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Committee on the Elimination of Discrimination against Women

Pre-session working group for the thirtieth session
12-30 January 2004

List of issues and questions with regard to the consideration of periodic reports

Nepal

Introduction

1. The pre-session working group examined the combined second and third periodic report of Nepal (CEDAW/C/NPL/2-3).

Constitution, legislation, and national machinery for the advancement of women

2. In paragraph 3 of the report, it is indicated that the national machinery consists of the National Council for the Development of Women and Children and the Ministry of Women, Children and Social Welfare. Please clarify the relationship between these two entities and provide information about the mandate of the Council and how it operates. Information about the human and financial resources given to the national machinery would also be appreciated. It is indicated that other ministries have “women and development units”. Does each unit have gender-specific policies with regard to their respective sectors?

3. Please provide information, including membership and mandate, about the National Commission on Women mentioned in paragraph 17 of the report. To what entity does the National CEDAW Committee report on implementation? What is this body’s authority? What is its relationship to the non-governmental CEDAW Monitoring Committee (para. 22 of the report)?

4. Paragraph 13 of the report mentions that work is being done on developing indicators to be able to monitor domestic implementation of the Convention. Please report on any progress in this area. Has the Government adopted the Plan of Action to implement the Convention (see para. 17 of the report)?

5. Why is the Legal Aid Act of 1997 that facilitates women's access to justice (see para. 17 of the report) limited in scope to cases of abortion, trafficking, sexual exploitation and domestic violence? How many women have received free legal aid through the Act?

6. Paragraph 17 also indicates that the Act Relating to Land (1964) has been amended to allow women to obtain tenancy rights. Are women's rights still based on their marital status under the amended Act? If yes, how so? What are the ramifications for women of not including daughters in the definition of family in the Act?

7. Has the National Human Rights Commission (para. 145 of the report) received any complaints of violations of women's human rights? If so, what has been the action taken in response?

Violence against women

8. Has the draft bill on domestic violence against women become law (see paras. 17 and 138 of the report)? Does it address various forms of violence against women based on cultural, social and religious practices?

9. Please provide information as to the extent of violence against women, including domestic violence, rape and dowry-related violence (see paras. 139 and 142 of the report).

Stereotypes and discriminatory customs and practices

10. Nepal has a very strong preference for sons. Are there reported cases of female foeticide? What specific measures are being taken to alter the cultural practices and traditions that are influenced by patriarchal norms and values, which present a challenge to attaining gender equality in Nepal (see para. 23 of the report)? What have the challenges been to overcoming resistance to changing the status of women?

11. Please provide details about how the poverty reduction measures mentioned (para. 9 of the report) are specifically aimed at combating discriminatory customs and practices. Has the overall poverty level of women decreased since the introduction of the programme? How was the population made aware that such anti-poverty measures were also aimed at combating discriminatory practices?

12. Taking into account that legal provisions banning *deuki*, *jhuma*, *humari pratha* and *badi* have been ineffective (see para. 141 of the report), what does the Government intend to do to eradicate these discriminatory traditional customs and practices? Please describe these legal provisions and the sanctions they impose.

Prostitution and trafficking

13. Please provide information as to whether the new draft bill on the prevention of trafficking has been adopted? If so, when? Please describe the State party's cross-border and international cooperation with countries of destination of trafficked women.

14. Do local task forces on the issue of trafficking in women and children report to the national Coordination Task Force (see para. 31 of the report)? Do they work with the women's cells that have been established in some 16 districts?

15. Does the Government fund the shelters/centres for trafficked women and children that are run by non-governmental organizations (see para. 35)? What is the "favourable policy environment for such activities"?

16. How many cases have been filed and successfully prosecuted against traffickers?

Participation in public life and decision-making

17. Please provide detailed information on any measures, taken or contemplated, to increase women's representation in national elected bodies, in the public administration at high levels and in the judiciary.

18. Please provide information on whether the success rate of women candidates has changed after the Government instituted the Local Self-Governance Act — and the 20 per cent representation of women in local bodies?

19. Paragraph 49 of the report indicates that women's representation at the international level is nominal and that the Ministry of Foreign Affairs does not have a policy or programme to encourage women in the Foreign Service or to facilitate their appointment in international organizations (see para. 51). Is the Government contemplating special temporary measures to change this situation?

Nationality

20. Has the Government taken any steps to amend its legislation on nationality to grant women equal rights with regard to the nationality of their children and with regard to acquiring, changing or retaining their nationality in order to be in conformity with article 9 of the Convention? Has this provision been challenged in the Courts?

Education

21. Please describe progress in reviewing textbooks to eliminate gender stereotypes. Have these efforts had any impact yet (para. 64)?

22. Has the Government been monitoring the implementation of the National Plan of Action on Education with regard to grants for women's education and scholarships? What have been the results (see para. 66)?

23. What percentage of rural girls and women are enrolled in primary, secondary and university levels of education? How do these percentages compare with urban enrolment and the enrolment of boys and men?

Employment

24. The Foreign Employment Act (1986) was amended to require foreign employment agencies to obtain the approval of guardians and the Government of Nepal before the women concerned are allowed to take up employment abroad. Please give the reasons for such discriminatory provisions.

25. What measures, if any, is the Government taking to introduce a minimum wage in the agricultural sector according to the Labour Act of 1991 and the Labour Regulation of 1993? What is being done to combat wage discrimination in the non-agricultural sector (see para. 73)?

26. Is there a law to address sexual harassment? If so, what are its provisions?

Health

27. What measures are being taken beyond the plan of action for safe motherhood programme referred to in paragraphs 86 and 87 of the report to reduce maternal and infant mortality rates? Are there special reproductive and maternal health services geared towards addressing the problems associated with early marriage and adolescent girls in rural areas?

28. It is stated (para. 6 of the report) that "Maternal Child Health Workers at the sub-health post level" have been of special importance to women's health in Nepal and have had a significant impact. Please provide a detailed description of the programme, including the numbers of such workers, the women who benefit, and whether the service is provided nationwide. Please provide an evaluation of the impact of the programme.

Rural women

29. Considering the fact that the ratio of female employment is 94.9 per cent in rural areas as against 77 per cent of men (see para. 109 of the report), what development strategies have been identified to address their specific socio-economic needs? Are agricultural extension services designed to reach women directly? What percentage of agricultural credit and loans are actually given to women?

30. Please provide details about how the Government is addressing the problems faced by women in conflict areas and how their human rights are being protected.

Marriage and family relations

31. Please provide additional information about the Country Code (Eleventh Amendment) Act with respect to provisions regarding child custody, divorce and polygamy (see para. 140 of the report).

Statistics and data

32. Paragraph 5 of the report mentions that a decision was taken to generate gender-specific socio-economic information in Nepal, including by engendering the

national census (2001), and introducing a monitoring system. Please provide details about the way in which the monitoring system will function, where responsibility for the system lies and whether it is currently in operation.

Optional Protocol and amendment to article 20, paragraph 1

33. Please provide updated information on any progress in the consideration given by the Government to the question of ratification of the Optional Protocol to the Convention.

34. Please provide information about the State party's intention to accept the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.
