

**Indigenous Women’s Parallel Report for
the Government of Nepal’s Submission to the Twenty-fifth Anniversary of the Fourth
World Conference on Women and the Adoption of the Beijing Declaration and the
Platform for Action(1995)**

**“25th Anniversary of the fourth World Conference on Women
and the Beijing Declaration and Platform for Action (1995)”**

Submitted by

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A. INTRODUCTION AND METHODOLOGY

On 28 June 2019, the Government of Nepal submitted the Twenty-fifth Anniversary of the Fourth World Conference on Women and Adoption of the Beijing Declaration and Platform for Action (1995) Review Report without consulting with and including the voices of Indigenous women's representative organizations. This parallel report, which was prepared and submitted as a joint effort between the National Indigenous Women's Federation (NIWF), Nepal and the National Indigenous women forum (NIWF) intends to hold Nepal's government accountable and ensure the inclusion of an Indigenous women's agenda into national policies. This review of BPfA25+ includes CEDAW as the two documents are complementary, as well as the SDGs, as the BPfA covers a wide range of issues that are interlinked with the SDGs.

NIWF (Federation) and NIWF (Forum) carried out national level consultations in Kathmandu and four province level consultations in Bardibas, in the Mahottari district in Province 2, which covered the Mahottari, Sarlahi, Dhanusa and Sindhuli districts, and in Bhairahawa, which covered the Rupandehi, Kapilvastu and Palpa districts in Province 4. Also, field work was carried out in Banepa and Dhulikhel in the Avrepalnchowk district, in Charikot, in the Dolkha district, and in Hetauda, in the Mkawanpur district in Province 3, in Pokhara, in the Kaski district and in Baglung, in the Baglung district in Province 4. During the field visits, focus group discussions were conducted. Key informant interviews were held with the Deputy Mayors of Municipalities in Pokhara, Namobudhha, Hetauda and Gokarneswor. Additionally,, a literature review of secondary sources, including the Civil Society Report of Beijing+20 Nepal, the National Review on the Implementation of the Beijing Declaration and Platform Action (1995) the Outcomes of the Twenty-Third Special Session of the General Assembly (2000) published in 2014, the NGO Report on Beijing+15, the Shadow Report for the Sixth Periodic Report of Nepal CEDAW/c/NPL/6 on the Situation of the Rights of Indigenous Women in Nepal and Concluding Observation on the Sixth periodic report of Nepal published in 2018 was carried out. These primary and secondary data sources were reviewed and a draft report was prepared by Yasso Kanti Bhattachan with editorial assistance from Dr. Krishna B. Bhattachan. Yasso Kanti Bhatatchan, Chinimaya Majhi, Krishna Kumari Waiba, Shanti Dewan, Manju Dhimal, Sabitra Chepang, Junita Rai, Hima Limbu, Mayalu Lama and Mala Rai conducted field work and prepared draft reports of the province and national level consultations.

Therefore, this report is an integral part of the provincial and national level reviews that have assessed progress made and identified challenges in the implementation of the BPfA, CEDAW and SDGs. The main criteria used to analyze the implementation of the BPfA, CEDAW and the SDGs was whether or not they align with the Beijing Declaration of Indigenous Women made during the UN Fourth World Conference on Women, held in Huairou, Beijing, in the People's Republic of China from August 30 – September 8, 1995. UNDRIP was adopted by Nepal in 2007 and ILO Convention no. 169 was ratified by Nepal in 2007. Additionally, NIWF Nepal and NIWF have adopted the NGO Guidance for National Parallel Reports, with a focus on Indigenous women. In order to adjust it for our context, we added the term Indigenous Women to all of the questions and incorporated new questions specific to the realities and needs of Indigenous women.

B. PRIORITIES, ACHIEVEMENTS, CHALLENGES AND SETBACKS

What have been the most important achievements, challenges and setbacks in progress towards gender equality and the empowerment of Indigenous women over the past 5 years?

a. *What are general achievements in the implementation of the BPfA, CEDAW and the SDGs?*

b.

Most of the participants at the province level were unfamiliar with the BPfA, CEDAW and the SDGs. Those who were familiar stated that there were no achievements specific to Indigenous women in the implementation of Nepal's national action plans for the BPfA, CEDAW and the SDGs. This is due to their failure to recognize Indigenous rights affirmed within UNDRIP and ILO Convention No. 169. They also failed to obtain FPIC from Indigenous women's representative organizations. Also, the new Nepalese constitution (2015) is a racist document that upholds Khas Arya supremacy. All of the laws, including the recently enacted Civil and Criminal (Code) laws, along with hundreds of other new or amended legislations, policies, plans and programs, are not in line with UNDRIP; therefore, implementation of the BPfA, CEDAW and SDGs ignores the specific needs and issues of Indigenous women in Nepal.

c. *Which rights have been violated?*

There has been nominal or very limited success in enacting rights to participation and representation, use of mother tongue in education and media, and traditional health systems. Almost all of the rights of Indigenous peoples ensured in UNDRIP and ILO Convention No. 169 have been violated by the state, including collective rights, rights to distinct identity, self-determination, autonomy, self-rule, customary laws and institutions, FPIC, ownership and control over lands, territories and resources, self-determined development, Indigenous knowledge and intellectual property, cross-border relations and the equal rights of Indigenous children, the elderly, persons with disability and LGBTIQ.

Indigenous women consulted in Province 2 stated that their fundamental social, economic, cultural and collective rights have been violated. They are looked down upon by others and their identities have been reduced to people who sell liquor.

d. **What work, roles, or other activities have been prohibited or criminalized for Indigenous women and girls?**

There are many jobs, roles and other activities that have been prohibited or criminalized for Indigenous women and girls. Some examples are:

- A recent study on Economic Empowerment of Indigenous Women jointly carried out by NIWF and UNDP revealed that almost all of the Indigenous women interviewed as well as their daughters, knew the customary skills of *Jand* (beer) and *Raksi* (hard liquor) production used for spiritual, religious, social, cultural and economic purposes. However, production of such liquor at the household level has been criminalized. Police often raid

houses and confiscate and throw away the liquor and the production materials. The mainstream women's movement and the mother's group of Bahun-Chetri often declare village as dry areas and criminalize the production, selling and transportation of locally produced liquor. This issue was highlighted during consultation in Province 2.

