



Response of the Government of Nepal on promoting, protecting and fulfilling women's and girls' full enjoyment of human rights in humanitarian situations

1. Please provide information on the human rights concerns and violations that women and girls in all their diversity may face in humanitarian settings, including factors increasing their vulnerability.

Human rights concerns and violations which women and girls of Nepal generally face in all settings include domestic violence, sexual violence, gender-based violence, unpaid care work, trafficking, sexual harassment. Harmful social practices such as polygamy, forced marriage, child marriage, chhaupadi and dowry also exist. Especially in the remote western part of Nepal, women are forced to live in chhaupadi(shed) during menstruation and delivery. Violations of women and girls for not bringing dowry and allegations of witchcraft are seen in Terai. Sometimes, women are killed and physically, mentally assaulted for not bringing dowry as demanded, by her husband's family and those alleged of witchcraft are beaten and forced to eat feces.

Various reports have shown that generally women and girls are more vulnerable to violation during humanitarian emergencies or situation. In Nepal, during the armed conflict, violations against women and girls such as rape and sexual violence were reported. In addition, psychosocial trauma and stigma, threat from both parties of the conflict (Maoist and Nepal Army), the burden of taking responsibility for their family as the male members were rarely present in the village were other forms of violations faced by the women and girls. After the signing of the Comprehensive Peace Agreement, the GoN implemented specific measures to address the issues of victims of conflict. Interim relief and rehabilitation, employment generation, training and financial support, medical treatment, psychosocial counseling and support were provided for women and girls victims. The GoN has constituted two independent commissions, the Commission on Investigation of Enforced Disappeared Persons (CIEDP) and the Truth and Reconciliation Commission(TRC)which are investigating human right violation during the conflict.

During post-earthquake and COVID-19 pandemic, an increase in the cases of violation against women and girls were reported. Trafficking and illegal migration of women and girls were reported after the post-earthquake. In order to prevent this, Nepal police had formed a high-level task force to prevent and control the incidence of trafficking and illegal migration of women and girls induced by the displacement and loss of livelihood. Security check-posts in critical points and border locations were established for carrying out intensive vigilance and security check to prevent trafficking in women and girls.

In order to prevent the spread and transmission of the COVID-19 pandemic, the GoN had imposed lockdown during the first wave and during 2nd wave of COVID-19, which has been



extended till 20 June 2021. Restriction on movement, disruption to public services, created barriers for the victim to report the cases of violations. During the first wave of the COVID-19 pandemic (24th March to 9th May), 133 cases of domestic violence, 34 cases of rape, 10 cases of sexual abuse, 2 cases of murder and 4 cases of cybercrime were reported.¹ In order to respond and support victims of violation the GoN has taken several initiatives even during lockdown. Online complaint registration and 24 hours helpline numbers are being operated. Gender Responsive Guideline has been formulated and implemented to respond COVID-19 pandemic, awareness campaigns are aired on radio, television, newspaper and digital platforms. The victims are provided psychosocial and legal counseling, shelter services by the National Women Commission and shelter homes. The hospital-based One-Stop Crisis Management Centres are designated to address the gender-based violation during COVID-19 in all the provinces.

2. Please provide information on the different stakeholders involved in/responsible for contributing or otherwise preventing and responding to abuses and violations of the human rights of women and girls in humanitarian settings.

Major institutions and mechanisms responsible for preventing and responding to abuses and violations of human rights of women and girls in humanitarian settings are

- Ministry of Home Affairs,
- Nepal Police, Women and Senior Citizens Service Directorate of Nepal Police,
- National Women Commission(NWC),
- National Human Rights Commission, National Dalit Commission, National Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission, and Muslim Commission.
- Ministry of Women, Children, and Senior Citizens(MoWCSC);
- Commission on Investigation of Enforced Disappeared Persons and Truth and Reconciliation Commission
- Office of the Attorney General
- Gender focal point in each Ministry/Agency;
- Department of Women and Children;
- Social Development Ministries in seven Provinces;
- Women Development Units(Municipalities);
- National Disaster Risk Reduction and Management Authority
- Gender Responsive Budget Committee in the Ministry of Finance;
- Women and Children Service Directorate in the Nepal Police;
- Women and Children Service Centres (WCSC) in Police Offices;
- Rehabilitation Centres for women and girls victims of trafficking and those affected by trafficking;
- Service Centres for women victimized or affected by domestic violence;
- Anti- Human Trafficking and Investigation Bureau in the Nepal Police;
- Central Legal Aid Committee and District Legal Aid Committees;
- Hospital-based One-stop Crisis Management Centres (OCMC);
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¹WOREC, <https://www.nepalitimes.com/latest/in-nepal-lockdown-a-domestic-violence-spike/>



- Foreign Employment Promotion Board for addressing the protection problems related to Nepali migrant workers;
- Social Service Division of National Planning Commission;
- Judicial Committees (Municipalities)
- NGOs and INGOs working for the protection and promotion of women and girls' rights.

