

Annex-3

NEPAL

An Annex by Coalition of Women Network of Nepal

Coordinated by Women Rehabilitation Center (WOREC) Nepal

Phone no.: 977-01-5006373, Fax: 977-01-5006271, email: ics@worecnepal.org

To

Nepal NGO Coalition Submission to the United Nations Universal Periodic

Review Human Rights Council

July 2010

This annex is a joint submission of 28 women organizations (see end note A) in Nepal coordinated by Women Rehabilitation Center (WOREC) Nepal. This report follows the guidelines adopted by the Human Rights Council and is prepared on the basis of five regional consultations among women human rights defenders, two national consultations and one orientation program by OHCHR, Nepal.

A. Scope of International Obligation

Besides the 24 international instruments, UN Resolutions 1325 & 1820, Nepal has signed the Convention on Preventing and Combating trafficking in women and children for prostitution and the Convention on Regional Arrangements for the promotion of welfare of children during the 11th SAARC Convention in January 2002.ⁱ Further, Nepal has international obligation under Millennium Development Goal (MGD), Beijing Platform for Action and Beijing + 5.

B. Institutional and human rights infrastructure

Among the three National Human Rights Institutions (NHRIs) – National Human Rights Commission, National Dalit Commission and National Women Commission – the former two seem to be carrying out activities on human rights as a whole leaving a lot of rooms to convert their activities into women friendly whereas the women commission has not been able to establish its strong presence among the women who are victim of discrimination, torture and violence. Despite constitutional equality on gender, several gender friendly laws (not enough though) and a set of enforcement agency, very little outcome has come out of it. As a result there is a huge amount of job for these NHRIs to transform the obligation of international treaty bodies into reality wherein they could play an important role of catalyst. There is a tendency in the government that government starts to fulfill the treaty obligation only after pressure from civil society and orders of the court rather than initiating itself for the fulfillment of a treaty obligation. The women commission can be an instrument to take an initiation to fill the gaps between laws, practices and policies. It is necessary for the government and women commission to work with other women networks including the women ministry, women development units and civil society as a whole in order to end discriminatory practices and perceptionsⁱⁱ. Further, the women Commission can be instrumental to identify that equality of Nepali women covers a wide ranges of issues including equality among the women themselves considering the needs and backgrounds of women from different geographical origin and social as well as financial base of the women whom we refer particularlyⁱⁱⁱ. There is an urgent need to materialize that the needs of Nepali women are not same and they differ on the basis of their social and financial backgrounds. Besides, the women commission should be instrumental to channelize other women networks like women ministry, women development units and Women Human Rights Defenders (WHRDs). A new scope of work for the women commission can be identified by analyzing the situation on the ground being faced by the WHRDs. (See end note B appended herewith).

A. Scope of International Obligation

Besides the 24 international instruments, UN Resolutions 1325 & 1820, Nepal has signed the Convention on Preventing and Combating trafficking in women and children for prostitution

and the Convention on Regional Arrangements for the promotion of welfare of children during the 11th SAARC Convention in January 2002.^{iv} Further, Nepal has international obligation under Millennium Development Goal (MGD), Beijing Platform for Action and Beijing + 5.

B. Institutional and human rights infrastructure

Among the three National Human Rights Institutions (NHRIs) – National Human Rights Commission, National Dalit Commission and National Women Commission – the former two seem to be carrying out activities on human rights as a whole leaving a lot of rooms to convert their activities into women friendly whereas the women commission has not been able to establish its strong presence among the women who are victim of discrimination, torture and violence. Despite constitutional equality on gender, several gender friendly laws (not enough though) and a set of enforcement agency, very little outcome has come out of it. As a result there is a huge amount of job for these NHRIs to transform the obligation of international treaty bodies into reality wherein they could play an important role of catalyst. There is a tendency in the government that government starts to fulfill the treaty obligation only after pressure from civil society and orders of the court rather than initiating itself for the fulfillment of a treaty obligation. The women commission can be an instrument to take an initiation to fill the gaps between laws, practices and policies. It is necessary for the government and women commission to work with other women networks including the women ministry, women development units and civil society as a whole in order to end discriminatory practices and perceptions^v. Further, the women Commission can be instrumental to identify that equality of Nepali women covers a wide ranges of issues including equality among the women themselves considering the needs and backgrounds of women from different geographical origin and social as well as financial base of the women whom we refer particularly^{vi}. There is an urgent need to materialize that the needs of Nepali women are not same and they differ on the basis of their social and financial backgrounds. Besides, the women commission should be instrumental to channelize other women networks like women ministry, women development units and Women Human Rights Defenders (WHRDs). A new scope of work for the women commission can be identified by analyzing the situation on the ground being faced by the WHRDs. (See end note B & C appended herewith).

