

Country Gender Profile- NEPAL

A. Human Development Indicators : Progress on the MDGs

Target Number/ Indicator Number	Series name	Data for Year 2005 or whichever is latest
3/6	Education enrolment ratio, net, primary level, both sexes (UNESCO)	78 (2003)
3/6	Education enrolment ratio, net, primary level, girls (UNESCO)	72.7 (2003)
3/6	Education enrolment ratio, net, primary level, boys (UNESCO)	83.1 (2003)
3/8	Literacy rates, aged 15-24, both sexes, per cent (UNESCO)	70.1 (2004)
3/8	Literacy rates, aged 15-24, women, per cent (UNESCO)	60.1 (2004)
3/8	Literacy rates, aged 15-24, men, per cent (UNESCO)	80.6 (2004)
5/14	Infant mortality rate (0-1 year) per 1,000 live births (UNICEF estimates)	59 (2004)
6/16	Maternal mortality ratio per 100,000 live births (WHO, UNICEF, UNFPA)	740 (2000)
HDI Rank		GDI Rank
138		106
		GEM Rank
		-

B. Women in Decision making roles – Gender disaggregated data

1) Legislature

	% of women	No. of women	Total No.
National	5.9	12	205
State (Provincial)	15	9	60
Local Bodies(data maybe aggregated or indicative)	20	More than 39000	

2) Executive

a) Government – Ministerial Positions

	% of women	No. of women	Total No.	Comment
National		0	14	
State (Provincial)	28.5	2	7	
Local Bodies				

b) Top Bureaucracy

	% of women	No. of women	Total No.	Comment
Gazetted 1 st class	1.1	4	348	
Gazetted 2 nd class	3.8	63	1637	

3) Judiciary

	No. of women	Total No.	Comments
Supreme Court (Judges)	2	18	Total seats are 21 but only 18 are working
Appellate Courts (Judges)	1	85	Total seats are 96 but 85 are only working

District Courts (Judges)	2	134	
4) Political Parties			
	% of women	No. of women	Total No.
Communist Party of Nepal (UML)	8.4	6	71
Nepali Congress	4.5	5	111
Rastriya Prajatantra Party	9	1	11
5) Trade Union			
	% of women	No. of women	
Women in the governing bodies of major National Trade Unions	GEFONT – 14.2%	6	
	NTUC – 18.5%	5	
	DECONT – 16.6%	5	
Industry wise (as available in respective countries)	Industry	Male (%)	Female (%)
	Urban Area Industries	57.6%	42.3%
	Rural Area Industries	49.1%	50.8%
	Total	50%	49.9%

Initiatives for gender equality in the trade unions

a) The General Federation of Nepalese Trade Unions (GEFONT) initiated women activities by holding a National Seminar in 1991. In light of the Seminar recommendations, the first National Congress held in 1992 decided to set up a separate women department with the status on a par with national affiliates. Special activities on women began with the establishment of Central Women Workers Department (CWWD) on May 5, 1992. The department has consolidated itself over times. Its Second National Congress adopted a special programme entitled 'Women Workers Campaign.

The National Congress has adopted following policies:

- The Co-ordinator of CWWD will be an ex-officio member of the GEFONT National Executive Committee.
- CWWD's representation in the national council will be equal to that of national affiliates.
- Twenty-five percent women participation in every activity of GEFONT, and 25 percent male participation in women programs.

Special programmes on women through a separate department in each affiliate.

The Third National Congress held on 1-3 May 2000, adopted the following policy on women:

- CWWD will act as a special department of GEFONT.
- Women delegates in the National Congress will elect a Co-ordinator of CWWD; the chief will be an ex-officio member of the National Executive Committee.
- CWWD will be formed by organizing the women leaders of Central Committees of GEFONT affiliates.
- 10 Zonal Women Workers Department (ZWWD) will be formed. The chief of the ZWWD will be an ex-officio member of the National Council, CWWD and the Zonal Committee.
- CWWD representatives in National Council will have an equal status to that of the national affiliates.
- Twenty-five percent women should participate in every GEFONT activity and 25 percent men

in every women activity CWWD members will not exceed 25 persons.