Pertaining to the best practices in terms of inter-agency coordination, the forum of Protection Cluster (GBV sub cluster) led by, Children and co-led by UNFPA and UNICEF is one of the key mechanisms that is bringing together various stakeholders in a common forum for GBV prevention and response.

The overall aim of the protection cluster has been to support in preparedness of plans and response the needs of vulnerable populations arising from the risk of violence, abuse, exploitation and discrimination, neglect during the emergency situation. The Protection Cluster also promotes effective inter-cluster coordination to ensure that protection components are well addressed in other sectors' interventions.

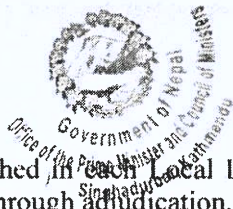
3. Please provide information on the different stakeholders accountability mechanisms that operate in your context.(e.g. judicial and non-judicial mechanisms; truth-seeking initiatives; community-based and social accountability initiatives; investigative and independent monitoring and/or reporting bodies, community complaint mechanisms; parliamentary-led oversight etc). Please provide concrete examples of good practices and lessons learned related to the attention by these mechanisms to women and girls' human rights violations occurring in humanitarian settings.

Constitutional bodies, such as National Human Right Commission(NHRC), National Women Commission, National Dalit Commission, National Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission, and Muslim Commission are mandated for the protection and promotion of human rights including those of women and girls. The NHRC has the power to inquire and investigate any complaint of human rights violation and make a recommendation for action against the perpetrators including compensation to the victim.

The MoWCSC is responsible for the formulation of policies and laws concerning gender equality and women's rights and monitors the implementation of plans of actions developed in this regard. Nepal police has established gender-based violence information management system to collect nationwide data on cases of violence against women and girls. The system maintains data of all cases reported to the police system.

NWC keeps a record of cases of violence against women reported to the Commission and refers it to the police as required. The NWC has run a 24 Hours Helpline "KhabarGarau 1145" (Let's Inform 1145), which is the GBV Helpline that provides integrated services from one platform that includes shelter, psychological services, children related services, and legal aid.

The Women and Social Committee, a parliamentary oversight mechanism, monitors and evaluate the work done by the GoN related to women and children and gives a necessary opinion and directions for proper functioning.



Judicial Committee has been established in each Local Level, which settles disputes primarily through mediation and subsequently through adjudication.

Attorney General has established victim-friendly rooms in various district offices with focal persons. These offices conduct regular awareness programs to bring awareness to marginalized people about the judicial process and the role of government attorneys in the criminal justice system.

The allegations relating to Gender-Based Violence committed during the armed conflict are being investigated by the Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons. The TRC has been implementing the Guidelines on Reparation. Both the Commissions have adopted the Procedure for Providing Identity Card to the Victims.

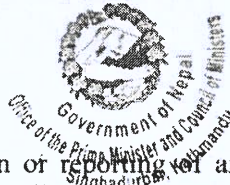
4. What are the barriers women and girls face in reporting and seeking justice, as well as protection, redress and reparations for violations of their human rights in humanitarian settings, including women and girls who face intersecting forms of discrimination?

Patriarchal society and socio-cultural stigma, such as fear of being discarded from their family and society, fear of disclosure of their identity, fear of shame, lack of education, poverty, lack of awareness are some of the barriers that women and girls face in reporting and seeking justice.

In order to ensure a safe and confidential environment for reporting the incidents of violence against women and girls and seeking justice, the GoN has adopted a range of legal and policy instruments.