II. Promotion and Protection of Human Rights on the Ground

1. Equality and non-discrimination –

Issues of Nepali women relating to equality and non-discrimination are often deemed to be similar. However, there is an urgent need to consider these two issues separately. Equality of Nepali women can be found in fact and figures. (See end note D)

Non-discrimination

Non discrimination of Nepali women should imply to prohibit discrimination in all programs and activities on the basis of sex, sexual orientation, gender identity, gender expression, caste, creed, race, color, national origin, age, marital status, familial status, parental status, religion, genetic information, political beliefs, reprisal, and individual income. However, women in Nepal face discrimination from the womb to tomb. Most of the discrimination occurs during employment and in distribution of opportunities. If non-discrimination is guaranteed in these two areas, it would work in a great deal.

The government should:

- Enact and enforce a comprehensive employment non-discrimination Act in order to end all kinds of discriminations and discriminatory practices by empowering women to get into opportunities and employment.

2. Right to life, liberty and security of person -

The act of killing women starts when she is in the womb due to preference of son. More women are killed as they become unable to feed their husbands with 'enough' dowry. The patriarchic structure of the society continues to torture many of the women during her marital life and she is more vulnerable to be killed or more tortured if she happens to be widow^{vii}. Besides, women are trafficked for prostitution. Violence against Women (VAW) often comes in the form of sexual violence, physical violence, domestic violence, psychological violence, social violence, cultural violence and rape^{viii}. Liberty and security of Nepali women is severely violated by intimate partner violence, marital rape, polygamy, alcohol abuse violence, incest, dowry related violence, female infanticide, as well as other harmful cultural and traditional practices such as, child marriage, son preference, restriction on women's rights to choice of marriage and various inhuman codes of conducts for widows as well as practices of Deuki (dedicating girls to a god and goddess), Jhuma (in some communities, second sisters remain unmarried and spend their life in monasteries), Badi (ethnic practice of prostitution among young girls), Kamlari (offering daughter to do landlord's domestic chores without remuneration or very little of it) and Kumari (putting a girl child in the incarnation of Goddess curtailing her several rights). These women and girl child are supposed to be in school instead of such kinds of works.

A research report entitled "Situational Analysis Of Gender-Based Violence in Surkhet and Dang Districts", 2008 carried out by SAATHI, WHR, UNFPA, and IRC revealed that 81 percent of women reported ever having faced domestic violence from their husbands. Similarly, 74 percent of women reported being forced by their husband to participate in non consensual sexual acts under threat multiple times. This is a clear indication of the high level of domestic violence prevalent in Nepali society. Nepalese women and girls are vulnerable to both domestic violence as well as public violence. Domestic violence is apparent as physical abuse (for example beating, slapping, and hair pulling, kicking, burning, beating with a stick or using a knife) and mental torture (threats, verbal abuse, and neglect) by husbands or other relatives.

Violence against Women also occurs while traveling in public transportations, at workplaces, schools, sports, clubs, colleges and hospitals. Different forms of VAW prevalent at community level are rape, sexual harassment, verbal abuse such as terms like "husband eater" and "inauspicious" used against widows, trafficking, and accusation of witchcraft, forced prostitution and others. Another worst form of violence against women includes attack against women by pouring acid on face and/or body of women. Women who became victim of Gender Based Violence (GBV) during the time of conflict are still deprived of justice. The initiation of the government to make safe houses in 15 districts has not been enough. However, those who were raped could not sue due to time limitation of 35 days. However, Women Human Rights Defenders (WHRDs) are playing very instrumental role in reporting the cases of violence against women and torture to the administration of justice. (See end note B)

The government should:

- Take immediate actions to eliminate all kinds of violence, torture and harmful socio-cultural practices against women even by addressing the issues like witchcraft, patriarchic structure in all sectors and also mobilizing the Women Human Rights Defenders (WHRDs) for this purpose; (See end note B how WHRDs can work).
- Continue to establish and operate, in association with civil society, safe houses in all 75 districts and channelize a prompt and adequate response to rescue those women who have been victim of violence, torture and harmful socio-cultural practices;
- Establish resourceful victim support center with comprehensive package including safe house, legal aid, medical aid, counseling and assistance for employment opportunities for those women who have been victim of violence, torture and discrimination;
- Consider to introduce and enforce appropriate social security system for women in general and specifically for the women who are victim of torture, discrimination and harmful socio-

cultural practices and thereby providing sufficient and adequate opportunities of education to women as well as well girl child;

- Establish a high level commission to investigate sexual violence during the time of conflict and also empower the commission to recommend on the legality of 35 days time limitation to sue the cases of rape.

3. Administration of justice

The administration of justice in Nepal is not in favor of women. A woman who is tortured and has been victim of violence will be tortured again if she choose to enter into the formal mechanism of administration of justice. The court system and procedures are stereotype. Further, impunity, rampant interest of political parties and social taboos are standing as high walls in the way to administration of justice for women. Even cases of serious rape including other violence against women are settled outside the ambit administration of justice in accordance with interest of political parties exerting further injustice to the victim women. There are problems with the way how informal justice mechanisms are administered. There is evidences of settling down the severe form of violence against women as RAPE mediating and setting through informal justice system. Feudo-Patriarchal system is responsible for this however strong patriarchal values enshrined even with the institutions implementing programs in informal justice cannot be left aside. However, some women who are working for women rights and are established themselves as Women Human Rights Defenders (WHRDs) are playing vital roles to the formal system of administration of justice in favor of women through their advocacy and activism. According to UN definition of Human Rights Defenders and European Union Guidelines on Human Rights Defenders, they are Human Rights Defenders at the frontline and they are the people who are in more risk than anybody else (See end note B). The WHRDs contribute in two ways. First, the WHRDs help, initiate and facilitate to report the incidents of domestic violence and torture to police, local bodies and courts. Second, institutions that administer justice like courts, local bodies and police themselves refer a case reported to them to the WHRDs asking them to facilitate in the cases. Many of the cases are settled at the level of WHRDs (cases are screened according to the gravity and decided which can be settled at the level of WHRDs) whereas others are facilitated by them. However, the WHRDs are at risk due to threats from the resistance forces which do not like such roles of WHRDs. In a recent decision, the Supreme Court of Nepal has issued of an order of mandamus to provide appropriate security to the WHRDS^{ix} and the a district court has recently awarded monetary compensation to WHRD recognizing issue and mission being carried by the WHRDs.

The government should:

- Ensure that all cases of violence against women, torture and discrimination are well reported to the formal system of administration of justice and the cases are settled on time before the purpose of justice is defeated;
- Strengthen the role of WHRDs in the administration of justice by enforcing appropriate legal and practical measures for their identity, solidarity, security and facilitation in the administration of justice.

4. Right to participate in public and political life

Involvement and participation of women in the decade long conflict from 1996 through 2006 was significant. Over percent of women and girls were there in the People's Liberation Army and similar percentage of women took to street in the April uprising of 2006. Considering the involvement and participation of women in political affairs, the participation of women in decision making level is not satisfactory. Representation of 33 percent women in the Constituent Assembly has not ensured enough participation of women in political process. The United Nations Resolutions 1325 and 1820 are not implemented in their true spirit and the spirit of transitional justice.

The government should:

- Continue and strengthen participation of women in decision making levels in all social, political and development activities so that issues of women with diverse background could be addressed simultaneously complying with the commitment of inclusion of 33 percent of women in all public structures.

5. Right to work, just and favorable condition of work

Army police act has provisioned that she should be single (unmarried or widow) to join in army police, and it is restricted to only woman to marry during the training (Army Police Regulation (4 (3), & 4 (4)). There is no provision regarding 'pregnancy leave' in some laws of civil service (Labor Regulation). Women are subjected to sexual harassment at workplace and inadequate standards of occupational safety and health. There is incident that even women police personnel is gang raped at her work place.^x Kamlaris are still compelled to work without pay or very little pay and are often exposed to several exploitation. The government is yet to do much with regard to the directives issued by the Supreme Court concerning the women working in entertainment sector.