- CWWD will be subordinate to the National Executive Committee; ZWWD to the Zonal Committee and affiliates to women departments in the concerned affiliate.

On the basis of the above policies, CWWD has developed following objectives

- Conduct various activities to develop the leadership of women in the labour movement.
- Do research, survey and collect information about women in work and labour movement, and publicize the findings.
- Identify women/gender problems at the workplace and launch campaigns to resolve them.
- Conduct various activities to make the union movement gender-sensitive.
- Foster co-ordination and co-operation between the labour movement and national women's movement on women issues.

b) Nepal Trade Union Congress (NTUC) is another trade union centre in the country. NTUC has the following policies:

- Thirty percent reservation for women in every union committee and activity.
- Formation of women committees in order to run activities for women.
- Run separate activities to develop women leadership.

c) Democratic Confederation of Nepalese Trade Unions (DECONT) has adopted the following policy on women workers:

- Formation of women departments from central to district levels.
- Provision of elected woman vice- president in the central committee.
- Run credible and sustainable activities to develop women leadership.

Source: http://www.gefont.org/research/women/html/part_7.htm

6) Private and public corporate business

Top /middle management	Male (%)	Female (%)
Executive committee members of the Federation of Nepalese Chamber of Commerce and Industry (FNCCI)	96.4%	3.5%
Affiliated members of Nepal Chamber of Commerce and Industry (NCCI)	95.4%	4.5%

Women entrepreneurs :

There is an umbrella organization called Federation of Woman Entrepreneurs Associations of Nepal (FWEAN) whose data shows that 245,944 women are involved in their economic enterprise among which 10% of them are entrepreneurs.

7) Academic World

	% of women	No. of women	Total No.
TU Council	8.16%	4	49

Academic Council	6%	3	50
C) Women in the workforce – Gender Disaggregated Data			
Formal Sector	Occupation/Sector	Male (%)	Female (%)
	Legislators, Senior Officers	91.6%	8.3%
	Service Workers	66.4%	33.5%
	Professionals	89.1%	10.8%
	Technicians	79.6%	19.9%
	Elementary Occupations	59.3%	40.5%
Informal Sector	% of women	No. of women	Total No.
	36.5%	605	1657
	Women wage employment in non-agricultural sector as percentage of total non-agricultural employees (ILO)		17.4%
D) Policy framework for gender equality			
UN/ International Conventions ratified			
a) The Convention on the Elimination of All forms of Discrimination Against Women ratified by Nepal on 22 April 1991			
b) Optional Protocol of the Convention on Women ratified by Nepal on 18 December 2001			
National policies/ plans for gender equality/mainstreaming			
a) To amend discriminatory laws and enact essential legislation			
b) To implement and monitor existing laws in order to protect and promote women's right			
c) Working policies to be in mainstreaming of gender equality in sector activities.			
d) To increase women's participation in public and political policymaking level.			
e) To increase women's access to education and professional training			
f) To increase women's employment as well as to protect the rights of women employees.			
g) To eliminate the incidents of trafficking of women.			
h) To increase women's representation on Parliament and local bodies.			
i) To create public awareness and to disseminate information regarding all forms of violence against women.			
E) Institutional Mechanisms			
Role and functioning of statutory bodies			
<ul style="list-style-type: none"> • Ministry of Women, Children and Social Welfare is established in 1995, which was the major outcome of Nepal's commitment to Beijing Platform for Action. It has a role of producing socially, economically and politically empowered women as well as creating equitable and just society. Its main function is Gender Equality and Women's empowerment. Its aim are given below: <ul style="list-style-type: none"> ○ Formulation of annual /periodic plans and programmes related to gender equity and equality. ○ Coordination /Direction all activities regarding women skills and capacity development and women self -reliance and rehabilitation. ○ Help to conduct women development programmes effectively with the consultation of GOs/NGOs working in the field of women development, gender equity and equality. ○ Coordination with NGOs/ INGOs as the focal point of women development, gender equity and equality. ○ Exchange /Share experience and information related to women development in SAARC 			

countries and international agencies as well.

