

National Human Rights Commission of Nepal



**Remarks by Hon. Commissioner of National Human Rights Commission (NHRC) of Nepal
Ms. Mohana Ansari on the occasion of 71st Session of Committee on Convention on the
Elimination of All Form of Discrimination Against Women (CEDAW),**

22 October 2018 Geneva, Switzerland

Hon. Chairperson and Members of the Committee,

Distinguished delegates,

It is my honor to represent National Human Rights Commission of Nepal in the 71st Session of the CEDAW Committee. NHRC and NWC has jointly submitted a comprehensive report to the Committee which reflects the overall situation of the implementation of CEDAW in Nepal. I would take this opportunity to summarize what has been reported.

We highly appreciate the previous concluding recommendations and observations of the CEDAW Committee to Nepal. For NHRIs, these recommendations serve as benchmarks for monitoring of the implementation of CEDAW.

The Government of Nepal has taken progressive steps to implement the Committee's recommendations. The new constitution of Nepal has embedded the right to equality and non-discrimination for women. Political representation of women has been constitutionally assured. According to non-discrimination principles, any act of discrimination based on sex, pregnancy or marital status has been criminalized. Traditional harmful practices such as Chhaupadi (menstrual isolation) and witchcraft have been made punishable crimes. The National Women Commission has been elevated to constitutional body. The Women Commission has established a 24-hour helpline for women victims. Sexual Harassment at workplace Act was enacted in 2014. A new Reproductive Health Rights Act recognizes women's access to reproductive health services as a human right. Polygamy has been made illegalized and child marriage will be null and void. The minimum age of girls for marriage has been increased to 20 from 18 in a new Civil Code that came into power in August 2018.

In the federalization process, the Social Development Ministry has been assigned as focal ministry for the women's issues at provincial level while the Ministry of Women, Children and Senior Citizens remains the lead ministry at federal level.

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Having said that, I would comment that there remains room for improvement in several areas despite the good steps taken by the Government. The patriarchal social values continue undermine the issues of women's rights, equality and gender justice. Incidents of sexual harassment, rape and killing, child marriages, domestic violence, external and internal trafficking and migrant worker's exploitation remain at alarming level. Access to justice, delayed justice and impunity are key concerns in the cases of violence against women. De jure and de facto discriminations remain in practice. Dalit, Muslim, Madhesi, Indigenous, women with Disability and LGBTQ women face double burden of caste, religion and racial discrimination along with the gender. Women, compared to men, face challenges "It's not just facing challenge, in fact it is a legal (Constitutional) level de Jure form of discrimination" to pass nationality to their spouses and children and even to acquire and retain their own nationality if married to a foreigner.

While political representation of women is a constitutional right, the political parties in the recent elections shied away from putting forward female candidates in the first-past-the-post (direct) elections. Rather, they chose to fulfill the women's quota under the proportional race. In the majority of the over 800 local government elections, women were allocated to run for the deputy mayoral post while men took the mayoral post. The Constitution requires election of different genders in the two key posts, perhaps as per requirements of constitution gender representation in the leadership of political parties not being implemented.

Some of the CEDAW Committee recommendations such as drafting clear guidelines on access to justice, creation of gender sensitive mechanisms, provision of adequate compensation, rescue, rehabilitation, and reintegration, provision of health care and psycho-social counseling and shelter homes for the victims of gender-based violence are yet to be implemented. Lack of gender disaggregated data in various sectors is a key impediment to assessing the women's specific situation and ensuring their rights.

Constitutional provision of proportional inclusion of women is being frequently bypassed while making appointments in state organs. Women survivors of the 2015 earthquake have faced challenges in receiving the compensation benefits due to lack of identity documents. Unequal citizenship rights bring immensely adverse effect to inheritance and civil rights for widows, divorcees and other women

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as well as to their children. At the same time, the NWC and NHRC face financial and human resources constraints due to low allocations in the national budget.

On behalf of the NHRC, we would like to request the CEDAW committee to recommend to the Government of Nepal to fully ensuring the constitutional and legal rights of women in line with the CEDAW Convention and the Committee's recommendations. There is an urgent need to end all type of inequality and discrimination against women, to promote their full participation in all walks of life, to ensure access to justice and, to end the culture of impunity in cases of violence against women.

Thank You!

Mohna Ansari,

Member/Spokesperson,

National Human Rights Commission of Nepal