



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

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**Committee on the Elimination of Discrimination  
against Women**

**Concluding observations on the combined fourth and fifth  
periodic reports of Nepal**

**Addendum**

**Information provided by Nepal in follow-up to the  
concluding observations\***

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*Note:* The present document is being circulated in English, French and Spanish only.

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## **Acronyms**

CA	Constituent Assembly
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPA	Comprehensive Peace Accord
DAO	District Administration Office
GBV	Gender-based Violence
GoN	Government of Nepal
MoHA	Ministry of Home Affairs
MoPR	Ministry of Peace and Reconstruction
MoWCSW	Ministry of Women, Children and Social Welfare
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NJA	National Judicial Academy
OCMC	One-Stop Crisis Management Center
OPMCM	Office of the Prime Minister and Council of Ministers
SC	Supreme Court
SGBV	Sexual and Gender-based Violence
UN	United Nations
VDC	Village Development Committee

## 1. Introduction

1. This Follow up Report is prepared to provide updated information on the implementation status of the recommendations contained in paragraphs 26 and 36 of the Concluding Observations made by the CEDAW Committee (hereinafter referred to as “the Committee”) on the Fourth and Fifth Periodic Reports (Combined) of Nepal at its 989th and 990th meetings held on 20 July 2011.<sup>1</sup>

2. Nepal submitted its Fourth and Fifth Periodic Reports (Combined) to the Committee in 2009. The Committee assessed the progress made by Nepal and suggested a number of recommendations on various issues. Among various areas of assessment and concerns, Paragraph 26 and 36 of the Concluding Observation contain recommendations made by the Committee with regard to the issues of ‘Nationality’ and ‘Women affected by the armed conflict’.

3. As requested in paragraph 49 of the concluding observations, the following are updated information on the progress made on these specific areas.

## 2. Nationality

### Recommendation 26 (a): Implementation Status

4. After holding the second election to the Constituent Assembly (CA) on November 19, 2013, the CA is currently engaged in making a new constitution. The CA members are having deliberations on different thematic areas, including equal citizenship rights to women and men, to be secured by the new constitution.

5. However, it would be relevant to note that the Supreme Court (SC) of Nepal has issued the order of *mandamus* to provide citizenship certificate to children whose father is not traced and take necessary steps for the advancement of minorities such as *Badi* women. The SC recognized equal rights of *Badi* women to transfer citizenship to their children.<sup>2</sup> In the case of *Sabina Damai*, the SC issued an order to the concerned District Administration Office (DAO) to provide the citizenship certificate by decent to the applicant in the name of mother.<sup>3</sup> In the case of *Ranjeet Thapa Vs. GoN*<sup>4</sup> and *Nakkalie Maharjan Vs GoN*,<sup>5</sup> the SC has further recognized the right of acquiring citizenship in the name of mother. The SC has directed Ministry of Home Affairs (MoHA) to ensure that single women easily obtain citizenship certificate to ensure their eligibility for voter registration.<sup>6</sup>

6. In order to execute the said orders of the SC, the MoHA issued a seven-point circular on January 20, 2013 directing all the DAOs to provide citizenship certificate in the name of mother and to ease the procedures of acquiring citizenship. According to the circular, citizenship by descent may be provided to the child born to a mother even in absence of details of her husband by mentioning the details of her parents. Moreover, in case of the child whose father is not traced, or unidentified but born in Nepal to a Nepali mother, the circular directed to issue

<sup>1</sup> CEDAW/C/SR.989 and 990.

<sup>2</sup> Tek Tamrakar and Others Vs. HMG Cabinet Secretariat and others, Writ No. 121 of the Nepali Year 2060.

<sup>3</sup> Sabina Damai Vs. GoN, Decided on 27th Feb, 2011.

<sup>4</sup> Writ No. 0035, Decided on 26th June 2009.

<sup>5</sup> Writ No. 0089, April 17, 2007.