The Government of Nepal should:

- Ensure equal access to employment of all women in all circumstances with appropriate measures of occupational safety and health especially for women by increasing measures to combat sexual harassment at workplace especially considering the situation of Kamlaris;
- Introduce separate and concrete programs covering basic health services for women's occupational safety and health, girl children in schools;
- Immediately implement the Supreme Court directives regarding women working in entertainment sector.

6. Migrants workers

Around 5,000 to 12,000 girls between the ages of 10 to 20 years are reported to be trafficked outside the country for forced prostitution and labor exploitation.^{xi} The torture and exploitation of women migrant workers cannot be explained in words. A glimpse of scenario can be seen by the endnote C appended herewith. The cobweb to exploit and torture women migrant workers works internationally and especially in South Asia and in the Middle East.

The government should:

- Launch immediate a plan of action to combat trafficking, exploitation and torture of migrant women workers to work nationally and internationally in association with civil society and also by reviewing and developing international treaties so that migrant workers can be safe and their problems can be addressed instantly if any occurs.
- Ensure in practice that migrant women workers have full and complete information about the work as well as the terms and conditions of the work before they leave Nepal for the work in migrating country; continuously supervise it if all the terms and conditions are duly complied with and establish an instant complaint handling/hearing mechanism if any case, controversy or disputes arises there from.

III. Key national priorities, initiatives and commitments

The Supreme Court in another decision has ordered the government of Nepal mentioning that the present practice closed benches to hear the cases of domestic violence is not enough, rather there should be Fast Track Court to hear the cases of domestic violence^{xii}. The government has taken initiation of some activities under the Millennium Development Goal (MGD) including declaration of the year 2010 as the year of violence against gender and direct hotline at the office of the prime minister to take up the cases of violence against women. The government has also carried out some activities under Beijing + 5.

The government should:

- Continue the efforts under the MGD, Beijing + 5, fast track, initiation of Prime Minister's office to declare the year 2010 as the year violence against gender and thereby expedite these initiations.

End note – A

List of women coalition for UPR

SAATHI Women Shelter
Beyond Beijing Committee (BBC)
Him Rights
POURAKHI
SOLID Nepal
Youth Action Nepal
Institute of Human Rights Communication Nepal (IHRICON)
Community Action Center (CAC Nepal)
Women Forum for Women in Nepal (WoFoWon)
Forum for Women Law and Development (FWLD)
Public Health Concern Trust (Phect) Nepal
Nepal Mahila Ekata Samaj (NMES)
Resource Center for Primary Health Care (RECPHEC)
Luzza Nepal
Mitini-Nepal
Nagarik Aawaz
Dalit NGO Federation (DNF)
Women Security Pressure Group (WSPG)
Women Human Rights Defenders Network Kathmandu

Women Human Rights Defenders Network Lalitpur
Women's Reproductive Rights Program-Center for. Agro-Ecology and Development (WRRP/CAED)
Nepal Disabled Women Association (NDWA)
Feminist Dalit Organisation (FEDO)
National Alliance for Women Human Rights Defenders (NAWHRD)
Nepal Muslim Welfare Society (NMWWS)
CSGS (Centre for Studies on Gender, Society and Development Study)
Akhil Nepal Women's Association (ANWA)
Alliance Against Trafficking in Women and Children (AATWIN)

End Note: B

A Case Study on Structural Violence and Discrimination against women in general and Women Human Rights Defenders

AN APPEAL FOR SOLIDARITY AND SUPPORT

April 2009

URGENT:

WOREC Nepal and the National Alliance of Women Human Rights Defenders (NAWHRDs) request for your attention and urgent intervention in the following situation in Sunsari District, Eastern Region.

Introduction:

WOREC Nepal and NAWHRDs is appalled and deeply shocked on hearing the cruel brutality of the Police against Women Human Rights Defenders of Chimdi Village Development Committee (VDC) of Sunsari district. Around 14 WHRDs have been severely beaten and injured by Police who charged them with batons and rear of the gun. The WHRDs were in a non violent sit in protest condemning the Police for not registering a complaint and the denial of access to justice by the government responsible bodies.

