields of education, health, employment and social security, under article 38 (5) of the Constitution. It is concerned, however, about the following:
- (a) The absence of specific legislation that integrates the constitutional provision on “special opportunities” into the national legal framework, in spite of the provisions in article 47 of the Constitution, and provides for special opportunities in the fields of health, education, employment, housing, access to clean water and sanitation and social security;
 - (b) The lack of recognition in its Constitution of the special needs of women facing intersecting and multiple forms of discrimination, limiting the use of “special opportunities” in law to “socially or culturally backward women”;
 - (c) The lack of mechanisms to monitor the implementation of “special opportunities” and the insufficient awareness among government officials of the benefits and objectives of temporary special measures.
17. The Committee recommends that the State party, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures:
- (a) Expedite the adoption of a special opportunity act that includes provisions for such measures in the fields of health, education, employment, housing, access to clean water and sanitation and social security;
 - (b) Recognize the specific needs of all women and girls facing intersectional and multiple forms of discrimination in the legal provisions on “special opportunities”;
 - (c) Monitor the implementation of “special opportunities” legislation and ensure awareness-raising among all relevant government officials that the aim of such measures is to accelerate the achievement of substantive equality between women and men and to effect the structural, social and cultural changes necessary to correct past and current discrimination against women, including intersectional and multiple forms of discrimination against specific groups of women.

Stereotypes and harmful practices

18. The Committee welcomes the criminalization of a number of harmful practices, including chhaupadi, dowry, accusation of witchcraft, discrimination against Dalit persons, and child marriage. It expresses its concern, however, about the following:
- (a) The fact that, notwithstanding the criminalization of many harmful practices, chhaupadi (isolating menstruating women and girls), child marriage, dowry, son preference, polygamy, discrimination against widows, accusations of witchcraft, discrimination against Dalit and indigenous women and girls, jhuma (offering young girls to Buddhist monasteries to perform religious functions), deuki (offering girls to deities to fulfil religious obligations) and dhan-khaane (parents receiving money for the solemnization of the marriage of their children) remain persistent in the State party;
 - (b) That adoption of the bill to amend some acts relating to country codes to repeal provisions of the Civil Code that are inconsistent with the Criminal Code, inconsistencies which undermine the State party’s efforts to stop child marriage and impede access for victims to legal remedies, remains pending;
 - (c) Discrimination against intersex persons, namely, abuse, reported infanticide,

forced marriage and the conduct of medically unnecessary procedures on Nepali intersex infants and children on the territory of the State party or abroad before they reach an age at which they are able to provide their free, prior and informed consent;

- (d) The underreporting of harmful practices and insufficient short- and long-term support for victims.

19. Recalling its previous recommendation (CEDAW/C/NPL/CO/4-5, para.18), the Committee recommends that the State party, in line with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No.18 of the Committee on the Rights of the Child (2014) on harmful practices, and with target 5.3 of the Sustainable Development Goals, to eliminate all harmful practices:

- (a) Expedite the adoption of legislation prohibiting all forms of harmful traditional practices, investigate and prosecute the perpetrators of such practices, impose adequate sanctions and provide compensation to victims;
- (b) Expedite the development of a comprehensive strategy, with concrete goals and resources, in collaboration with civil society and local government, to raise awareness among all stakeholders, including the police, the judiciary, village-based health networks and religious and community leaders, of legislation on harmful practices and of the effects of those practices on the lives of women and girls;
- (c) Prioritize the adoption of the bill to amend some acts relating to country codes to bring provisions of the Civil Code regarding the legal age of marriage into line with the Criminal Code, which sets that age at 20 years;
- (d) Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons;
- (e) Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization and that they have access to effective remedies and victim support, such as legal, social, medical and psychological assistance and shelters.

Gender-based violence against women

20. The Committee welcomes the adoption of a four-point resolution to end violence against women and girls. It is concerned, however, about the following:

- (a) The increasing rates of violence against women, in particular against indigenous women and those who remain in temporary shelters following the earthquake in 2015;
- (b) That the adoption of the national strategy and action plan on gender empowerment and ending gender-based violence remains pending;
- (c) The restrictive definition of rape in the Criminal Code, the absence of provisions on war crimes in the legislation of the State party and the lack of concrete measures to prevent sexual violence, including rape and forced abortion.

21. The Committee recommends that the State party, in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19:

- (a) Develop targeted awareness-raising programmes for communities that are particularly affected by gender-based violence against women, including indigenous communities and communities living in temporary shelters, provide them with special opportunities for access to the gender-based violence elimination fund and promote the participation of indigenous women in the police service;
- (b) Adopt the national strategy and action plan on gender empowerment and ending gender-based violence before the end of 2018, as indicated during the dialogue, and allocate adequate resources for its implementation, including for the gender-based violence elimination fund;
- (c) Amend provisions of the Criminal Code so that sexual violence, including rape and forced abortion, is recognized as a form of torture and bring the definition of rape into line with the Rome Statute of the International Criminal Court, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, paras. 121.8–9 and 122.13).