- Indigenous communities, such as the Tamang, Bhote, Rai, Limbu, and Sunuwar peoples, have a customary practice of eating cow or ox meat. The constitution of Nepal has declared cows a national animal. As cows are worshipped by Hindus, cow slaughtering has been criminalized in Nepal. Killing a cow has become equivalent to homicide resulting in life imprisonment, i.e. 20 years in jail. Some Indigenous women and men are languishing in jail with charges of cow slaughter in spite of having consumed meat from a cow that died in an accident or from natural causes.
- The traditional practice of collecting natural resources in ancestral lands has been criminalized by forest and nature conservation laws, including laws seeking to protect national parks, wildlife reserves, wetlands hunting grounds, community forests, collaborative forests, and national forest. Indigenous women have been caught and detained by the security forces. In spite of the ill treatment and brutality by the security forces, Indigenous women still collect firewood, fodders and wild vegetables (i.e. *parwar ko sag*, wild mushrooms, wild ferns, wild berries and herbs). This issue was also raised during the consultations in Province 2.
- The Thakali and Gurung people have a customary practice of rotating credit associations popularly known as Dhikur. The practice has become popular among non-Indigenous people who have adopted it with modifications and popularized it as Dhukuti. This adopted practice has often been misused with some members appropriating the money collected from other members. The police have received many complaints about fraudulent Dhukuti practices, as a result, the government has criminalized Dhukuti along with traditional Dhikur practices as they could not differentiate between the two.
- Indigenous groups such as the Limbu, Rai, and Sunuwar have a customary practice of firing guns during celebrations (e.g. weddings) but the state has criminalized such practices.
- The Raute people, the last nomadic community of Nepal, traditionally move from one forest to another. There they cut trees for *Kukath* (useless wood), to make traditional wooden utensils for personal use as well as for bartering for food grains in nearby villages. As their ancestral lands have been turned into national forests and parks, wildlife reserves, wetlands, and community forests by the state, they have been prohibited from cutting down trees in the forest. Their livelihood has therefore been criminalized by the state.
- At Chhumi Ghyarcha, also known as Muktinath templ, Jhumas (nuns) perform traditional priest rituals inside of the temple. Muktinath is considered to be a sacred God and temple for Hindus, therefore, the presence of the Jhumas has led some Hindu priests to remain outside of the temple. Recently, the government has tried to ban Jhumas from entering the temple due to their "untouchable" status during their monthly menstruation, effectively rendering the temple impure. Menstruation is considered to be impure by Hindus but not by Buddhists. Banning Jhumas from performing their priestly rituals inside Chhumi Ghyarcha would be one more attack on the customary practices of Indigenous women.

e. What obstacles do Indigenous women face to exercising their rights?

The main obstacles faced by Indigenous women when seeking to exercise their rights are as follows:

- The Government of Nepal adopted UNDRIP and ratified ILO Convention no. 169 in 2007 but a lack of meaningful implementation of these international laws has prevented Indigenous women from exercising the rights granted by these legal frameworks.
- They also lack meaningful participation and representation in planning, decision making, implementation and monitoring and evaluation of CEDAW, the BPfA and the SDGs.
- Nepal's mainstream women's rights movement treats women as a homogenous group, which ignores the intersecting identities of women in Nepal. The approach itself is a big obstacle to Indigenous women's ability to exercise their rights. We, NIWF Nepal, NIWF, INWOLAG and NIDWAN, stated in our CEDAW shadow report that , "the fundamental difference between Indigenous women and "mainstream" women are: (i) "mainstream" women are recognized as a legal entity under constitution, laws and policies; in contrast, Indigenous women are not recognized, (ii) Indigenous women are invisible in constitution, laws, plans, policies and programs, and are victims of historical injustice and structural violence; in contrast, "mainstream" women, who belong to the ruling Hindu caste and dominant group, are visible, (iii) Indigenous women are victims of triple discriminations: (a) stateless and colonization due to denial of right to self-determination, (b) dispossession of lands, territories and resources, and (c) loss of identity due to state-led process of assimilation; (iv) Indigenous women are victims of patriarchy in two different ways: (a) Many Indigenous Peoples, who have been influenced by State-led process of Hinduization¹ and Sanskritization², practice patriarchy and discriminate against women and girls; and (b) The State that is based on the ideology of Hindu patriarchy treats all women, including Indigenous women, as second class citizen."
- Most of the women leaders, activists and supporters belonging to the dominant caste group, i.e. Bahun-Chetri, oppose the existence of a distinct identity and collective rights for Indigenous women, including self-determination, autonomy, self-rule, customary laws and ownership and control over lands, territories and resources. These women understand rights to self-determination as rights to one's own body, not as autonomy and self-rule and other characteristics ensured under UNDRIP.
- The ideology, policy and practices of Bahunbad (Brahmanism) is the fundamental obstacle as it is about domination of one caste (Bahun-Chetri), one language (Khas Nepali), one religion (Hindu), one culture (Hindu), one sex (male), one region (the Hill) and one class (wealthy class), and the racial supremacy of Khas Arya that includes Bahun, Chetri, Thakuri and Dasnami but excludes Dalits and Terai Brahmins, Kshatriyas, Vaisiyas, Sudras, and Muslims.

¹ Shigeru Iijima. Hinduization of a Himalayan Tribe in Nepal.

<http://digitalassets.lib.berkeley.edu/anthpubs/ucb/text/kas029-005.pdf>

² "The Concept of Sanskritization," Pp. 1-18, In: TekNathSubedi and Milly Joshi (Eds.) **Journal of SASS**, Volume 1. Kathmandu: SAS & CDSA, TU, Kirtipur, Kathmandu. 2006.