Article 21 of the Constitution protects the rights of the victim of crime. The Victims of Crime Protection Act, 2018 provides safeguard against attack, damage, fears, intimidation, or threat by the suspect, accused, offender, or person related to him or her or the witness of the accused against the victim or close relative and person dependent on the victim. The National Criminal Procedure Code, 2017 provides that the incidence may be reported verbally or through electronic means in the nearest police office. In case the police office denies registering the report, the complaint along with the report may be made to the office of the district attorney or higher police office. The court may issue necessary orders to the concerned authority to protect the witness or the victim. The Domestic Violence (Offence and Punishment) Act, 2009 and Human Trafficking and Transportation (Control) Act, 2007 have made similar provisions for the protection of victims. The Act Relating to Personal Privacy, 2018 ensures the right to privacy of the matters relating to body, residence, property, document, data, correspondence and character of every person, to manage the protection and safe use of personal information remained in any public body or institution, and to prevent encroachment on the privacy of a person.

The Procedural Guidelines for Protecting the Privacy of the Parties in the Proceedings of Special Types of Cases, 2007 provides for maintaining confidentiality including code names of victims and in-camera hearing of the cases involving women, such as rape, abortion, sexual abuse, trafficking in human beings, incest and violence against women. The guidelines also require similar precaution in the criminal cases involving children as a party and tried by a juvenile bench, and the cases related to HIV/AIDS affected or infected persons. The Human Trafficking and Transportation (Control) Act, 2007 prohibits disseminating confidential information of the victim's address.

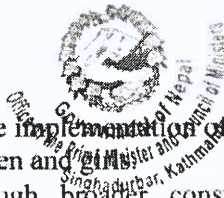


During COVID pandemic, registration or reporting of any cases of violation could be made through online registration, email and hotline. Social media platform was used for disseminating information for reporting any cases of violation. General Guideline to be followed by Nepal Police personnel while addressing cases of GBV during times of crisis was prepared by the Directorate of Women Children and Senior Citizen of Nepal Police and widely circulated.

5. Please provide examples of concrete measures taken by your Government or organization to support accountability for the rights of women and girls in humanitarian settings. In the context of the humanitarian programme cycle, please provide examples of measures taken to ensure accountability in the different stages of programming (design, implementation, monitoring and evaluation)

In-order to support accountability for the rights of women and girls in all settings including humanitarian settings, the GoN has taken the following measures;

- The constitutional bodies mandated for the protection and promotion of human rights are provided with requisite resources for their functioning. These bodies are independent and autonomous to perform their duties. These bodies have to submit an annual report of its functioning to the President, which is laid before the Federal Parliament through the Prime Minister.
- A dedicated unit under Nepal Police was established to effectively address the issue of Women and Children during the long Maoist insurgency Nepal (1995-2005). The allegations relating to Gender-Based Violence committed during the armed conflict are being investigated by the Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons.
- The GoN has designated ministries, agencies and mechanisms that are responsible for the protection and promotion of rights of women and girls in humanitarian settings. The MoWCSC is designated as the line ministry responsible for the formulation of policies and laws concerning gender equality and women's rights and monitors the implementation of plans of actions developed in this regard.
- During devastating earthquake (2015) along with search and rescue duty, Nepal Police Women Children and Senior Citizen Service Directorate conducted various community outreach programs in temporary shelters targeting distressed women and girls through Gender Based Violence Control Networks (GBVCN). Disaster Risk and Management Act, 2017 has provisioned for giving priority to women, children, senior citizens, Dalit, marginalized groups and communities, disadvantage and persons with disabilities who are at risk of disaster, while formulating and implementing special plans and programs.
- Nepal is a party to Palermo Protocol and has enacted the Human Trafficking and Transportation (Control) Act, 2007, prevention of gender-based violation such as Domestic Violence (Crime and Punishment) Act, 2009, Sexual Harassment at Workplace (Control) Act, 2014, Acid and other Harmful Chemical Substance (Regulation) Ordinance, 2020' and 'An Ordinance made to amend some Nepal Acts relating to Penal Code and Criminal Procedure Code, 2020', Penal Code, 2017, which supports accountability for the rights of women and girls in humanitarian settings.
- The Government of Nepal has developed 5th National Human Right Action Plan (076/77-081/82) which include specific thematic areas related to protection and promotion of women and girls. This action plan has designated responsible and



supporting agencies for effective implementation of the activities related to the protection and promotion of rights of women and girls.