Women and peace and security

22. The Committee welcomes the establishment of the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission and the ongoing amendment of the Act concerning the enforced disappearances enquiry, truth and reconciliation. It takes note of the planned suspension, in this framework, of the statute of limitations on filing cases relating to rape and other forms of sexual offences perpetrated during the conflict. It is concerned, however, about the following:
- (a) The fact that the draft bill to amend the Truth and Reconciliation Commission Act impedes legal action for claims relating to sexual and gender-based violence, including as a war crime and a crime against humanity, owing to the exclusion of the applicability of criminal law legislation with regard to offences committed during the armed conflict that occurred between 1996 and 2006; the lack of definitions of those crimes; the imposition of additional requirements for their prosecution; the substantial reduction in the length of sentences, leaving them disproportionate to the gravity of the crime; the suspension of ongoing criminal investigations; and provisions allowing for amnesty and reconciliation;
 - (b) The lack of independence of the Commissioners and insufficient resource allocation to the Commissions, which prevent the advancement of the peace process;
 - (c) The fact that women and girls who are victims of the armed conflict, including widows, family members of disappeared persons and victims of rape and other forms of sexual violence, do not benefit from interim relief or full reparations;
 - (d) The delay in the adoption of the second national action plan on the implementation of Security Council resolution 1325 (2000).
23. The Committee recommends that the State party, in line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and general recommendation No. 33 (2015):
- (a) Remove the statute of limitations for filing cases relating to sexual violence perpetrated during the conflict, bring the Truth and Reconciliation Commission Act into line with its obligations under international law, in consultation with civil society and victims, taking into account the ruling of the Supreme Court of 26 February 2015 ordering the amendment of the amnesty provisions of the Act, and guarantee the integration of a gender perspective into the Act;

- (b) Take appropriate measures to ensure the independence and impartiality of the Commissioners and allocate adequate human, technical and financial resources for the operation of the two Commissions;
- (c) Guarantee access for women and girls who are victims of the armed conflict to interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence;
- (d) Expedite the adoption of the second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, to ensure durable peace in the State party.

Trafficking and exploitation of prostitution

24. The Committee welcomes the establishment in each district of a fund for the rehabilitation of survivors of trafficking and the training of judicial and law enforcement officers on combating trafficking in persons. It expresses concern, however, about the following:

- (a) The provisions of the Foreign Employment Act restricting women from opportunities in foreign employment, in addition to the ban on foreign domestic work, which push women, in particular displaced, rural, indigenous and Dalit women and girls, into irregular patterns of migration, which exposes them to a higher risk of becoming victims of trafficking in persons;
- (b) The lack of an early identification and referral system for women and girls who are victims of trafficking;
- (c) The underreporting of trafficking crimes committed against women and girls, owing to fear of retaliation and insufficient victim and witness protection mechanisms;
- (d) The restrictive definition of trafficking in the Human Trafficking and Transportation (Control) Act, preventing the protection of women and girls from sexual exploitation and sex trafficking, imposing fines for women who do not appear in court and failing to provide for adequate compensation;
- (e) The low conviction rates and the application of lenient sentences for trafficking crimes committed against women and girls, owing to the negligence and direct complicity of State officials and to the prosecution of trafficking under the Foreign Employment Act;
- (f) The insufficient resource allocation to shelters for women and girls who are victims of trafficking, as well as reports that victims of trafficking, including women engaging in prostitution, have been arrested, detained and deported for acts committed as a consequence of having been trafficked.

25. The Committee draws the attention of the State party to target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

- (a) Lift the ban imposed on women workers seeking employment abroad and raise awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking;
- (b) Adopt standard operating procedures to ensure the early identification of victims of trafficking and their referral to protective services and integrate its content into the training of judicial and law enforcement officers and service providers;

- (c) Expedite the adoption of the bills on witness and victim protection and enhance training, through the Nepal Police Academy and the Judicial Academy, on the national minimum standards for victim protection;
 - (d) Expedite the revision of the bill to amend the Human Trafficking and Transportation (Control) Act, to bring it into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the ratification of the Protocol, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 123.12);
 - (e) Investigate, prosecute and punish cases of trafficking in women and girls, corruption and the complicity of State officials, ensuring that sentences match the seriousness of the offence and that those who are victims of trafficking are exempted from any liability;
 - (f) Allocate adequate resources to rehabilitation centres to ensure that women and girls who are victims of trafficking are provided with adequate protection and redress, including access to counselling, medical treatment, psychological support, rehabilitation and compensation.
26. The Committee is concerned that the Human Trafficking and Transportation (Control) Act punishes women in prostitution rather than the exploitation of prostitution. It also expresses its concern about the absence of the regulation of work in and the monitoring of the entertainment and hospitality service sector. The Committee is also concerned about reports of harassment and violence against women in prostitution by law enforcement officers, the carrying of condoms being used as evidence of engaging in prostitution and the extortion and arrest of women in prostitution.
27. The Committee recommends that the State party:
- (a) Formulate a comprehensive policy, legislative and regulatory framework that ensures the monitoring, and legal protection from exploitation, of women who engage in prostitution and ensure that they are not prosecuted for engaging in such activities;
 - (b) Investigate, prosecute and punish law enforcement officers for the harassment and extortion of women in prostitution and ensure that victims are provided with protection and support in a gender-sensitive manner;
 - (c) Strengthen exit programmes for women who wish to leave prostitution.

Participation in political and public life

28. The Committee notes with appreciation the introduction of constitutional provisions on the representation of women in all State bodies and in the Federal Parliament. It is concerned, however, about the following:
- (a) The underrepresentation of women in the judiciary, law enforcement and the foreign service;
 - (b) The insufficient enforcement of electoral quotas and of the constitutional provisions on proportional inclusion, in particular regarding Dalit women;
 - (c) The overrepresentation of women, in particular Dalit and indigenous women, in lower positions, such as vice-speaker at the federal level and deputy mayor or vice-president at the local level;
 - (d) The failure to consult women who have been elected at the local level, in particular Dalit and indigenous women, in decision-making processes and the insufficient efforts to strengthen their capacities to efficiently fulfil their mandates.