- The ideology, policy and practices of patriarchy are deeply rooted within Hindu religion, society and culture with fierce discrimination against women and girls. This was the hallmark of the Hindu state even after 2008 when the state shifted from a united Hindu state to a secular federal democratic republic and has continued to be the case after the development of a new constitution in 2015. Indigenous peoples who are influenced by these Hindu norms and values, practice even more gender discrimination in the process of Sanskritization or Hinduization. Women and girls are socialized to be dependent on their fathers when they are born, their husbands after marriage and their sons, once they have children. Women and girls are also treated inhumanely. They are viewed as untouchables during monthly menstruation and during child delivery, deprived from parental property, confined to household chores, their sexualities are controlled, and they are treated as second class citizens.
- Nepal's Indigenous peoples, including Indigenous women, never gave their ancestral lands, territories and resources to the State. Indigenous peoples' ownership and control over their ancestral lands, territories and resources were unilaterally taken away by the state through the constitution, as well as laws and policies that were formulated and enacted without getting free, prior and informed consent from Indigenous peoples, including Indigenous women. Indigenous peoples lost control and were displaced from their own lands, territories and resources, most of them lost their livelihoods, food security and remained poor, illiterate or uneducated.
- Another obstacle is the insensitivity of the main political parties, including the ruling and opposition parties, towards Indigenous women's issues and rights. These political parties have full control over most of the Indigenous peoples' organizations and have co-opted the leadership of these organizations. Many Indigenous peoples no longer believe that Indigenous peoples' organizations could truly bring about change in their lives. It is therefore important to dissociate Indigenous women leaders from political parties and for them to work independently for the advancement of Indigenous women's rights.
- Indigenous women are unable to use government services and facilities due to language barriers as well as a lack of access to information and communication in their native language.
- Another obstacle is the lack of mechanisms and protocols for getting free, prior and informed consent (FPIC) from Indigenous women and Indigenous peoples in general.

f. Does the government have gaps in data? If so, what are they?

There are major gaps in the disaggregated data of Indigenous women. Women's rights movements and gender mainstreaming have resulted in gender disaggregated data for the census, living standard surveys, agriculture surveys, the human development index, poverty, education, health and so on. The 1991, 2001 and 2011 censuses provide population, language and religion data, which are disaggregated by gender, caste and ethnicity but other census data are disaggregated by gender but not by caste and ethnicity. Hence, data on population, language and religion for Indigenous women and women in general are available but within gender, data for women belonging to various castes and ethnic groups are not available. In a consultative meeting on the upcoming 2021 census in Biratnagar, population experts suggested Nepal follow India's example, as they discontinued taking census data for caste and ethnicity. During the 2015

earthquake, the Nepal Police updated individual data for earthquake victims and the deceased, but later, as the number of Indigenous peoples, especially the Tamang and of Dalits reached around 70% of the total victims, they removed all of the disaggregated data from their webpage. During rescue efforts, relief measures and rehabilitation, Indigenous peoples and Dalits were discriminated against by the state and NGOs.

g. Is there adequate allocation of resources for trainings, institutional coordination, and monitoring and evaluation?

There is no adequate allocation of resources for training, institutional coordination and monitoring and evaluation. In the ninth and the tenth plan of Nepal Government, there were targeted plans and programs for Indigenous peoples, however, from the 11th plan and on, a targeted plan for Indigenous people was removed. The plans and programs in the ninth and tenth plans were never budgeted for or implemented. The National Foundation for the Development of Indigenous Nationalities (NFDIN) was established through a law in 2002; however, the institution has received a meager budget for the last few years which only covers staff salaries, office rent, and the running of nominal programs. The Constitution of Nepal, 2015 has made provisions for the Commission for Indigenous nationalities and the Tharu Commission but the government has not appointed members nor has it allocated sufficient funds for it to function effectively.

h. What laws need to be changed?

The constitution of Nepal, 2015 must be rewritten or amended to reflect the mandates of UNDRIP and ILO Convention no. 169. It should be noted that the CEDAW Committee made concluding observations and recommendations to the Nepalese State on 14 November 2018 to “amend the Constitution to explicitly recognize the rights of Indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples”.³ Indigenous peoples are the only groups that have been deprived of their fundamental rights in the constitution.

The Criminal (Code) Act, 2017, the Criminal (Code) Procedure Act, 2017, the Civil (Code) Act, 2017, the Civil (Code) Procedure, 2017 that went into effect on 17 August 2018, and hundreds of other existing laws and new legislation, especially those relating to land, forests, water, mines, nature conservation, national parks and community forests were neither passed nor drafted in consultation with or by getting FPIC of Indigenous women. These laws and legislations also fail to comply with UNDRIP and ILO Convention no. 169 mandates.⁴

i. Are there public awareness programs about women’s legal rights?

³https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=en

⁴ See pages 367-368 at https://www.iwgia.org/images/documents/Indigenous-world/IndigenousWorld2019_UK.pdf

There are some public awareness programs about women's legal rights but there is no such program for Indigenous women. In a program on land, territories and resources (LTR) organized by NIWF Nepal, a Joint Secretary at the Ministry of Forest, who was one of the presenters, said that she was not aware about the CEDAW Concluding Observation to the State party of Nepal, issued on 14 November 2018, and that the Ministry of Women, Children and Senior Citizens had not informed them about it. The CEDAW Concluding Observations and Recommendations require the State Party of Nepal to disseminate the recommendations to all stakeholders.

2. Obstacles to accelerating the progress of Indigenous women and girls, including Indigenous persons with disabilities and LGBTIQ in Nepal.

During province level consultations the following obstacles to the acceleration of progress for Indigenous women and girls, including Indigenous persons with disabilities and LGBTIQI in Nepal were identified:

- Lack of legislation/laws in line with UNDRIP and ILO Convention no. 169.
- Lack of policies and regulations in line with UNDRIP and ILO Convention no. 169.
- Lack of plans, budget and programs targeted towards Indigenous women and in line with UNDRIP and ILO Convention no. 169.
- Lack of legal representation of Indigenous women in both the constitution and in laws.
- Lack of collective rights for Indigenous women, Indigenous children, Indigenous persons with disability and Indigenous LGBTIQI.
- Indigenous women face difficulty in enjoying collective rights due to adverse laws, rules, regulations and policies enacted by the government.
- Indigenous women lack rights to self-determination in line with UNDRIP.
- Loss of ownership, control and use of ancestral lands, territories and resources by Indigenous women/peoples.
- Lack of mechanisms and protocols for obtaining free, prior and informed consent of Indigenous women/peoples by all external parties including the state, government, NGOs and the private sector.
- Lack of constitutional and legal recognition of Indigenous women/peoples' customary laws and institutions.
- Lack of legal and policy related support to engage Indigenous women regarding their economic empowerment based on their customary skills and knowledge.
- Lack of state support for Indigenous health systems.
- Lack of financial, technical and administrative support from the state for basic and primary education in Indigenous languages.
- Violence against Indigenous women, Indigenous girls, Indigenous women with disability and Indigenous LGBTIQI.
- Lack of meaningful participation and representation of Indigenous women at all levels of decision making and also lack of representation of Indigenous women's representative organizations in political processes.
- Persistence of rampant aggressive development or lack of self-determined development.
- Lack of recognition of diversity among women.