Background:

Shree Lal Sardar, aged 21 and Lalita Gurung, aged 20 were in love with each other and planned to get married however since it was a inter caste/class relation between a boy from

the dalit community and a girl from ethnic community, this was vehemently rejected by the relatives of the Lalita. It was also been reported that both Lalita and Shree Lal were beaten up by the relatives of Lalita for talking to each other in a public sphere.

On 9 April, 2009 this incident was shared to Kara Devi Sardar, Woman Human Right Defender who said that "it is the fundamental right of any person to get married and to the person of their choice" but however her of "voice of defending the rights of the couple" turned bitter and she was instead brutally beaten by the relatives(Mr. Natiya GURung) of Lalita. Kara Devi then approached the Illaka police station of Chimdi to file a complaint about the attacks on life, bodily and mental integrity on her however to her disappointment, the Sub Inspector Rajesh Chaudhari mistreated her with harsh and abusive words and sent her back without filing the complaint. Kara Devi reported the incident to the Women Human Rights Defenders Network Sunsari.

Sunsari District is situated in the Eastern Development Region of Nepal. The district has been known for a haven for criminal activities given the advantage of open border and also the cases of Violence Against Women that is perverse and at times, repeated too. There is proliferation of corruption, armed groups that is a common feature of Sunsari especially Chimdi VDC. This is not the first time that the Women Human Rights Defenders have been attacked in this district. There have been repeated attacks on Women Human Rights Defenders for defending and promoting rights of women especially Dalit Women who are marginalized and discriminated. It is through the support of such Women Human Rights Defenders that the Women are able to share their cases and stories given that the attitude and behavior of the Police is feudal and patriarchal in nature. This systematic web of violence further marginalizes the women, breaking their silence that ends in torture, harassment and threats that further pushes them into a cycle of violence against them. Such systematic violence needs to be addressed urgently otherwise this will put women on even riskier situation.

On 10th of April, around 500 women from 8 VDC and Women Human Rights Defender walked together towards the Police Station in Chimdi VDC demanding a) The assault on Kara Devi must be taken seriously, b) Corrupted Police must be reprimanded and c) evoked the statement of the Prime Minister on 25 January, 2009 who committed to establish a complaint centre for women to register cases as within a month an objective to end all forms of Violence Against Women and criminalized caste based discrimination against dalits. This protest was done through organized rallies, slogans and pressurized the Police to register the complaint. The strategies of the WHRDs were non violent and they held a peaceful sit in protest and padlocked the Police station as a way to show their pain and suffering towards an irresponsible and insensitive government. However their efforts went in vain as the Police publicly humiliated them with insults and abuses trying to break down their confidence. The Women Returned home disappointed and abused by such state actors that are to provide security and protection.

On 11 April, 2009, the Women Human Rights Defenders continued their campaign with the same demand to access justice and also an apology from the Police Officers for their demeaning misbehavior and degrading treatment towards the Women. As the Women Human Right Defenders along with other 500 Women maintained their sit in protest in front of the

Police station, they were assaulted and charged with batons and rear end of the Gun by around 10 Police Officers and 4 other unknown goons. The use of force by the Police on the Women was on head, chest, thighs and legs and some even tried to force the stick into the vagina of some women. At least 14 women were injured out of which 5 were seriously injured; a) Thakani Mehta (awarded Amapro Award for her contribution towards women's movement and promoting Human Rights of Women and Social Justice), b) Sita Kamat, c) Bina Chaudhari, d) Sunita Sah and e) Laxmi Chaudhary respectively.

The Women were then rushed to the Koshi Zonal hospital immediately for medial treatment. It has also been reported that the journalists such as Rajan Niraula, Krishna Bhattra, Gopal Kolirala and INSEC representative Sukudev Chaudhari who had gone to investigate the incident to the Police Station were also manhandled and their vehicle vandalized by the Police and the goons. Likewise Binod Chaudhary, Staff of WOREC Nepal, Sunsari district has been threatened by the goons too. In addition, the Police snatched a digital camera and mobile sets of the Women respectively.