29. The Committee recommends that the State party, in line with its general recommendation No. 23 (1997) on women in political and public life:
- (a) Adopt targeted measures, including targeted scholarships, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to achieve substantive equality between women and men in the judiciary, law enforcement and the diplomatic service, in particular at the decision-making level;
 - (b) Enforce and monitor the implementation of electoral quotas and the composition of State entities at the local, district and federal levels and consider adopting sanctions against political parties that do not comply with the regulations;
 - (c) Introduce a proportional representation system (sometimes referred to as a "slide" or "zipper" system) of placing candidates on an electoral list, in which women and men are alternated, in order to achieve parity and enhance targeted training and mentoring programmes for women who stand for election and women elected to public office and programmes on leadership and negotiation skills for current and future women leaders (CEDAW/C/NPL/CO/4-5, para. 24);
 - (d) Raise the awareness of public officials and society as a whole of the importance of the full and equal participation of women from all groups of society, including Dalit and indigenous women, in decision-making (CEDAW/C/NPL/CO/4-5, para. 24).

Nationality

30. The Committee takes note of the information provided by the State party, indicating that constitutional provisions on the acquisition of citizenship are based on the principle of equality and non-discrimination, and of the submission of a bill to amend the Citizenship Act to the Federal Assembly. It remains concerned, however, about the following:
- (a) The discriminatory provisions in articles 11 (3), 11 (5) and 11 (7) of the Constitution limiting women's autonomy with regard to nationality and the ability to transmit citizenship through marriage and to their children;
 - (b) That women, in particular single mothers, are being denied citizenship certificates and registration of their children, which prevents those women and their children from opening bank accounts, obtaining driver's licences, voting, managing their property, gaining access to education, acquiring travel documents, applying for employment in the public sector and benefitting from social services;
 - (c) The high number of persons at risk of becoming stateless in the State party and the lack of a specific timeline for acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
31. The Committee, in line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and its previous recommendations (CEDAW/C/NPL/CO/4-5, para. 26), recommends that the State party:
- (a) Amend or repeal all discriminatory provisions in its Constitution that are contradictory to article 9 (2) of the Convention in order to guarantee that Nepali women may transmit their nationality to their children, as well as to their foreign spouses, under the same conditions as Nepali men, whether they are in the country or abroad, in accordance with commitments made in the context of the universal periodic review (A/HRC/31/9, paras. 122.2, 122.67–70 and 123.23);

- (b) Bring the bill to amend the Citizenship Act and the related rules, as well as the draft birth, death and other personal event registration act, into line with the Convention, including by removing requirements regarding consent and assistance of the husband or the husband's family and documentation of the whereabouts and identity of the husband;
- (c) Provide training to district administration offices on the circular promulgated in 2013 to provide citizenship certificates to children on the basis of the Nepali citizenship of their mother and establish a complaint mechanism for reporting cases of denial of receiving citizenship applications;
- (d) Periodically conduct citizenship certificate distribution campaigns, with teams to issue citizenship certificates, taking into account the difficulties faced by women in securing proof of nationality;
- (e) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Education

32. The Committee welcomes the entrenchment of special opportunities for women with regard to education in the Constitution, the adoption of the inclusive education policy and the important progress made towards gender equality in school enrolment. It is concerned, however, about the following:
 - (a) The lower enrolment and higher drop-out rates among girls from poor households, girls living in remote areas, girls belonging to "lower castes", indigenous groups and religious and linguistic minority groups and girls with disabilities;
 - (b) The deficient educational infrastructure, including owing to the earthquake in 2015, which compels girls to travel long distances to school, and the lack of access to safe drinking water and adequate sanitation facilities;
 - (c) The fact that girls suffer sexual harassment, corporal punishment and abuse in school, including by teachers;
 - (d) The low representation of female teachers in community schools.
33. The Committee, taking note of target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, recommends that the State party, in line with its general recommendation No. 36 (2017) on the right of girls and women to education:
 - (a) Reinforce action to promote equality and inclusion in education, including by enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to "lower castes", indigenous groups and religious and linguistic minority groups and girls with disabilities, by training teachers on inclusive schools and by monitoring the implementation of those measures in the framework of the State party's school sector reform plan;
 - (b) Ensure that schools are girl- and disability-friendly, within a reasonable distance of communities and have supplies of safe drinking water and separate hygienic toilets for girls;
 - (c) Address safety issues for girls in and out of school, effectively investigate and prosecute acts of corporal punishment, harassment, abuse or gender-based violence perpetrated against girls at school and endorse the Safe Schools Declaration;
 - (d) Increase the proportion of female teachers at the primary through tertiary levels

(CEDAW/C/NPL/CO/4-5, para. 28), including by increasing the enrolment of women in teacher training centres and colleges;

- (e) Accede to the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education.