- Lack of targeted budget for Indigenous women, Indigenous girls, Indigenous women with disability, and Indigenous LGBTIQI.
 - Monopoly by women belonging to the dominant caste, i.e. Bahun-Chetri, in seats or quotas allocated to women.
 - Stereotypes or negative attitudes towards Indigenous women's style of speaking, clothes, eating habits as well as racial prejudice.
 - Lack of caste and Indigenous peoples disaggregated data, except in census population data, native language and religion.
 - Lack of meaningful implementation of CEDAW recommendations, including a recommendation issued on 14 November 2018 to amend the constitution to explicitly recognize all the rights of Indigenous women and their self-determination in line with UNDRIP.
 - Lack of meaningful implementation of UNDRIP, ILO Convention No. 169 and UNCRPD.
 - Lack of implementation of directive order issued by the Supreme Court of Nepal to the government to come up with laws to ensure constitutional provisions for Indigenous peoples' (including the Baram) access to autonomous, special and protected areas.
3. Over the past five years, has the state acted to prevent discrimination and promote the rights of Indigenous women and girls who experience multiple and intersecting forms of discrimination?

The response from all provincial and national level consultations was that the state has not acted to prevent discrimination and promote the rights of the following groups:

- Indigenous women and girls who experience multiple and intersecting forms of discrimination,
- Indigenous Women living in remote and rural areas,
- Indigenous women belonging to linguistic and religious minorities, marginalized, highly marginalized and endangered Indigenous women/peoples,
- Indigenous women with disabilities,
- Indigenous women with HIV/AIDS,
- Indigenous women with diverse sexual orientations and gender identities,
- Indigenous women at risk of being trafficked, who were trafficked or who have returned after being trafficked,
- Migrant Indigenous women,
- Refugees or internally displaced Indigenous women and girls, including Indigenous women with disability,
- Indigenous women/peoples who live nomadic lives in the forest,
- Indigenous women and girls who speak their native language,
- Indigenous women with different faith traditions/religious beliefs,
- Elderly or senior citizen Indigenous women,
- Indigenous women who are adolescent or younger , and
- Indigenous women in humanitarian settings.

Have conflicts, climate-induced disasters or other events affected the implementation of the BPfA/CEDAW in Nepal?

For the last two years, the Nepal Communist Party has been in power with a two thirds majority in the federal House and in six of the seven provinces. Nevertheless, their implementation of the BPfA/CEDAW/SDGs in Nepal has not been meaningful nor has it been effective.

C. PROGRESS ACROSS THE 12 CRITICAL AREAS OF CONCERN

This section covers progress across the 12 critical areas of concern of the Beijing Platform for Action. Tip for group process: You may wish to discuss these issues, clustering a group of issues to encourage thinking outside the “silos”.

Inclusive development, shared prosperity and decent work

CRITICAL AREAS OF CONCERN

- A. Women and poverty
- F. Women and the economy
- I. Human rights of women
- L. The girl child

5. What actions has Nepal taken to advance gender equality in relation to Indigenous women’s role in paid work and employment? ⁵

The participants of province and national level consultations gave the following answers:

- The state has not ensured equal employment opportunities for Indigenous women and men, they have also failed to maintain the same selection criteria in matters of employment
- The state does not promote the inclusion of Indigenous women in the public and private sector, equal pay legislation apprenticeships, advanced vocational training and recurrent training.
- Indigenous women-responsive active labor market policies (e.g. education and training, skills, subsidies, etc.) have not been introduced nor strengthened.
- No measures have been taken to prevent sexual harassment, including in the workplace, against Indigenous women.

⁵**Relevant CEDAW articles:** **Article 11** Women have an equal right to work with men, which includes pay, promotions, training, health and safety; **Article 13** Woman have a right to family benefits, bank loans, mortgages, and other forms of financial credit; **General Recommendation No. 26** on women migrant workers. **Relevant SDGs:** **1** No Poverty; **4** Quality Education; **8** Decent Work and Economic Growth; **9** Industry, Innovation and Infrastructure; **10** Reduce Inequalities; **16** Peace, Justice and Strong Institutions.

- Social security for Indigenous women is not provided, particularly in cases of retirement, unemployment, sickness, invalidity, old age and other incapacitating issues, as well as the right to paid leave.
- Land rights and tenure security has not been strengthened.
- There has not been an improvement in the financial inclusion and access to credit for Indigenous women, including those who are self-employed.
- No improved access for Indigenous women to modern technologies (incl. climate-smart technologies), infrastructure and services (incl. agricultural extension).
- No support given to Indigenous women to transition from informal to formal work, including legal and policy measures that benefit women working in the informal sector
- No mechanisms have been devised for Indigenous women to have equal participation in economic decision-making bodies (e.g. in ministries of trade and finance, central banks, national economic commissions).
- The rights of Indigenous women to organize collective action and their freedom of movement are not protected.

6. What are the issues faced by Indigenous women whose work or identity are criminalized or discriminated against in Nepal? Are Indigenous domestic workers and Indigenous migrant workers covered in the domestic labor laws?

See a list of the issues in B(c). Both Indigenous domestic workers and Indigenous migrant workers are not covered under domestic labor laws. Unfortunately, most of the domestic workers and migrant workers belong to Indigenous groups.

What actions has Nepal taken in the last five years to recognize, reduce and/or redistribute unpaid care and domestic work by Indigenous women and promote work-family conciliation?⁶

Participants of all province level consultations answered NO to the following questions:

- Included unpaid care and domestic work in national statistics and accounting (e.g. time-use surveys, valuation exercises, satellite accounts)?
- Expanded childcare services or made existing services more affordable to indigenous women?
- Expanded support for frail indigenous elderly persons and others needing intense forms of care?
- Introduced or strengthened maternity/paternity/parental leave or other types of family leave?

⁶ Relevant CEDAW articles; **Article 13** Women have a right to family benefits, bank loans, mortgages, and other forms of financial credit; **Article 14** Governments should undertake to eliminate discrimination against women in rural areas so that they may participate in and benefit from rural development; **General Recommendation No. 16** on unpaid women workers in rural and urban family enterprises; **General Recommendation No. 17 (1991)** on the measurement and quantification of the unremunerated domestic activities of women and their recognition in the GNP; **General Recommendation No. 34 (2016)** on the rights of rural women. **3** Good Health and Wellbeing; **5** Gender Equality; **8** Decent Work and Economic Growth.