<sup>6</sup> Advocate Saroj Nath Pakyural Vs. GoN, Decision Date 2067 Magh 24.

citizenship certificate with simplified procedures as per the Nepal Citizenship Act and Nepal Citizenship Rules.<sup>7</sup>

***Recommendation 26 (b): Implementation Status***

7. Realizing the practical difficulties being faced by the marginalized and disadvantaged groups in obtaining citizenship certificate due to the lack of substantive documents, responsible officers of DAOs are being oriented and trained on citizenship laws and procedures. The Judicial Service Training Centre and the National Judicial Academy (NJA) have been providing three-month training to Chief District Officers and other government officials on legal provisions including transfer of citizenship. The NJA has also been conducting workshops on various issues of citizenship in which participants are from all levels of the government including Chief District Officers, District Police Chiefs, Government Attorneys and defence lawyers.

8. Local Bodies at district and village levels have collaborated and cooperated in organizing orientation and trainings to the officials of Village Development Committees (VDC) in some districts of the country on procedure of referral for citizenship and birth registration.<sup>8</sup> As Article 22 of the Interim Constitution of Nepal (Interim Constitution) secures birth registration of all children born in Nepal irrespective of their parents' documents, marital status or nationality, the officials of the VDCs and Municipalities are being oriented on the same.

***Recommendation 26 (c): Implementation Status***

9. Being aware of the important role of citizenship certificate in accessing services and benefits, GoN is striving to improve, amend, and simplify Citizenship Act, Rules and Directives to facilitate the acquisition of citizenship certificates, on one hand and to deploy mobile teams as additional measures to reach out to the marginalized and disadvantaged groups based on consideration of gender, age, caste, ethnicity, religion, sexual orientation, disabilities and geographical locations, on the other.

10. The MoHA has launched two types of campaigns for distribution of citizenship certificates across the country: (a) Deployment of Mobile Teams and (b) Launching of Integrated Service Delivery Campaign. The MoHA launched massive campaigns in 2013 to distribute citizenship certificates through which a total number of 181,713 citizenship certificates — 107,966 for women and 73,747 for men — were distributed at the local level under the mobile distribution campaign. Similarly, a total number of 421,381 citizenship certificates — 205,744 for women and 215,637 for men — were distributed under the integrated service delivery campaign.<sup>9</sup>

11. With the objective of providing efficient and cost effective services to the marginalized and disadvantaged groups including women, MoHA has directed all DAOs to provide citizenship certificate to eligible applicants within one day.

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<sup>7</sup> Circular issued by MOHA on January 20, 2013.

<sup>8</sup> In Nepal, birth registration is one of the important documents for acquiring citizenship certificate. This registration is governed by the 1977 Births, Deaths and Other Personal Events Registration Act.

<sup>9</sup> Data source: GoN, Ministry of Home Affairs.

Besides that, Area Administration Offices have been established as extended arms of DAO to provide outreach services at the community level. Currently, there are 75 District Administration Offices, 31 Area Administration Offices and 4 Integrated Service Centres which have been authorized to issue citizenship certificate.<sup>10</sup>

**Recommendation 26 (d): Implementation Status**

12. The GoN is examining the two Conventions with a view to acceding to them in due course of time.

**Recommendation 26 (e): Implementation Status**

13. Clause (3) of Article 8 of the Interim Constitution of Nepal, 2007 guarantees that “Every child who is found within the territory of Nepal and the whereabouts of whose parents are not known, shall, until the father or the mother of the child is traced, be deemed to be a citizen of Nepal.” In order to implement this constitutional provision, the MoHA has issued a circular directing all the DAOs to issue citizenship certificate to such child based on the identification made by his/her guardian without mentioning anything in the column of parents in the citizenship certificate, to be issued with a condition that he/she will have his/her citizenship certificate reissued later in case of tracing out of his/her parents subsequently.<sup>11</sup>