- Conduct study, research, observation, and publish reports and disseminate information on women and development.
 - Organize awareness campaign, training workshop and seminar for effective implementation of women development, gender equity and equality programmes.
 - Preparation of national periodic reports on CEDAW and Beijing follow up.
 - Organize national and international seminars/workshops on women development and gender equity and equality.
 - Activities to combat trafficking in women and children and commercial sexual exploitation and to control domestic violence against women.
 - Supervise all activities related to women development.
 - To prepare national plan of action in anti trafficking.
- The National Women's commission was formed in the year 2002 with the role of gender mainstreaming in development and safeguarding the rights and well-being of women. The initial membership of the commission included membership of the representatives of the main political parties of the country. The Commission is member less now since 2004 and is not functioning at the moment.

Parliamentary Committees

The Legislature-Parliament is assisted in its work by 14 different subject Committees and 7 Special Committees. Bills introduced in the House are normally referred to the related Committee for deliberations. The Special Committees are entrusted with special tasks.

Human Rights and Social Justice Committee, which comprises of 8 women MPs among 23 members of the committee, looks after all the Gender issues. National Human Rights Commission and Ministry of Women, Children and Social Welfare are also under this committee.

- The Bill for Continuation of Gender Equality was also passed by the Parliament with the agenda to change the existing discriminatory laws in Nepal between male and female.
- Another Bill to manage the National Women's commission was also passed by the Parliament which is to serve the rights of women, bring women in the mainstream of the development and achieve gender equality by empowering women.

Other

F) Legal Equality

Landmark legislation for gender equality in the last 25 years

The Country Code Eleventh Amendment Bill was passed on 27 September 2002 as a result of a long struggle of women right activists. This bill is considered as a legal safeguard for the protection of the rights of women. The main points included in this eleventh amendment bill are as follows:

- **Daughters are accepted as heir:** The Law accepts the concept that daughters as well as sons are entitled to have inheritance rights by birth to the ancestral property. Previously it was provided that only an unmarried daughter above the age of 35 has this right.
- **Full right to widow in inheritance:** It has removed the provision that a widow attain the age of 30 to live separately before taking her share of property. A widow once attains the age of 30 can live separately before taking her share of property. A widow is entitled to use her share as she wishes even if she gets remarried.
- **Right to wife in husband's property:** The law removes the condition that women must attain age 35 and complete 15 years of marriage before she can live separately and take her share from her

husband.