- Ensured that indigenous women engaged in unpaid work or in the informal sector have access to non-contributory social protection?
- Invested in time- and labour-saving infrastructure, such as public transport, electricity, water and sanitation, to reduce the burden of unpaid care and domestic work on indigenous women?
- Promoted decent work for paid indigenous care workers, including indigenous migrant workers and domestic workers?
- Introduced/strengthened programmes that address the particular problems faced by rural indigenous women including their work in the non-monetized sectors of the economy?
- Adopted indigenous women and gender-responsive social protection floors to ensure that all women have access to essential health care, childcare facilities and income security?
- Conducted campaigns or awareness raising activities to encourage the participation of men and boys in unpaid care and domestic work?
- Introduced legal changes regarding the division of marital assets or pension entitlements after divorce that acknowledge women's unpaid contribution to the family during marriage?
- Other?

Has Nepal introduced austerity/fiscal consolidation measures, such as cuts in public expenditure or public-sector downsizing, over the past five years?

Participants of all province level consultations answered “DO NOT KNOW” to each of the following questions

If YES, have assessments on their impact on women and men, respectively, been conducted?

- Yes, their impact on women/men was estimated before measures were put in place.
- Yes, the impact was assessed after measures were put in place.
- No, the impact on women/men has not been assessed.

If YES, please describe the findings (1-2 pages).

Are austerity measures on women also affected by rising conservatism and political ideology of the state? Are cuts in budget and expenditure for social measures due to rise in budgets for defense and military? Other?

Poverty eradication, social protection and social services

CRITICAL AREAS OF CONCERN

- A. Women and poverty
- B. Education and training of women
- C. Women and the economy
 - I. Human rights of women
 - L. The girl child

4. What actions has Nepal taken in the last five years to reduce/eradicate poverty among Indigenous women and girls? ⁷

Participants of all province level consultations answered YES to each of the following questions:

- Supported Indigenous women's entrepreneurship and business development activities?

Participants of all province level consultations answered NO to each of the following questions:

- Promoted poor Indigenous women's access to decent work through active labor market policies (e.g. job training, skills, employment subsidies, etc.) and targeted measures?
- Broadened access for Indigenous women to land, housing, finance, technology and/or agricultural extension services?
- Introduced or strengthened social protection programs for Indigenous women and girls (e.g. cash transfers for women with children, public works/employment guarantee schemes for Indigenous women of working-age, pensions for older women)?
- Introduced/strengthened free or low-cost legal services for Indigenous women and girls living in poverty?
- Introduced/strengthened free or low-cost health services for Indigenous women and girls living in poverty?
- Other ?

Please describe how poverty among women and girls in your country is linked to socio-cultural traditional gender roles, gender stereotypes, and how their access to education, health and other social services affects their poverty.

Poverty among Indigenous women and girls is directly related with loss of ownership and control over their ancestral lands, territories and resources to the State and other caste and ethnic groups.

5. What actions has Nepal taken in the last five years to improve access to social protection for Indigenous women and girls? ⁸

⁷Relevant CEDAW articles: Article 2 Governments shall take concrete steps to eliminate discrimination against women; Article 13 Woman have a right to family benefits, bank loans, mortgages, and other forms of financial credit; Article 14. Governments should undertake to eliminate discrimination against women in rural areas so that they may participate in and benefit from rural development; General Recommendation No. 34 (2016) on the rights of rural women.

Relevant SDGs: 1 No Poverty; 5 Gender Equality; 10 Reduced Inequalities; 16 Peace, Justice and Strong Institutions.

6.

Participants of all province level consultations answered YES to each of the following questions:

- Introduced or strengthened conditional cash transfers to Indigenous women?
- Introduced or strengthened non-contributory social pensions to Indigenous women to senior citizens and endangered Indigenous peoples?

Participants of all province level consultations answered NO to each of the following questions:

- Introduced or strengthened social protection for unemployed Indigenous women (e.g. unemployment benefits, public works programs, social assistance)?
- Reformed contributory social protection schemes to strengthen Indigenous women's access and benefit levels?
- Improved access to the above for Indigenous women (e.g. Indigenous women in informal employment, including domestic Indigenous workers; migrant and refugee Indigenous women; women in humanitarian settings; Indigenous women and girls with disabilities)?
- Introduced sustainability measures for social protection programs to Indigenous women?
- Introduced and carried out monitoring of social protection programs to Indigenous women?
- Other ?

7. What actions has Nepal taken in the last five years to improve health outcomes for women and girls in your country?⁹

Participants of all province level consultations answered YES to each of the following questions:

- Expanded specific health services for Indigenous women and adolescent girls, including sexual and reproductive health services, mental health, maternal health, HIV services?
- Ensured access to Indigenous women to prevention, treatment, and palliative care for non-communicable diseases (heart disease, chronic respiratory diseases, diabetes, and cancers)?
- Strengthened comprehensive sexuality education in schools or through community programs?

Participants of all province level consultations answered NO to each of the following questions:

- Promoted Indigenous women's access to health services through expansion of universal health coverage or public health services?
- Undertook Indigenous women-specific public awareness/health promotion campaigns?

⁸Relevant CEDAW articles: **Article 11** Women have an equal right to work with men, which includes pay, promotions, training, health and safety; **Article 13** Woman have a right to family benefits, bank loans, mortgages, and other forms of financial credit; **Article 14** Governments should undertake to eliminate discrimination against women in rural areas so that they may participate in and benefit from rural development. **5** Gender Equality; **10** Reduced Inequalities.

⁹ Relevant CEDAW articles: Article 12 Women have the right to family planning services; General Recommendation No. 24 on women and health. Relevant SDGs: 1 No Poverty; 2 Zero Hunger; 3 Good health and well-being; 5 Gender Equality.

- Provided Indigenous women-responsiveness training based on human rights for health service providers, particularly on violence against women?
- Ratified the WHO Framework Convention on Tobacco Control?
- Provided refugee women and girls as well as women and girls in humanitarian settings with access to sexual and reproductive health services?
- Gathered data on the health status of marginalized groups of women such as women with disabilities, lesbian, bisexual and transgender women, ethnic minorities, Indigenous women, etc.?
- Provided post-abortion care services and decriminalized abortion?
- Other ?