Such incidents of insult, abuses, threats, use of force, denial of access to justice by the structures of the responsible and accountable government of New Nepal is an indication that the Political restructuring has not been implemented in actions. In the current political context of state restructuring that has ensured women's rights and their active and meaningful participation in nation building, the interim constitution 2063 that incorporated Women's Rights as Fundamental Rights, ratification of CEDAW Conventions such human rights violations of women in Sunsari district is seriously denounced.

In regards to the Declaration of Human Rights Defenders 1998

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedom.

However the state stands inconsistent and insensitive to such declaration and instead committed serious violations on Women Human Rights Defenders.

We strongly urge the government and the National Human Rights Commission of Nepal to investigate and condemn the structural violence against women and women human rights defenders in accordance with the principle of due diligence. We also urge international human rights institutions to collaborate, support and pressure the government to fulfill its obligations towards its citizens.

Women's access to justice must be ensured to protect, promote and fulfill women's human rights. Denial and delay of access to justice is a gross violation of human rights. It is even worse when an atmosphere is created in which women fighting for the rights of the other women are unsafe and insecure and their security is not guaranteed.

This example is a clear indication of a rampant culture of impunity in Nepal and failure of the state to protect and promote the right of freedom of expression and the right to live in dignity. There is no rule of law and the state structure is a complete façade in Nepal. Women human rights defenders around the world have been experiencing similar attacks in order to silence us. However these attacks cannot stop us from defending human rights and the fundamental freedoms of women and women human rights defenders.

If the following demands of the Women Human Rights Defenders are not respected and recognized then the Women Human Rights Defenders will be forced to organize a nationwide protest.

CALL TO ACTION:

1. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 9 and 12 that states that Right to Remedy/Justice for violation of Rights and right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms respectively;
2. Request the authorities to proper investigation of the incident and the steps to penalize the perpetrator;
3. Provide compensation to the injured Women Human Rights Defenders and Journalists;
4. To engage with the National Human Rights Commission Nepal, Government of Nepal and Office of the High Commission of Human Rights Nepal to ensure that the due process of law is respected;
5. Denounce irresponsible and distrustful behavior of the Area Police Office of Chimdi VDC especially Sub Inspector Rajesh Chaudhary;
6. Stop intimidation and harassment of other Women Human Rights Defenders who are fighting for the Justice;
7. Immediate assurance that the Women Human Rights Defenders do not face violence and threats and end all forms of Violence Against Women Human Rights Defender;

Source: WOREC documentation Center 2010

End note – C

A sample of violence against migrant workers

23rd July 2007

Kathmandu, Nepal

Women's Rehabilitation Centre (WOREC Nepal) requests your URGENT intervention in the following situation in **Nepal**.

Brief Description of the Situation:

Women's Rehabilitation Centre (WOREC Nepal) has been informed that two female migrant workers namely Dilkumari Tamang and Babita Khadka in Saudi, Madina are being exploited and are in need of immediate rescue.

On 19th July 2007, Mr. Tamang who lives in Rampur Thoksila-7 VDC , Udayapur Nepal., **husband of Ms Tamang** had called one of the staff of WOREC explaining that Ms Tamang and her friend are in need of immediate support and protection.

As explained by him, Ms Tamang and her friends were sent to abroad (Saudi, Madina) by Mr. Pokharel and another Ms. Tamang who was **local nepali agent**; they helped them to cross the boarder of Nepal.

On date 2064/1/30 (Around May 2007), they (two women) flew to Bombay though they were told by the agents but that they were been taken to Delhi. After they reached to Bombay (the transit point) they were managed to fly to Saudi, Madina through the another agent Mr. Adhikari who is the agent in a Manpower ,

He further explained that he had reported to police about the case and those Nepali agents were arrested. They had said that they would return those Nepali women by 29th June 2007. But nothing was done. He hasn't yet contacted the Bombay (India) manpower because he is unable to afford for the communication.

Later, those two women's were in greatest trouble. They were being tortured ,sexually exploited and hadn't have received their remuneration for months since their work. They want ed to return back home.