Employment

34. The Committee welcomes the adoption of the National Labour Act, which introduces legislative provisions to ensure equal pay for work of equal value, prohibit discrimination on the basis of sex and provide for minimum remuneration and for public and weekly holidays for domestic workers. It notes the development of a policy on safe migration. It expresses its concern, however, about the following:

- (a) The lack of information on measures taken to eliminate horizontal and vertical segregation in the labour market;
- (b) The insufficient awareness among women employed in the formal and informal sectors, in particular among home-based workers, of their rights under the Contributions-based Social Security Act and the insufficient funds allocated for its implementation, which prevents women from benefitting from the protections entrenched in the Act;
- (c) The underreporting of cases of sexual harassment and the insufficient implementation of the Sexual Harassment at the Workplace (Elimination) Act;
- (d) The inadequate inspection of workplaces in the formal and informal sectors, including in domestic work and the entertainment sector, to guarantee the implementation of the working conditions defined in the National Labour Act.

35. The Committee recommends that the State party, taking into account target 8.5 of the Sustainable Development Goals, to achieve full and productive employment and decent work for all women and men and equal pay for work of equal value:

- (a) Provide information, in its next report, on measures taken to address and eliminate horizontal and vertical segregation in the labour market;
- (b) Raise awareness among women employed in the formal and informal sectors, in particular among home-based workers, on their right to social protection and gather sufficient resources for the implementation of the protections provided for in the Contributions-based Social Security Act;
- (c) Raise awareness of employers and employees in the public and private sectors on the anti-sexual harassment code of conduct and the Sexual Harassment at the Workplace (Elimination) Act to break the culture of silence surrounding sexual harassment, establish a confidential and safe complaint mechanism and facilitate access to justice for victims of sexual harassment in the workplace;
- (d) Strengthen the quality and capacity of the national labour inspection system so that the working conditions of women in all fields covered by the National Labour Act, including in domestic work and the entertainment sector, are effectively monitored and enhance access to justice for women in the labour market.

Women migrant workers

36. The Committee notes with appreciation that the State party signed labour agreements for the protection of Nepali workers in Jordan and Qatar and memorandums of understanding with Bahrain, Israel, Japan, the Republic of Korea and the United Arab Emirates. It is concerned, however, about the following:

- (a) The restrictions imposed on women with regard to access to employment abroad under the Foreign Employment Act, in addition to the guidelines on women migrant domestic workers;
 - (b) The restrictions on freedom of movement and limited predeparture training programmes, which leave women exposed to discriminatory practices, including physical abuse and sexual assault, forced labour and unequal pay;
 - (c) The lack of support mechanisms for the reintegration of Nepali migrant women who return to the State party.
37. The Committee recommends that the State party, recalling target 8.8 of the Sustainable Development Goals, to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants:
- (a) Guarantee all women equal access to employment within and outside the State party, including by repealing discriminatory restrictions imposed on women endeavouring to work abroad and by expediting the ongoing revision of the guidelines on women migrant domestic workers;
 - (b) Include the standards provided for in the National Labour Act, including those for domestic work, in all bilateral agreements and enhance gender-sensitive predeparture and post-arrival orientation services, to include legal awareness about foreign employment, the rights of migrant women in the country of destination and under the Foreign Employment Act and information on how to claim those rights (A/HRC/38/41/Add.1, para. 109);
 - (c) Adopt a policy and enhance service provision for the social reintegration of Nepali migrant women who return to the State party;
 - (d) Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Health

38. The Committee notes with appreciation the ongoing deliberations on the public health bill, which contains provisions on the provision of non-discriminatory health services free of cost and the introduction of components on reproductive health in school curricula. It is concerned, however, that:
- (a) Education on reproductive health in school does not equip students with the knowledge and life skills required to protect themselves from unplanned pregnancy and its consequences;
 - (b) Abortion is criminalized in the State party, whereas estimations indicate that 62 per cent of unplanned pregnancies end in abortion and that more than half of those abortions are conducted clandestinely, endangering the health and life of the mother;
 - (c) Women and girls have insufficient access to high-quality sexual and reproductive health-care services and information, resulting in high maternal mortality rates and prevalence of uterine prolapse, obstetric fistula, cervical cancer and reproductive tract infections;
 - (d) There is persistent discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons, women in prostitution and women from remote areas.
39. The Committee recommends that the State party, in line with its general recommendation No. 24 (1999) on women and health, and taking into account target

3.1, to reduce the global mortality ratio to less than 70 per 100,000 live births, and target 3.7, to ensure universal access to sexual and reproductive health-care services, of the Sustainable Development Goals:

- (a) Incorporate age-appropriate and gender-sensitive comprehensive sexuality education curricula that include information on sexual and reproductive health and rights, responsible sexual behaviour and measures to prevent early pregnancy and sexually transmitted infections, at all levels of education, and train teachers to deliver those curricula;
- (b) Amend the Safe Motherhood and Reproductive Health Rights Act to fully decriminalize abortion in all cases, to legalize it at least in case of risk to the health of the mother, in addition to the cases for which it is already legalized, including in cases of rape, incest, severe fetal impairment and risk to the life of the mother, and allocate sufficient resources to raise awareness of safe abortion clinics and services;
- (c) Reinforce measures and allocate adequate resources to ensure that all women and girls, including those in rural and remote areas, have access to high-quality and age-appropriate sexual and reproductive health care, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 122.95);
- (d) End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting.