What actions has Nepal taken in the last five years to improve education outcomes and skills for women and girls? ¹⁰

- The major achievements of Nepal's education sector pertain to Education for All (EFA) Goals 1 and 2. Regarding EFA 1, Nepal expanded and improved comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children. According to DoE's Flash Reports (2010-2014), the country had reached 77.7 percent ECED coverage in 2014. The target for 2015 is 82 percent. However, the provision of pre-primary education to children aged above three years is uneven between and within districts. EFA Goal 2 is aimed at ensuring that all children, particularly girls and children in difficult circumstances and those belonging to disadvantaged ethnic groups, have access to and complete free and compulsory primary education of good quality. In this regard, the net intake rate in primary schools has risen to 92.7 percent for girls and 93.3 percent for boys. Net enrolment rates have also steadily improved, even if they fell short of the SSRP target of 98 percent. The net enrolment rate in basic education reached 88.7 percent in 2015.
- Taken measures to increase Indigenous girls' access to, retention in and completion of education, technical and vocational education and training (TVET) and skills development programs?

Participants of all province level consultations answered NO to each of the following questions:

- Strengthened educational curricula to increase Indigenous women-responsiveness and eliminate bias, at all levels of education?
- Revised and developed non-stereotypical educational curricula, textbooks and teaching materials to eliminate traditional racial stereotypes, address race-based violence against Indigenous women and girls?
- Provided racial equality and human rights training for teachers and other education professionals?

¹⁰ Relevant CEDAW articles: Article 5 Governments shall take appropriate measures to eliminate sexist stereotyping; Article 10 Women and girls should receive career and vocational guidance and have access to education opportunities on par with men or boys; General Recommendation No. 36 (2017) on the right of girls and women to education. 4 Quality Education; 8 Decent Work; 12 Sustainable Consumption; 13 Climate Action.

- Integrated age-appropriate education on Indigenous women’s human rights, racial equality and peace education into school curricula at all levels?
- Promoted safe, harassment-free and inclusive educational environments for Indigenous women and girls, including use of technology and internet?
- Increased access to Indigenous women and girls to skills and training in new and emerging fields, especially STEM (science, technology, engineering and math) and digital fluency and literacy?
- Ensured access to Indigenous women to safe water and sanitation services and facilitated menstrual hygiene management, especially in schools and other education/training settings?
- Strengthened measures to prevent adolescent pregnancies and to enable Indigenous adolescent girls to continue their education in the case of pregnancy and/or motherhood?
- Ensure Indigenous women’s participation in management positions at educational institutions?
- Other?

Freedom from violence, stigma and stereotypes ¹¹

CRITICAL AREAS OF CONCERN

- D. Violence against women
 - I. Human rights of women
 - J. Women and the media
 - L. The girl child

8. In the last five years, which forms of violence against Indigenous women and girls has Nepal prioritized for action? ¹¹

Nepal has not yet prioritized ending violence against Indigenous women. Hence, Indigenous women of Nepal are suffering from the following forms of violence:

- Indigenous women continue to be the victims of psychological violence due to ethnic discrimination on the basis of caste, race, culture and language. Indigenous women are victims of slut shaming, body shaming, and fat shaming because of their physical features such as the shape of their eyes and flat noses. They also tend to be frank with carefree attitudes. Such physical features do not meet society’s ‘beauty standards’, leading Indigenous women to become consumed by capitalism’s consumerist culture, resulting in their increased consumption of beauty products and cosmetic surgeries.

¹¹Relevant CEDAW articles: **Article 2** Governments shall take concrete steps to eliminate discrimination against women; **General Recommendation No. 35** on gender-based violence against women, updating general recommendation No. 19; **General Recommendation No. 31** on harmful practices.
 Relevant SDGs: **5** Gender Equality; **11** Sustainable Cities and Communities; **16** Peace, Justice and Strong Institutions.

Wearing traditional dresses, consuming traditional food and drinks, and speaking their native languages often results in society viewing them as old-fashioned or uneducated.

- Most trafficked women are from Indigenous communities. According to the Maiti Nepal and the Shakti Samuha reports, two national NGOs, seven out of every ten victims of trafficking are from Indigenous communities. The report also states that of the 821 women survivors, 76% are women from Indigenous communities.
- According to research reported by The Record in ‘The dark side of Nepal's national parks,’ many Indigenous women were raped and married to army personnel in Chitwan National park, resulting in more than 177 children. These Indigenous women are facing social stigma, social and economic insecurity, and their children are denied their rights to citizenship.
- According to CEDAW article 11, the criminalization of the production, distribution and sale of cultural alcoholic beverages enormously affected the livelihood of Indigenous women. The production of alcoholic beverages has been one of the most important sources of income production for them.
- The state ban on cow slaughter has demonstrated the objectionable intentions of the state towards the culture and rituals of Indigenous communities as some Indigenous communities use the head of the cow to perform ancestral rituals.
- Indigenous women face institutional violence and while they practice customary laws, state laws, policies and structured administrative systems have de-recognized and discouraged those customary practices and institutions. For instance Tharu practice ‘Barghar,’ Tharu Indigenous customary institution which is recognized by international law and conventions such as UNDRIP, CERD etc.

The NWC, the NHRC, the Inclusion Commission and other constitutional bodies do not have mechanisms to include representation of Indigenous women through their customary institutions and do not adequately focus on Indigenous collective human rights.

9. What actions has Nepal prioritized in the last five years to address violence against women and girls?

Participants of all province level consultations answered NO to each of the following questions:

- Introduced or strengthened laws regarding violence against Indigenous women and their enforcement and implementation mechanisms?
- Monitored violence against Indigenous women by language, religion or belief systems, political opinion, marital status, pregnancy status, parental status, age, urban or rural location, health status, disability, property ownership, identifying as LGBTIQ or illiteracy?
- Monitored violence against Indigenous women who are refugees, internally displaced or stateless, living in armed conflict, migrants, widows, heads of household, asylum seekers, living with HIV/AIDS, deprived of liberty, are being trafficked or prostituted, live in geographically remote communities and human rights defenders?
- Introduced, updated or expanded national action plans on ending violence against Indigenous women and girls?