- **Right of upbringing of the daughter:** Only the son has the right to upbringing and daughters were denied this right. The law grants the rights to food, clothing, appropriate education and health treatment to daughters as is provided for sons.
- **Effectiveness in execution of judgment in the case relating to share:** To address the problems that may arise in the execution of the judgment relating to partition and to make such execution effective, the law provides for imprisonment up to five years or a fine of up to five thousand or both to the party who denies giving the details of property.
- **Inheritance rights to divorced woman:** In the existing laws, a woman is denied the right to property from both her parents and from her in-laws in the case of divorce. The law has provided that partition must be made between the husband and wife at the time of divorce. Likewise, if a divorced woman wants to have yearly or monthly expenditures instead of taking her share, the court may set such expenditure on the basis of husband's property and level of earnings. A woman can have such expenditure until she gets remarried.
- **A married woman may adopt a son under some conditions:** The law changes the provision that women whose husbands are still living or who have living sons of their own or of co-wives are precluded from adopting a child. It provides that a wife who has separated from her husband after taking her share of property may adopt child, if she does not have her own son.
- **Repeal of the concept of the Dolaji:** The discriminatory provision that only if there is no son and there is a daughter, such daughter shall be kept as *Dolaji*. This concept has been repealed.
- **Rights to divorce in the situation of sexual intercourse with third person:** The law provides that a husband or a wife shall have the right to divorce, if he or she has sexual intercourse with third person. At present, only husbands have the right to divorce on this ground but not wives.
- **Adoption is restricted in case of one daughter:** The law prevents parents from giving the child up for adoption if they have only one daughter as it is restricted in case of one son.
- **Equal rights in intestate property to unmarried daughter as of son:** The law has provided the equal right to unmarried daughters the equal right to unmarried daughters as of son by reforming the existing discrimination in the matter of priority for getting the intestate property.
- **Women's rights to abortion up to 12 weeks of pregnancy:** The law provides that any pregnant woman may procure an abortion up to 12 weeks of pregnancy upon her voluntary consent.
- **Abortion rights in case of rape and incest:** The Law provides the right to an abortion up to 18 weeks in case of pregnancy is due to rape or incest. Currently, abortion is not allowed even in case of rape and incest.
- **Abortion rights to anytime in special situation:** The law provides for the right to perform abortion with the advice of medical practitioner at anytime, in case any pregnancy poses danger to the life of the pregnant woman or to her physical or mental health or it leads to the birth of a disabled child.
- **No abortion on the basis of sex identification:** No one shall conduct an aminocentesis test to perform an abortion on the basis of sex. The law establishes punishment of imprisonment of 3 to 6 months if the person conducts or causes to be conducted such amniocentesis test and additional punishment of one year imprisonment to the person who performs or causes to be performed an abortion on the basis of sex.
- **Increment of Punishment in Rape Case:** The law increased the punishment in the case of rape. It provides for 10 to 15 years punishment in case a victim is under the age of 10 years, imprisonment of 7 to 10 years in case a victim is above the age of 10 and under the age of 16 years and imprisonment of 5 to 7 years in case a woman is 16 years or above.
- **Appropriate sensitivity toward the rape case:** The law provides that there must be equal

punishment of imprisonment of up to 1 year or fine up to five thousand for both men and women who commit bestiality.

- **Increased punishment for child marriage:** The punishment for child marriage has been increased up to 3 years and a fine of up to ten thousand to discourage child marriage.
- **Equal punishment in marriage by misrepresentation:** The law provides for a fine of up to ten thousand rupees for man or woman who commits marriage for misrepresentation.
- **Additional punishment for gang rape and rape against a pregnant and disabled woman:** The law provides for additional punishment of 5 years imprisonment for the crime of gang rape and also for the rape of a pregnant or disabled woman.
- **Punishment and compensation for pedophilia:** The law regards pedophilia as rape and provides for an additional year's punishment over the sentence imposed for rape and appropriate compensation for the victim.
- **Equality in age for marriage:** The law provides for equality in age for marriage for both men and women. Both sexes have to be 20 years old to marry without parental consent. Men and women can marry at age 18 with the consent of their parents.

Source: <http://www.fwld.org.np/11amend.html>

Discriminatory laws/ policies/practices

Despite being a party to 16 international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Nepal still has at least 118 legal provisions, spread in 54 different laws, including the Constitution, that have discriminatory provisions.

Adverse effects on women of the discriminatory provisions are manifold: economic dependency, domestic violence, lack of access to resources and exploitation in all its forms. Following discriminatory provisions are listed below:

- Women are not considered as capable to receive court notices and summons
- No similar ground of divorce between men and women
- Impose conditions on the use of property rights to divorcee women.
- Denies equal inheritance right to daughters
- Daughters are denied from her father's property
- Impose conditions for women to get share from their husbands' property
- Impose conditions for widows to get share of husbands' property
- Daughter is denied equal inheritance rights.
- Impose conditions for women to use her exclusive property
- Discrimination in the intestate property to daughter
- Role of daughter is not recognized in the household business
- Minimum punishment for sexual harassment.
- Higher punishment to women than men in the same offence
- Girls are discriminated on recruitment in the police and army
- Status of mothers and wives are denied as that of fathers and husbands when notification of voter list.
- Identification by the name of father and husband only on recording forms of personal data of the Parliamentarians.
- Widows of government employee are discriminated for family allowances and gratuity.