Disadvantaged groups of women

40. The Committee welcomes the fact that, under article 18 (3) of the Constitution, the adoption of special provisions by law for the empowerment of citizens, including “Dalit, indigenous people, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward region and indigent Khas Arya”, is permitted. It is concerned, however, about the following:
 - (a) The lack of recognition of the rights of indigenous women in the Constitution and the general lack of recognition of the right of indigenous peoples to self-determination;
 - (b) The insufficient implementation of legislation protecting those belonging to minority groups from discrimination, such as the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011;
 - (c) That the State party’s economic development and poverty indicators illustrate persistent inequalities in terms of poor outcomes for indigenous, Dalit, Madhesi and Tharu women, women of “oppressed classes”, widows in the Hindu community and rural women and that the earthquake in 2015 exacerbated food insecurity and the lack of access to natural resources, housing, safe water and credit facilities for women belonging to those groups.
41. The Committee recommends that the State party, in line with the Committee’s general recommendation No.34 (2016) on the rights of rural women and general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change:
 - (a) Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations

Declaration on the Rights of Indigenous Peoples;

- (b) Take all measures necessary to ensure the effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 122.35);
- (c) Adopt temporary special measures with clear timelines, in line with the constitutional provisions on “special opportunities”, to enhance access for women facing intersecting and multiple forms of discrimination, including indigenous, Dalit women, rural women, women with disabilities and widows in the Hindu community, as well as women affected by conflict and natural disasters, to health services, education, safe water and sanitation services, food, fertile land, natural resources, housing, credit and income-generating opportunities, including through the presidential programme to uplift women.

Discriminatory laws in marriage and family

- 42. The Committee takes note of the information provided by the State party that the adoption of the Act to amend some acts for maintaining gender equality and ending gender-based violence, in 2015, removed all discriminatory provisions from the General Code. It is concerned, however, that, notwithstanding the recent legislative review that resulted in the replacement of the General Code with the Criminal Code and Civil Code, Nepali women still do not enjoy equal rights with men with regard to marriage and divorce. The Committee particularly expresses its concern with regard to the following:
 - (a) The contradictory provisions of the Civil Code that, although prohibiting bigamy, provide that, when a woman bears a child, the woman is automatically married to the father of that child;
 - (b) That marriage registration is not mandatory, which impedes women in unregistered and/or customary marriages from claiming their legal rights;
 - (c) That child marriages remain widespread, given that the Civil Code is not in line with the provision of the Criminal Code declaring child marriages null and void, and that section 173 (1) and (3) of the Criminal Code imposes punishments on children in early marriages;
 - (d) That the discriminatory practice of unilateral divorce (talaq) remains a current practice in some communities;
 - (e) The discriminatory provisions of the Civil Code that prevent women from claiming their property rights upon divorce if they do not provide food for their spouses; terminate common living arrangements with their spouses; inflict physical or mental harm on their spouses or plan to do so; or in cases in which the woman has had extraconjugal relations;
 - (f) The insufficient enforcement of the provisions of the Civil Code that grant equal status to sons and daughters with regard to family property and inheritance.
- 43. The Committee recommends that the State party, in line with its general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution:
 - (a) Repeal the provisions of the Civil Code on automatic marriage, by which a woman who bears a child is automatically married to the father of that child, in order to outlaw all forms of bigamy and polygamy, and establish legal safeguards to ensure that women enter into marriage only with their free and full consent;

- (b) Adopt legal measures to protect the rights of women in unregistered marriages and upon the dissolution of unregistered or polygamous marriages, provide for the mandatory registration of all marriages, including religious and customary marriages, and fully implement the provisions of the Criminal Code on the minimum age of marriage;
- (c) Eradicate the practice of child marriage and ensure that all child marriages are declared void, that children in early marriages are not punished and that they have access to their rights upon termination of those relationships;
- (d) Eliminate the practice of unilateral divorce (talaq) through legal and policy measures that promote equality in matters of marriage and divorce;
- (e) Guarantee that women and men have equal rights to divorce, including with regard to grounds for divorce and the financial consequences, taking into account the contributions made by the woman to the family's economic well-being during the marriage;
- (f) Enforce the legal provisions on the equal rights of women and men to inherit property, including land.

Data collection and analysis

- 44. The Committee expresses its concern about the general lack of data, disaggregated by sex, geographical location and other relevant factors, in particularly with regard to gender-based violence against women, trafficking, exploitation of prostitution and employment. It is concerned that this prevents the assessment of the impact and effectiveness of the policies and programmes that are planned or in place to enhance the enjoyment by women of their human rights.
- 45. The Committee recommends that the State party expedite the revision of the Census Act to collect data, disaggregated by sex, gender, age, ethnicity, caste, marital status, disability and profession, and make the collection of such data through all State policy and programmes mandatory.

Amendment to article 20 (1) of the Convention

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

Beijing Declaration and Platform for Action

- 47. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

Dissemination

- 48. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Federal Parliament and the judiciary, to enable their full implementation.

Technical assistance

- 49. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

50. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

51. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31 (a)–(b) and 43 (b) and (c) above.

Preparation of the next report

52. The Committee requests the State party to submit its seventh periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.
53. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

Guidance Note on CEDAW and COVID-19

The Committee on the Elimination of Discrimination against Women (the Committee) expresses deep concern about exacerbated inequalities and heightened risks of gender-based violence and discrimination faced by women due to the current COVID-19 crisis and calls on States to uphold the rights of women and girls.

While many States consider restrictions on freedom of movement and physical distancing necessary to prevent contagion, such measures may disproportionately limit women's access to health care, safe shelters, education, employment and economic life. The effects are aggravated for disadvantaged groups of women and women in conflict or other humanitarian situations.