- Introduced or strengthened measures to increase Indigenous women’s access to justice (e.g. establishment of specialist courts, training for the judiciary and police, protection orders, redress and reparations, including femicide cases, enforcement of and combating impunity, improving criminal evidence system to enhance prosecution quality and integrity of eventual judicial decisions, possibility of ex officio/victimless prosecution, clarity on jurisdiction in countries with pluralistic legal systems)?
- Introduced or strengthened free and quality services for Indigenous women survivors of violence (e.g. shelters, help lines, dedicated health services, legal, justice service, counseling, housing)?
- Introduced or strengthened strategies to prevent violence against Indigenous women and girls (e.g. in the education sector, in the media, community mobilization, work with men and boys)?
- Monitoring and evaluation of impact, including evidence generation and data collection of Indigenous women and girls?
- Introduced or strengthened measures for improving the understanding of causes and consequences of violence against Indigenous women among those responsible for implementing measures on ending violence against Indigenous women and girls?
- Other?

What strategies has Nepal used in the last five years to prevent violence against Indigenous women and girls?

Participants of all province level consultations answered NO to each of the following questions:

- Public awareness raising and changing of attitudes and behaviors towards Indigenous women?
- Work in primary and secondary education, including comprehensive sex education in Indigenous languages?
- Grassroots and community-level mobilization of Indigenous women and girls?
- Changing the representation of Indigenous women and girls in the media?
- Working with Indigenous men and boys?
- Perpetrator programs?
- Other?

10. What actions has Nepal taken in the last five years to prevent and respond to violence against Indigenous women and girls due to online sexual harassment, online talking, non-consensual sharing of intimate images?

Participants of all province level consultations answered NO to each of the following questions:

- Introduced or strengthened legislation and regulatory provisions?
- Implemented awareness raising initiatives targeting the general public and young Indigenous women and men in educational settings?
- Worked with technology providers to set and adhere to good business practices?
- Other?

11. What actions has Nepal taken in the last five years to address the portrayal of women and girls, discrimination and/or gender bias in the media?

Participants of all province level consultations answered NO to each of the following questions :

- Enacted, strengthened and enforced legal reforms to combat discrimination and/or bias against Indigenous women/peoples in the media?
- Introduced binding regulation for media, to include culturally sensitive advertising for Indigenous peoples?
- Supported the media industry to develop voluntary codes of conduct relating to Indigenous women/peoples?
- Provided training to media professionals to encourage the creation and use of non-stereotypical, balanced and diverse images of Indigenous women and girls in the media?
- Promoted the participation and leadership of Indigenous women in the media?
- Established or strengthened consumer protection services to receive and review complaints about media content or discrimination/bias against Indigenous women/peoples in the media?
- Other?

12. Has Nepal taken any action in the last five years to address violence against Indigenous women facing multiple forms of discrimination?

The participants of all province level consultations answered NO.

If YES, have assessments on their impact on women and men, respectively, been conducted?

Participation, accountability and gender-responsive institutions¹²

CRITICAL AREAS OF CONCERN

- G. Women in power and decision-making
- H. Institutional mechanisms for the advancement of women
- I. Human rights of women
- J. Women and the media
- L. The girl child

¹²Relevant CEDAW articles: **Article 7** The right to participate in the formulation of government policy and perform all public functions; **Article 8** Ensure women the opportunity to represent their Governments at the international level and participate in the work of international organizations; **General Recommendation No. 23** Political and Public Life.

Relevant SDGs: **5** Gender Equality; **10** Reduce Inequalities; **11** Sustainable Cities and Communities; **13** Climate Action; **16** Peace, Justice and Strong Institutions.

13. What actions and measures has Nepal taken in the last five years to promote Indigenous women's participation in public life and decision making?

Participants of all province level consultations answered YES to each of the following questions:

- Have temporary special measures been adopted, such as quotas, reserved seats, benchmarks and targets to promote Indigenous women's participation in public life and decision making?

Participants of all province level consultations answered NO to each of the following questions:

- Reformed constitution, laws and regulations that promote Indigenous women's participation in politics, especially at the decision-making level, including electoral system reform?
- Put in place laws and regulations that promote Indigenous women's participation in foreign service, international representation, work on behalf of the State, including membership in government delegations to international conferences and nominations for peacekeeping or conflict resolution roles, and seniority in relevant sectors?
- Ensured that organizations such as political parties and trade unions, which may not be subject to the Convention ILO 169, do not discriminate against Indigenous women?
- Analyzed and shared factors contributing to the under representation of Indigenous women as members and officials of political parties, trade unions, employees' organizations and professional associations?
- Implemented capacity building, skills development and other measures?
- Encouraged the participation of young Indigenous women, including through sensitization and mentorship programs?
- Provided opportunities for mentorship, training in leadership, decision-making, public speaking, self-assertion, political campaigning opportunities?
- Took measures to prevent, investigate, prosecute and punish violence against Indigenous women in politics?
- Collected and analyzed data on Indigenous women's political participation, including appointed and elected positions?
- Other?

14. What actions has Nepal taken in the last five years to increase women's access to expression and participation in decision-making in the media, including through information and communication technologies (ICT)?

Participants of all province level consultations answered NO to each of the following questions:

- Strengthened the provision of formal and technical vocational education and training (TVET) in media and ICTs, including in areas of management and leadership
- Took measures to enhance access, affordability and use of ICTs for Indigenous women and girls (e.g. free Wi-Fi hubs, community technology centers) destigmatizing the use of internet and mobile phones by Indigenous women and girls?

- Introduced responses to technology-related violence faced by Indigenous women and girls that do not adversely affect freedom of expression, including the sexual and gender expression of Indigenous women and girls?
- Introduced regulations to advance equal pay, retention and career advancement of Indigenous women within the media and ICT fields?
- Collaborated with employers in the media and ICT field to improve internal policies and hiring practices on a voluntary basis?
- Provided support to Indigenous women's media networks and organizations?
- Other?

According to a NFDIN publication on Nepal's Inclusive Policy and Indigenous People's Access to Civil Service, out of 82,778 civil service employees, only 13,296 (16.07%) are Indigenous peoples, including 3,619 (4.38%) Indigenous women.¹³ Most Indigenous peoples working in civil service are from advanced Indigenous groups, i.e. Newar and some are from advantaged Indigenous groups, mainly, Rai, Limbu, Gurung, Magar and Tamang.

15. Do you or the state track the proportion of the national budget that is invested in the promotion of equality and the empowerment of Indigenous women (Indigenous women-responsive budgeting)?

The participants of all province level consultations answered NO.

If YES, what is the approximate proportion of the national budget that is invested in the promotion of gender equality and the empowerment of women?