**3. Women Affected by the Armed Conflict**

**Recommendation 36 (a): Implementation Status**

14. The Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2014 (TRC Act) was enacted by the Constituent Assembly on 25 April 2014 in its capacity of Legislature-Parliament. The TRC Act carries the spirit of the Interim Constitution and the Comprehensive Peace Accord 2006 (CPA). As per the provisions of the Act, the Government of Nepal has formed two separate Commissions: (a) the Commission on Disappearances, and (b) the Truth and Reconciliation Commission, and also appointed the chairmen and commissioners on 10 February 2015. Both Commissions have five members each, out of which the Commission on Disappearances and the Truth and Reconciliation Commission have one and two women members, respectively. The Recommendation Committee, which recommended and nominated the members for the Commissions as provided for in the TRC Act, also comprised one woman member. It is expected that both the Commissions will address the issues of gross violations of human rights that occurred during the armed conflict, bring out the truth of incidents to general public, bring the perpetrators of gross violations of human rights to justice, look at the reconciliatory cases and reconcile the victims and perpetrators, and recommend to GoN for reparation to the victims, as the case may be.

15. The TRC Act enlists the crimes of rape and sexual violence committed during the armed conflict as the gross violations of human rights.<sup>12</sup> The Truth and Reconciliation Commission has the power to investigate into all such cases of violations of human rights. The TRC Act prohibits any type of amnesty to the

<sup>10</sup> Source: GoN, Ministry of Home Affairs.

<sup>11</sup> Circular issued by MOHA on January 20, 2013.

<sup>12</sup> Clause 2 (j) of the Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2014.

perpetrators involved in serious violations of human rights, including the offence of rape.

16. As per Section 17 (6) of the TRC Act, the Truth and Reconciliation Commission should make special arrangements, as prescribed, to facilitate children, senior citizens, persons with disabilities and victims of sexual violence to file complaints and to give testimony to the Commission.

***Recommendation 36 (b): Implementation Status***

17. The GoN has been implementing the National Action Plan on Implementation of the United Nations Security Council Resolutions 1325 and 1820 (2011/12-2015/16) with an objective to ensure the protection of women and girls' rights, and prevention of violation of their rights during pre-conflict, conflict and post-conflict situations. The Action Plan aims to strategically end impunity by instituting necessary reforms in the justice and security system to enable them to promptly respond to cases of Sexual and Gender-based Violence (SGBV). Following specific actions have been identified for implementation:

- Put in place necessary mechanism with required reforms for carrying out immediate investigation and action in incidents of SGBV by maintaining confidentiality and dignity;
- Provide prompt and free legal services to women and girls affected by conflict;
- Build capacity of office-bearers in the justice and security sectors for providing prompt and effective services to victims of SGBV;
- Make necessary legal provisions for prosecution of sexual violence during conflict period;
- Make change in the existing laws extending statutory limitation for filing complaints in connection with incidents of rape; and
- Maintain zero tolerance regarding sexual violence in security sectors.

18. The Ministry of Women, Children and Social Welfare (MoWCSW) is collaborating to widely disseminate National Plan of Action on UN Security Council Resolutions 1325 and 1820 in all the districts, and Women Development Officers have received Training of the Trainers for this purpose.

19. The process to review the statute that limits the time period for filing the cases of rape is under way. The Bill to Amend Some Nepal Laws, 2014 has been tabled in the Legislature- Parliament on June 13, 2014 for increasing the limitation for filing the complaints in offences of rape, as per the order of the SC dated 11 July 2008.<sup>13</sup>

20. Trainings are being organized in various districts to strengthen the capacity of law enforcement agencies, women development officers and court officials for effective and prompt deliveries in investigation and prosecution of cases to punish the perpetrators as well as protection of victims of SGBV during conflict and post-conflict situations.

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<sup>13</sup> Advocate Sapana Malla Vs. GoN, Ministry of Law, Justice and Parliamentary Affairs et al. decided on 11 July 2008.

**Recommendation 36 (c): Implementation Status**

21. The TRC Act includes all crimes committed in the course of the armed conflict which are deemed serious and grave under the international human rights or humanitarian laws, as the gross violations of human rights.<sup>14</sup>

22. The TRC Act provides for procedures of recommendation to be submitted to the GoN by the Commission for legal actions against perpetrators of gross violations of human rights (Section 25). It has been exclusively mentioned in the TRC Act that there will be no amnesty to the perpetrators who have been involved in rape and other heinous crimes of human rights violations (Section 26 (2)). According to the TRC Act, National Human Rights Commission (NHRC) has the authority to monitor the implementation status of the recommendations made by the Commission on the Disappearances and the Truth and Reconciliation Commission (Section 30 (1)), and the NHRC may admonish the MoPR if the recommendations of the Commissions are not implemented (Section 30 (2)).