States parties to the Convention on the Elimination of All Forms of Discrimination against Women (the Convention) have an obligation to ensure that measures taken to address the COVID-19 pandemic do not directly or indirectly discriminate against women and girls. States parties also have an obligation to protect women from, and ensure accountability for, gender-based violence, enable women's socio-economic empowerment and guarantee their participation in policy and decision making in all crisis responses and recovery efforts.

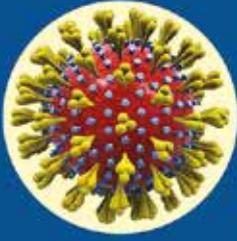
Recalling the joint declaration of the ten United Nations human rights treaty bodies and the Committee's call for joint action in the times of the COVID-19 pandemic, and taking note of the OHCHR Guidance Note on COVID-19 and Women's Human Rights, the Committee further urges States parties to uphold women's rights in their responses to the public health threat posed by the COVID-19 pandemic. In particular, the Committee calls on States parties to:

1. **Address the disproportionate impact of the pandemic on women's health.** Gender bias in the allocation of resources and diversion of funds during pandemics worsen existing gender inequalities, often to the detriment of women's health needs. Women's disproportionate burden of caring for children at home and for sick or older family members as well as their high representation in the health workforce expose women to an increased risk of contracting COVID-19. States parties must address women's increased health risk through preventive measures and by ensuring access to early detection and treatment of COVID-19. States parties should also protect women health workers and other frontline workers from contagion through measures such as the dissemination of necessary precautionary information and adequate provision of personal protective equipment as well as psychosocial support.
2. **Provide sexual and reproductive health as essential services.** States parties must continue to provide gender-responsive sexual and reproductive health services, including maternity care, as part of their COVID-19 response. Confidential access to sexual and reproductive health information and services such as modern forms of contraception, safe abortion and post-abortion services and full consent must be ensured to women and girls at all times, through toll-free hotlines and easy-to-access procedures such as online prescriptions, if necessary free of charge. States parties should raise awareness about the particular risks of COVID-19 for pregnant women and women with pre-existing health conditions. They should provide manuals for health workers guiding strict adherence to prevention of infection, including for maternal health, during pregnancy, at-birth and the post-delivery period.
3. **Protect women and girls from gender-based violence.** During confinement, women and girls are at increased risk of domestic, sexual, economic, psychological and other

forms of gender-based violence by abusive partners, family members, and care persons, and in rural communities. States parties have a due diligence obligation to prevent and protect women from, and hold perpetrators accountable for, gender-based violence against women. They should ensure that women and girls who are victims or at risk of gender-based violence, including those living in institutions, have effective access to justice, particularly to protection orders, medical and psycho-social assistance, shelters and rehabilitation programmes. National response plans to COVID-19 should prioritize availability of safe shelters, hotlines and remote psychological counselling services and inclusive and accessible specialised and effective security systems, including in rural communities, and address women's mental health issues, which stem from violence, social isolation and related depression. States parties should develop protocols for the care of women not admitted to such services due to their exposure to COVID-19, which includes safe quarantine and access to testing.

4. **Ensure equal participation of women in decision-making.** Governments, multilateral institutions, the private sector and other actors should ensure women's equal representation, including through women's rights organisations, meaningful participation and leadership in the formulation of COVID-19 response and recovery strategies, including social and economic recovery plans, at all levels and recognize women as significant agents for societal change in the present and post COVID-19 period.
5. **Ensure continuous education.** Due to the shutdown of educational institutions and children staying at home, many women and girls are relegated to stereotyped roles in domestic work. While online schooling can help ensure continuous education, this is not an option for many girls and women who carry the burden of domestic work and/or lack the necessary resources and devices to access the internet. States parties have an obligation to provide inclusive alternative educational tools free of charge, including in rural or remote areas where internet access is limited. Suspension in the delivery of subsidized school meals and provision of sanitary commodities for girls and young women through educational institutions may result in lack of food and unhygienic menstrual practices. States parties should therefore redeploy such subsidies and commodities to domestic households during times of school shutdown.
6. **Provide socio-economic support to women.** The COVID-19 crisis adversely affects women in low-paid jobs and in informal, temporary or other precarious forms of employment, especially in the absence of social protection. COVID-19 response and economic recovery plans should address gender inequalities in employment, promote transition of women from the informal economy to the formal economy and provide relevant social protection systems for them. They should also formulate post-pandemic programmes and targets for women's economic empowerment. Economic resuscitation, diversification and market expansion plans should target women and provide economic stimulus packages, low-interest loans and/or credit guarantee schemes to women-owned businesses and ensure women's access to market, trade and procurement opportunities, with particular attention given to women living in rural areas.
7. **Adopt targeted measures for disadvantaged groups of women.** States parties should uphold the SDG principle of 'Leave no one behind' promoting inclusive approaches in their legislative, policy and other measures. During the COVID-19 pandemic, they should reinforce measures to support disadvantaged or marginalized groups of women. In particular, States parties should:
 - Mitigate the impact of COVID-19 on the health, including mental health, of **older women** and those with pre-existing health conditions by ensuring access to health care through medical home visits, safe transport to health care facilities and psycho-social counselling.