Source: <http://www.fwld.org.np/annex.pdf>

G) Affirmative Action Measures

Quotas:

According to the 1990 Constitution, at least 5% of the total number of candidates contesting for the Lower House election from any political party or organization must be women candidates and at least 3 seats are reserved for women in the 60 member Upper House.

Major political parties have reserved 33% seats for women in their manifestoes but it has not been applied in practice. The Interim Constitution of 2006 states that at least one-third of the party's top committee members should be women.

In the recently formed Interim Parliament, among the total of 329 members of parliaments there are 57 women MPs. This shows that the Interim Parliament has 17.3 % of women represented.

H) Women's Movement in the country

- Brief history

The courageous battle of Nalapani cannot be forgotten while talking of Nepali Women Movement. Nepali women had fought bravely against British Imperialism in Nalapani. Even when the British army blocked the sources of water, they fought bravely, hand-in-hand with men, carrying babies on their back and khukhuris in their hands. The British rulers themselves have mentioned of the courageous battle the women fought with them.

Following this event, the participation of women has noticeably increased in series of historical events. Nepali history has recorded how Queen Rajendra Laxmi Devi Shah took power in her hands and gave rise to such incidents as kot parba and bhandarkhal parba, both killed a large number of top officials and other people. History also witnesses how Jung Bahadur Rana assumed power and consolidated it with the help of Royal-maids, who informed him of the conspiracies being hatched against him. Such historical incidents created pressure to abolish the sati pratha, a social practice in which a wife was burned alive on the funeral pyre of her deceased husband. Rana Prime Minister Chandra Shumsher was compelled to abolish the system in 1920.

There have been many such incidents in Nepali history where women have a considerable participation. The participation of women in democratic movement can be classified as below:

- Participation in the movement between 1918-1950
- Participation in the movement between 1951-1978
- Participation in Anti-Panchyat movement between 1979-90
- Participation in various activities between 1990-91

In 1990, the Constitution Reform Recommendation Commission was preparing the draft for a new constitution. As it came to public, that the constitution is discriminating against women, who played an equal role in the movement, women protested against the possible conspiracy and submitted their suggestions for the "complete civic rights of women".

Landmarks in Nepali Women Movement

1917: Formation of nari samiti, the first women's organization

1941: Suicide by Yogmaya and 68 of her disciples by jumping into the Arun river.

1946: Formation of adarsha women's association.

1947: First participation of women in a political rally, four women were arrested, held in custody and released after a week. Formation of the Nepal Women's Association

1951: Women participation in the anti-Rana movement. Disputes and division in Nepal Women's Association
 1960-79: Women participation in underground movement.
 1980: Reconstitution of ANWA, celebration of International Working Women's Day at the people's level.
 1979-90: Development and expansion of women's organisations with emphasis on women's participation in all sectors of the movement.
 1981: Movement against the Namita-Sunita murder case.
 1988: Movement against Bhurjungkhola rape case.
 1990: First National Conference of ANWA. Women participation in the popular movement.
 1991: Movement against the Dilli Bazaar rape case. Demand for the formulation of equality-based constitution.

Source: http://www.gefont.org/research/women/html/part_3.htm

- Links with political parties/ movements for democracy/peace/social justice

Most of women's organizations are affiliated with political parties. But they occasionally transcend the political affiliations to achieve gender justice, democracy and peace. The fact is women's movement and party movement started at the same time.

J) Issues in the country that need immediate attention for gender justice

- a) Capacity building of women and men
- b) Mainstreaming the backward, poor and rural classes in development
- c) Massive focus on education
- d) Support of international community n civic education program

J) Enabling factors in the country for gender justice

- a) Liberalization of politics, favorable international environment, emerging social movement of women and growth of gender consciousness.

K) Main Challenges/deterrents

- a) Lack of resources, non-implementation of laws, old political culture and lack of sufficient unity among women themselves, political decisions.

L) Comments and regional comparisons