23. The Bill to Amend Some Nepal Laws, 2014 proposes amendment to 32 discriminatory provisions of different laws. The amendments have been proposed with a view to promote gender equality, as well as to ensure justice to victims and survivors of gender-based violence including rape, sexual violence, trafficking in persons, and domestic violence.

24. The MoPR has also implemented the National Plan of Action on Implementation of the UN Security Council Resolutions 1325 and 1820 Localization Guidelines, 2012 for the effective implementation of the National Plan of Action. According to the Guideline, any act of sexual intent with women without their consent, forced attempts of sexual advances towards women and girl-child, misbehaviour and use of vulgar words against women, and trafficking or transportation of women for sexual exploitations have been deemed as serious criminal offences.

**Recommendation 36 (d): Implementation Status**

25. Under the Legal Aid Act, 1997, indigent peoples<sup>15</sup> including women, are eligible to obtain free legal aid services. The GoN has appropriated funds for providing legal aid in all the government established shelter homes and rehabilitation centres for victims of violence against women and girls. Similarly, Nepal Bar Association and numerous non-government organizations have also been providing such services.

26. The Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs has programme of strengthening 32 District Legal Aid Committees (Legal Aid Centres) under Nepal Peace Trust Fund Project to provide effective free legal aid services to the conflict-affected women and girls.<sup>16</sup> The program contains interaction programs and distribution of awareness-raising booklet on women's rights, gender-based violence, including domestic violence and child rights. As of

<sup>14</sup> Clause 2 (j) of the Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2014.

<sup>15</sup> Currently, there is ceiling of annual income of Rs. 40000 /- for being eligible to seek free legal aid under this Act.

<sup>16</sup> NAP UNSCR 1325 and 1820 Midterm Monitoring Report 2014.

October 2014, more than 12,500 people of different districts have benefited from this program.<sup>17</sup>

27. The Access to Justice Program launched by Nepal Bar Association is being implemented in various districts. Women victims receive free of cost legal aid under this program. A dedicated lawyer on the payroll of the court provides legal aid to those individuals who cannot pay for the legal service, and women victims can also benefit from this provision.

28. The Department of Women and Children has implemented Integrated Development Program of Women Organizations for eliminating gender-based violence (GBV). Under this program, district level Women and Children Offices have formed Ward-level Watch Group in selected VDCs of 75 districts to raise awareness against GBV and increase access to justice for GBV victims and survivors.

29. The National Women Commission is mandated to conduct hearing of complaints against SGBV. It also provides free legal aid to the victims and survivors of SGBV.

30. Efforts have been made to increase the access to justice for women by amending the existing laws. The Country Code under the Chapter on ‘Kidnapping and Taking of Hostage’ provides for additional punishment to anyone involved in the abduction of women or taking women hostage. Rape cases and crimes like taking women as hostages have been classified as serious criminal offences against the State. Such cases have been included in the list of state cases in which the government is the plaintiff.

***Recommendation 36 (e): Implementation Status***

31. The Victim and Witness Protection Bill is in progress. The Bill proposes to accord protection to the victims and witnesses of the cases of rape, incest, human trafficking, sexual exploitation along with other criminal offences listed in the notification published in the Nepal Gazette. Moreover, measures of punishment are made in case the real identity and confidentiality of the victims is disclosed.

32. Since Fiscal Year 2013/14, transportation allowance is paid to Government prosecution side witnesses as per the amendment made in the State Case Rules, 1999, which has a provision to provide travel and daily allowance facilities for the witness of cases under prosecutions.<sup>18</sup>

33. The MoWCSW has been providing medical treatment, psychosocial and legal counselling to the conflict-affected women and girls through the establishment of service centres in 17 districts and to the victims of domestic violence through 84 community level service centres.<sup>19</sup> Similarly, 8 rehabilitation centres have been established in 8 districts for victims of human trafficking and Transportation.<sup>20</sup> These service centres and rehabilitation centres have been providing food, accommodation and treatment services along with other services. Similarly, Ministry of Health and Population has established One-Stop Crisis Management

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<sup>17</sup> Source: Ministry of Law, Justice and Constituent Assembly and Parliamentary Affairs, 2014.