- Ensure that basic services including health care, shelters for victims of violence, and inclusive education remain accessible for *women and girls with disabilities* during times of confinement and reduced service delivery, including in rural areas and for those in institutions.
 - Ensure access to adequate food, water and sanitation for *women and girls in poverty*, including by providing food stocks and upgrading related necessary infrastructures. Ensure that *migrant women and girls*, including those in an irregular situation and those without health insurance, have adequate access to health care and that health care providers are not under a duty to report them to immigration authorities.
 - Take special measures for the protection of *refugee and internally displaced women and girls*, such as systematic screening for COVID-19 in and around refugee and IDP camps, and address their increased risk of trafficking and survival sex during the pandemic.
 - Ensure that *indigenous women and girls* have access to culturally acceptable healthcare, aiming at an integrated approach between modern medicine and indigenous traditional medicine, including access to equipment, testing and urgent emergency treatment for COVID-19. All services should be provided in collaboration with local indigenous authorities and ensure respect for their right to self-determination and territorial protection against virus propagation. States parties should ensure that *indigenous women and girls and those belonging to minorities* have access to continuous education and COVID-19 related information, including in native languages.
 - Address discrimination against *lesbian, bisexual and transgender women* in access to health care and ensure that they have access to safe shelters and support services whenever exposed to gender-based violence during home confinement.
 - Consider alternatives to detention for *women deprived of liberty*, such as judicial supervision or suspended sentences with probation, in particular for women detained on grounds of administrative or other non-severe offences, low-risk offenders and those who can safely be reintegrated into society, women nearing the end of their sentences, pregnant or sick women, older women and women with disabilities. *Women political prisoners*, including *women human rights defenders* detained without sufficient legal basis should be released.
8. **Protect women and girls in humanitarian settings and continue implementing the women, peace and security agenda.** States parties must adopt a rights-based approach and undertake a gender-conflict analysis to protect women and girls in humanitarian settings and conflict situations. They must take remedial measures to reduce the risk of COVID-19 and counter disruptions of services to prevent avoidable maternal and child morbidity and mortality in humanitarian settings.
9. **Strengthen institutional response, dissemination of information and data collection:** States parties should strengthen and coordinate national machineries to respond effectively to COVID-19. They should widely disseminate updated, scientifically accurate and transparent information on the gendered risks of COVID-19 and measures for available health and support services for women and girls. Such information should be available in plain and multiple languages and accessible formats, through all appropriate channels, including internet, social media, radio and text messages. In view of the post COVID-19 recovery path, States parties should collect accurate and comprehensive age- and sex-disaggregated data on the gendered impact of the health pandemic to facilitate informed and evidence-based policy making regarding women and girls.



कोरोना भाइरस रोग (कोभिड-१९)

(स्वास्थ्य तथा जनसंख्या मन्त्रालयद्वारा जनहितमा जारी)

हाल विश्वभरी फैलिरहेका नयाँ कोरोना भाइरसको संक्रमणबाट लागेको रोगलाई विश्व स्वास्थ्य सगठनले “कोभिड १९” को नाम दिएको छ र यसलाई विश्वव्यापी महामारीको रूपमा घोषणा गरिसकिएको छ ।

कोरोना भाइरस श्वाशप्रश्वाशको माध्यमबाट सर्ने रोग हो । यो संक्रमित व्यक्तिले खोक्दा वा हाछ्युँ गर्दा नाक वा मुखबाट निस्कने छिट्टाको माध्यमबाट एक व्यक्तिबाट अर्को व्यक्तिमा सर्दछ ।

कोरोना भाइरस रोगको मुख्य लक्षणहरू



ज्वरो
आउने



खोकि
लाग्ने



श्वाश फेर्न
गाह्रो हुने

यस्ता लक्षणहरू देखा परेमा नजिकको तोकिएको स्वास्थ्य केन्द्रमा सम्पर्क गर्ने ।

यस रोगको संक्रमणको जोखिमबाट बच्नको लागि निम्न उपायहरू अपनाउनुपर्छ ।



ज्वरो र खोकी लागेको व्यक्तिबाट टाढा रहने वा आफूलाई ज्वरो र खोकी लागेको छ भने पनि अरु व्यक्तिबाट टाढा रहने र मास्कको प्रयोग गर्ने



खोक्दा हाछ्युँ गर्दा नाक मुख टिस्तू पेपर वा कुहनाले छोप्ने र प्रयोग गरेको टिस्तू पेपरलाई बिको भएको फोहर फाल्ने भौडोमा फाल्ने र सावुन पानीले मिचिमिचि छत धुने वा अल्कोहल भएको स्थानिटाइजर प्रयोग गर्ने



भिडभाडमा नजाने र अरुलाई पनि नजान सुझाव दिने, हात मिलाउनुको सट्टा नमस्कार गर्ने



बेलाबेलामा सावुन पानीले कम्तिमा २० सेकेन्ड मिचिमिचि हात धुने वा अल्कोहल भएको स्थानिटाइजर प्रयोग गर्ने



कोरोना प्रभावित देशबाट आएको व्यक्तिहरूमा माथिका लक्षणहरू देखिए स्वास्थ्य केन्द्रमा तुरुन्त जानुपर्दछ । घरमा बस्दा परिवारका सदस्यहरूसँग १४ दिन सम्म छुट्टै आईसोलेसनमा बस्नु पर्दछ ।



कोरोना भाइरस रोगका बारेमा थप जानकारीको लागि १११५ वा ९८५१२५५८३६, ९८५१२५५८३७, ९८५१२५५८३८ मा सम्पर्क गरौं ।

मौनता तोडौं, घरेलु हिंसा विरुद्ध उजुरी गरौं



घरेलु हिंसाका प्रकार: शारीरिक हिंसा मानसिक हिंसा यौनजन्य हिंसा आर्थिक हिंसा

घरेलु सम्बन्ध के हो ?