Source: WOREC Documentation Center 2010

End Note - D

Fact and figures demonstrating inequality of women in Nepal

Equality

The UN Gender Development Index (GDI) continues to rank Nepal 119 among 182 countries across the world.^{xiii} The overall literacy rate of women in Nepal is only 42.49 percent, which is remarkably low as compared to men, i.e. 65.08 percent, leading to a gender gap of 22.6 percent.^{xiv} Similarly adult literacy amongst women is 35.63% as opposed to 72.46% amongst men.^{xv} Estimated income of women in the country is only 0.408 as opposed to 0.503 of men.^{xvi} Even then, women's contributions to the economy in the form of household maintenance and care work continue to remain unaccounted and thereby undermining the role of rural and household women^{xvii}. The Gender Empowerment Measure (GEM) under the Human Development Report of 2009 indicates that women's share of earned income was about one third of that of men. Women's ownership on house can be found very low (only around 11%). This system leads to discrimination against girl children in food distribution, provision of clothing, health-care, education, and entertainment. This is because the girl children are many of the times and places viewed as having no lasting value to the family^{xviii}. However, she is seldom considered as an equal partner within the family of her husband and happens to be a junior or inferior partner in there. There are 46^{xix} plus three^{xx} decisions of the Supreme Court of Nepal for better equality of Nepali women. The Supreme Court decisions have categorically stated sections 2 (f), 5(b) and section 14 of CEDAW while making orders to the government to remind its international obligations. However, the achievement received on this regard has not been enough. The main reason for inequality between men and women is the patriarchic structure of the society.

ⁱ Compilation of International Covenants relating to Human Rights, Government of Nepal, Ministry of Law Justice and Parliamentary Affairs .

ⁱⁱ Jyoti Poudel vs Government of Nepal and others, writ no 064-WO- 0186 of 2064 (www.supremecourt.gov.com.np)

ⁱⁱⁱ Anwesi, A Year book on Violence Against Women, 2008, Women Rehabilitation Centre (WOREC) Nepal, Kathmandu, Nepal.

^{iv} Compilation of International Covenants relating to Human Rights, Government of Nepal, Ministry of Law Justice and Parliamentary Affairs .

^v Jyoti Poudel vs Government of Nepal and others, writ no 064-WO- 0186 of 2064 (www.supremecourt.gov.com.np)

^{vi} Anwesi, A Year book on Violence Against Women, 2008, Women Rehabilitation Centre (WOREC) Nepal, Kathmandu, Nepal

-
- vii Anwesi, A year book on Violence Against Women, 2008, Women Rehabilitation Centre (WOREC Nepal).
- viii Anwesi, A Yearbook on Violence Against Women, 2008, Women Rehabilitation Centre (WOREC Nepal)
- ix Jyoti Poudel vs Government of Nepal Writ No. 0187 of 2064 ([www. supremecourt.gov.com.np](http://www.supremecourt.gov.com.np))
- x On 27 September, 2009 around night a Woman Police officer named Suntali Dhami stationed in the District Police Office, Accham District was gang raped by her own colleagues. She claims that she was fed with drugged food and gang raped by the suspected perpetrators. The District Police Office in Accham district refused to register the complaint of the Victim stating the accusation as "false" but instead labeled the woman Police Officer as having an illicit relationship with another man and said she framed the Police officers for they found this truth about her.
- xi Government of Nepal 2009 National Plan of Action on Gender Based Violence for 2010.
- xii Jyoti Poudel vs Government of Nepal Writ No. 0424 of 2064 ([www. supremecourt.gov.com.np](http://www.supremecourt.gov.com.np))
- xiii Human Development Report 2009, <http://hdrstats.undp.org/en/indicators/113.html> (last visited 05.04.2010)
- xiv Ministry of Education and Sports: A Glance (2006).
- xv Human Development Report – Nepal, UNDP, 2009
- xvi Human Development Report – Nepal, UNDP, 2009
- xvii Jyoti Poudel vs Government of Nepal and others, writ no 064-WO- 0186 of 2064 ([www. supremecourt.gov.np](http://www.supremecourt.gov.np))
- xviii An Update of Discriminatory laws in Nepal and their Impact on Women, Forum for Women, Law and Development, 2006
- xix Supreme Court judgment on gender related issues, 2010, Forum for Women Law and Development.
- xx Three recent Supreme Court judgment in the cases filed by Advocate Jyoti Poudel writ Numbers – WO – 0424, WO – 0186, WO – 0187 (www.supremecourt.gov.np)