<sup>18</sup> Rule 15 of The State Cases Rules, 1999.

<sup>19</sup> Source: Department of Women and Children, GoN 2014.

<sup>20</sup> Source: Ministry of Women, Children and Social Welfare, 2014.



Centre (OCMC) in 15 districts from which all the required services are provided from one location. Similarly, the government has been providing training on GBV to doctors and nurses.<sup>21</sup>

34. Nepal Police has established a separate service centre within its office premises to provide specific services to women and girls SGBV victims/survivors. A total of 240 such women and children service centres have been established from the central to the local level.<sup>22</sup>

***Recommendation 36 (f): Implementation Status***

35. The National Plan of Action (NAP) on Implementation of the UN Security Council Resolutions 1325 and 1820 (2011/12-2015/16) is now on its fourth year of implementation. The GoN has been mobilizing local agencies responsible for NAP implementation, providing resources to various ministries and their line agencies and working in collaboration and coordination with stakeholders. The Mid-Term Monitoring Report 2014 shows that considerable achievement has been made in the implementation of NAP particularly in the area of increasing general awareness, resource allocation, capacity building of government and security officials, service providers and infrastructure development.<sup>23</sup>

36. The National Plan of Action on Implementation of the UN Security Council Resolutions 1325 and 1820 Localization Guidelines, 2012 has provisioned for conducting Training for Trainers program along with monitoring activities in different districts.

37. A Women's Section has been established within the Nepal Army as a mechanism to raise awareness on gender issues and violence against women. This Section has also been entrusted with the responsibility of investigating incidents of gender-based violence within the Nepal Army as well as those related to general public.

***Recommendation 36 (g): Implementation Status***

38. Domestic Violence (Crime and Punishment) Regulations, 2010 provides for appointment of Women Protection Officers in all 75 districts to protect the victims of violence. Furthermore, the Regulation has directed Women Development Officers in all the districts to work in the capacity of Women Protection Officers, also. In this regard, Women Protection Officers work to increase access of the victims of violence to psychosocial counselling, legal aid, security, protection, and healthcare services.

39. The GoN has created Rehabilitation Fund, Service Fund and Gender-based Violence Prevention Fund to facilitate the delivery of services to victims of gender-based violence free of cost. Budgets have been allocated from these funds in all the districts of Nepal.

<sup>21</sup> Nepal National Action Plan on Implementation of the UNSCRs 1325 and 1820, First year Monitoring report 2012 page 36.

<sup>22</sup> Source: Women and Children Service Directorate of Crime Investigation Department, Police Head Quarter.

<sup>23</sup> NAP UNSCRs 1325 and 1820 Mid-term Monitoring Report 2014.

40. Psychosocial counselling services and family reintegration services are being provided all over the country through numerous rehabilitation and service centres, and shelter homes established by the government and non-governmental organizations. Similar services are also being provided by Women and Children Service Centres within the Police Departments.

***Recommendation 36 (h): Implementation Status***

41. For the effective implementation of UN Security Council Resolutions 1325 and 1820, a Directive Committee has been set up at the central level under the coordination of the Minister for Foreign Affairs, and it comprises other Ministers and Government Secretaries, and representatives from the National Women's Commission and non-governmental organizations. Similarly, an Implementation Committee has been formed under the convenership of a Joint-Secretary of the Ministry of Peace and Reconstruction, consisting of representatives from various ministries, the National Women Commission and UN Women. Likewise, District Coordination Committees have been formed in coordination with Chief District Officers in the districts. In all the committees mentioned above, provisions have been made to ensure representation of one women activist and one woman affected by conflict.

42. Local Peace Committees have been formed in all the 75 districts. The total number of members of the Local Peace Committee formed nationwide is 1725. According to the terms and conditions for the formation of Local Peace Committee, one-third of the total members should be women. The structure of the Local Peace Committee has been thus made gender inclusive.

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