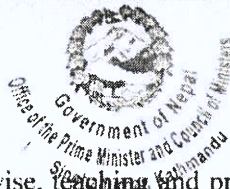
- Participatory approaches through broader consultation with concerned ministries, stakeholders, NGOs and civil societies are carried to ensure accountability in the design, implementation, monitoring and evaluation of programs and action plans related to the protection of women and girls.
- There is a provision to keep Citizen Charter, in a visible place, in every government office, which includes detailed information including a description of the officer responsible for providing service and his/her chamber. In addition, there is a mechanism of social audit and public hearing to ensure accountability.
- Departmental action (such as demotion to a lower rank, dismissal, letter of caution, promotion withheld, reprimanded, suspended) has been taken against those responsible for negligence and violation of human rights. Similarly, motivational factors such as giving awards, promotions are provided to the employee whose performance is outstanding.
- Specialized training courses on the promotion and protection of human rights and on developing strategies for preventing human rights violations are being provided to security personnel in a coordinated manner.
- All violations of human rights have been duly investigated, prosecuted, and penalized through the competent authority in accordance with the prevailing laws.

6. What challenges does your Government or organization face in supporting and ensuring accountability and implementing accessible, gender-responsive and inclusive accountability processes and mechanisms for the rights of women and girls in humanitarian settings? Please elaborate on the nature of these challenges and steps taken to address them.

Nepal demonstrated a strong commitment towards human rights by ratifying almost all international human rights instruments including seven core conventions out of nine. It has been preparing the second phase of the National Action Plan on Security Council resolutions 1325 and 1820, with a focus on conflict-related sexual violence. Although, Nepal is a party to four Geneva Conventions of 12 August 1949 and common article 3 is an important tool. However, Nepal has not enacted legislation for the implementation of the said Conventions.

7. According to your Government or organizations, what is required to strengthen accountability for the rights of women and girls in humanitarian settings? Please elaborate on what actors can help?

- In order to strengthen the accountability for the rights of women and girls in humanitarian settings, clearly defined duties and performance standards, answerability about the task responsible person and authorities are performing, providing reasoned justification for the action and decision and enforceability of the decision are essential. Moreover, effective implementation of the laws, policies and programme, adequate resources for the implementation of the programs, effective monitoring evaluation and reporting mechanism to regularly monitor the effectiveness of the plans and programs from its design, formulation and implementation phase, effective implementation of the code of conducts and taking disciplinary action where appropriate, against those who do not comply with established standards should be arranged for strengthening accountability for the rights of women and



girls in humanitarian settings. Likewise, teaching and providing training on humanitarian law to security forces, judges, lawyers and academics is the most important tool.

8. What steps have your Government or organization taken to ensure women's and girls' access to information, agency and meaningful participation? Please provide information on specific measures taken to enhance diversity of representation of women and girls, including women human rights defenders and women-led organizations in humanitarian preparedness, response and recovery efforts. Please elaborate on any lessons learned, good practices as well as challenges faced.

- Emphasis is given to the empowerment, participation and representation of women in all bodies of the State on the proportional inclusive and participatory principle. The Constitution has ensured equal lineage rights to every woman without discrimination and the right to obtain special opportunities in education, health, employment and social security based on positive discrimination. For this, various legislations have been enacted. No discrimination is made on any ground including that of origin, religion, race, caste, tribe, sex, physical condition, disability, health condition, marital status, economic condition, language, or region or ideology.

The Constitution provides that President and Vice-President, Speaker and Deputy-Speaker of House of Representatives and Chairperson and Vice-Chairperson of National Assembly, Mayor and Deputy-Mayor of municipalities and Chairperson and Vice-Chairperson of Local Levels are to be elected from different sex or community. The constitutional threshold of at least 33% women representation in the Federal Parliament and Provincial Assemblies has been fully met. Out of 45% of the total vacant posts to be fulfilled through open competition, the Civil Service Act, 1991 requires to allocate 33% reservation to the women candidates. Representation of women in various sectors are; 33% in Federal Parliament; 34% in Province Assembly; 41% in Local Level Assembly; 9 out of 16 are women chairpersons in Federal Parliament; 90% of women holds as a Deputy Mayor or Vice-Chair of Local Level Governments; 23.72% (2019) women represent in civil service; 46.93% are women health professionals; 34.1% (2014) are female doctors; 18% females are journalists; the ratio of women in the small and large enterprises is 37.7%.²

9. Please provide information on financial support that is provided to women human rights defenders, including women-led organizations, in humanitarian settings, as well as other local and national organizations to strengthen accountability for the rights of women and girls in humanitarian settings.

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² A Progressive Journey To Gender Equality And Women's Empowerment Achievements of Nepal, Ministry of Women, Children and Senior Citizen.