- ✓ वंशज ✓ विवाह ✓ धर्म पुत्र/पुत्री
- ✓ संयुक्त परिवारको सदस्य
- ✓ आश्रित वा कामदारको रूपमा एकै परिवारमा बसेका व्यक्तिहरूका बीचमा भएको वा हुन सक्ने सम्बन्धलाई राखिएको छ।
- ✓ संगै बसेका जोडी वा अंश लिई वा नलिई भिन्न बसेका पति वा पत्नी समेतलाई जनाउँछ।

कहाँ उजुरी गर्ने ?

- ✓ प्रहरी कार्यालय
- ✓ राष्ट्रिय महिला आयोग
- ✓ स्थानीय तह (गा.पा./न.पा./वडा कार्यालय)
- ✓ अदालत

कसले र कहिले उजुरी गर्ने ?

- ✓ पीडित आफैले वा याहापाउने जो कोहीले
- ✓ कसुर भए गरेको मितिले ९० दिनभित्र

सजाय कति हुन्छ ?

- ✓ घरेलु हिंसा गरेमा रु. ३ हजारदेखि रु. २५ हजारसम्म जरिवाना वा ६ महिनासम्म कैद वा दुवै सजाय हुनेछ।
- ✓ घरेलु हिंसाको उद्योग गरेमा, दुरुत्साहन गर्ने वा मतियार हुनेलाई मुख्य कसुरदारलाई हुने सजायको आधा सजाय हुनेछ।
- ✓ पटक पीडकको हकमा पटकैपिच्छे दोब्बर सजाय हुनेछ।
- ✓ सार्वजनिक जवाफदेहीको पदमा बहाल रहेको कुनै व्यक्तिले आफ्नो पत्नी, जेष्ठ नागरिक, अपांगता भएका व्यक्ति, नाबालक वा गर्भवती महिला विरुद्ध यस ऐन बमोजिमको कसुर गरेमा निजलाई थप १० प्रतिशत सजाय हुन्छ।
- ✓ अदालतको अन्तरिम संरक्षणको आदेश पालना नगरेमा रु. २ हजारदेखि रु. १५ हजारसम्म जरिवाना वा ४ महिनासम्म कैद वा दुवै सजाय हुनेछ।



पहिचान प्रत्येक व्यक्तिको अधिकार हो।

व्यक्तिगत घटना दर्ता नै कानुनी पहुँचको आधार हो।

व्यक्तिगत घटना दर्ताका प्रकार: जन्म दर्ता | विवाह दर्ता | सम्बन्ध विच्छेद दर्ता | मृत्यु दर्ता | बसाई सराई दर्ता

व्यक्तिगत घटना दर्ताको प्रक्रिया



व्यक्तिगत घटना कति दिन भित्र दर्ता गर्ने ?

व्यक्तिगत घटना घटेको ३५ दिनभित्र दर्ता गराउने

व्यक्तिगत घटना दर्ता गर्न कहाँ र को समक्ष निवेदन दिने ?

सम्बन्धित वडा कार्यालयमा रहने पञ्जिकाधिकारी समक्ष निवेदन दिने र प्रमाण-पत्र प्राप्त गर्ने

व्यक्तिगत घटना दर्ता गर्न शुल्क तिर्नु पर्छ वा पर्दैन ?

दस्तुर शुल्क रु. ५०- लाग्नेछ।

व्यक्तिगत घटना दर्ता कसले गराउने ?

जन्म र मृत्यु : परिवारका मुख्य व्यक्तिले र मुख्य व्यक्तिको अनुपस्थितिमा उमेर पुगेका परिवारका सदस्यले।
विवाह : पति वा पत्नी वा दुवैले।
सम्बन्ध विच्छेदको सूचना : पति वा पत्नीले।
बसाई सराईको सूचना : बसाई गर्ने परिवारको मुख्य व्यक्तिले र परिवार नभए बसाई सराई गर्ने व्यक्तिले।



लैङ्गिक हिंसा भएमा



खबर गरौं ११४५



- जुनसुकै फोनबाट ११४५मा फोन गर्दा कुनै पैसा लाग्दैन
- यसमा SMS बाट पनि खबर गर्न सकिन्छ
- नेपाल भरी जहाँबाट पनि फोन गर्न सकिन्छ
- यो सेवा २४ सै घण्टा, हप्ताको सातै दिन उपलब्ध छ

कसले खबर गर्ने?



- पीडित स्वयंले
- हिंसाका घटना घटेको देखे वा सुन्ने व्यक्तिले, पीडितका आफन्त वा साथीले
- हिंसाका घटना घट्न सक्छ भन्ने थाहा पाउने व्यक्तिले
- लैङ्गिक हिंसा न्यूनीकरण तथा रोकथाम सम्बन्धी काम गर्ने संघ संस्थाहरूले
- अन्य जुनसुकै व्यक्तिहरूले

अनि के हुन्छ त?



- अति प्रभावितका लागि सुरक्षित बास (Shelter)
- कानुनी परामर्श तथा उपचार सेवा
- १८ वर्ष मुनिका पीडितलाई विशेष सेवा
- मनोसामाजिक परामर्श सेवा
- आधारभूत स्वास्थ्य सेवा



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