Please provide information on how this was done and the impact.

16. As a donor country, does Nepal track the proportion of official development assistance (ODA) that is invested in the promotion of equality and the empowerment of Indigenous women (Indigenous women-responsive budgeting)?

The participants of all province level consultations answered NO.

DFID and a few other international aid agencies as well as some of the Nordic countries have provided a nominal amount of financial support to the Nepal Federation of Indigenous Nationalities. However, the media, controlled by the dominant group, leaders of main political parties and academics belonging to the dominant group have decried this show of support.

The Constitution of Nepal, 2015 has recognized Khas Arya, the dominant caste group in Nepal, as a protected group. The constitution also established a quota system for jobs in civil service, the army, police and judiciary for members of protected groups. As a constitutionally recognized protected group, Khas Aryas have been included in the jobs quota alongside Indigenous peoples,

¹³ Bhattachan, Krishna B. (2018) **Nepal's Inclusion Policy and Indigenous Peoples' Access to Civil Service. Kathmandu: National Foundation for Development of Indigenous Nationalities (NFDIN).**

Dalit, madhesi, Muslim, women, person with disabilities and people living in remote areas. The EU Election Observation and Monitoring Mission in its report made the following recommendation:

[...] The equality provisions refer only to indigent Khas Arya, but this qualification is not contained in the electoral provision. This is arguably in contravention of international standards on equality, as, under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination, affirmative action measures are foreseen only as a means to promote equality.”¹⁴¹⁵

If YES, please provide further information on the methodology, the scope of tracking, past trends and current proportion of investments.

17. Does your country have a valid national strategy or action plan for racial/caste and ethnic equality?

The participants of all province level consultations answered NO.

If YES, please list the name of the plan and the period it covers, its priorities, funding and alignment with the 2030 Agenda for Sustainable Development, including the targets under SDG 5.

If YES, has the national action plan been costed and have sufficient resources been allocated to its achievement in the current budget?

18. Does Nepal have an action plan and timeline for implementation of the recommendations from the Committee on the Elimination of Discrimination Against Women (if a State party), or of the recommendations of the Universal Periodic Review or other United Nations human rights mechanisms that address gender and racial inequality/discrimination against Indigenous women?

The participants of all province level consultations answered No.

If YES, please provide some highlights of the action plans and timeline for implementation.

19. Is there a national human rights institution in your country?

The participants of all province level consultations answered YES but they noted that there is no representation of Indigenous women/peoples in the National Human Rights Commission (NHRC) and that NHRC has a collective rights unit where women/gender, Dalit, Madhesi,

¹⁴ See page 14 at <http://bit.ly/2N2hcTC>

¹⁵ See page 14 at <http://bit.ly/2N2hcTC>

minorities, LGBTIQ, persons with disabilities, Indigenous peoples and others are put in the same category. They further noted that the government has yet to finalize the creation of the two constitutional bodies relating to Indigenous peoples, i.e. the Commission for Indigenous Nationalities, and the Tharu Commission. Neither of these commissions have any judicial or semi-judicial power to investigate cases of human rights violations against Indigenous women/peoples and make recommendations to the government. Both commissions have a mandate to carry out development activities. The participants noted that the Inclusion Commission, another constitutional body, is also inclusive of Indigenous peoples but it has been dominated by the Khas Arya racial group.

If YES, does it have a specific mandate to focus on racial equality or discrimination based on caste and ethnicity?

The participants of all province level consultations answered that although the constitutional commissions, including the NHRC, are required to focus on all forms of discrimination, in practice they focus on individual rights related to civil, political, economic, social and cultural rights.

If YES, please provide up to three examples of how the NHRI has promoted racial equality.

In 2011 the NHRC established a collective rights section in which they put Indigenous peoples' rights, women's rights, Dalit rights, Madhesi rights, Muslim rights, LGBTIQ rights, rights of persons with disabilities, etc. into one category. Recently, NHRC has published a monitoring report on the implementation status of ILO Convention Number 169. It has yet to do similar work on UNDRIP. Also, NHRC has monitored violations of land rights in high tension electricity lines in Sindhuli and illegal road expansions in Kathmandu Valley.

Peaceful and inclusive societies 14

CRITICAL AREAS OF CONCERN

- E. Women and armed conflict
- I. Women's human rights
- L. The girl child

20. What actions has Nepal taken in the last five years to build and sustain peace, promote peaceful and inclusive societies for sustainable development and implement the women, peace and security agenda with a focus on Indigenous women?

Participants of all province level consultations answered NO to each of the following questions:

- Addressed the various forms of violence and discrimination faced by Indigenous women in conflict affected communities, including women, internally displaced persons (IDPs), human rights defenders and (ex) combatants?

During the decade long armed conflict, a large number of girls were sexually abused, murdered, abducted and raped. Many have been displaced from their villages to the city for increased protection. Armed conflict has negatively affected Indigenous girls.

The contributions of youth groups and their activities are praise worthy. Youth groups are becoming active and promoting their networks (e.g. child clubs and youth clubs). They have been actively engaged in various awareness and action oriented programs to eliminate violence against girls/boys, and other forms of discrimination. However, participation of Indigenous girls in these clubs is comparatively low.

The challenge is that instead of decreasing violence against girls, new forms of violence against girls are emerging (e.g. teenage pregnancy, underage marriage, transnational trafficking, misuse of media, falling in love and getting married through the internet, suicide, and increased incidence of rape, etc.)

- Adopted and/or implemented a National Action Plan on women, peace and security with a focus on Indigenous women?

No, Nepal has not adopted and/or implemented a National Action Plan on women, peace and security with a focus on Indigenous women. The Commission of Investigation on Enforced Disappeared Persons (CIEDP) has received 3,197 complaints of disappeared persons during the armed conflict (1996-2005) but the CIEDP has only identified 2,185 persons, including 200 women, as the final list of disappeared persons. The CIEDP does not provide disaggregated data by caste and ethnicity, but most of the cases are related to Indigenous peoples, mostly men with only a few women.¹⁶

Table 1. Number of disappeared persons by province and sex

S · N ·	Province	Female	Male	Total
1	Province-1	22	286	308 (12%)
2	Province-2	5	150	155 (6%)
3	Province-3	25	377	402 (16%)
4	Gandaki Province [Province 4]	27	228	255 (10%)
5	Province-5	62	655	717 (29%)

¹⁶The Second Interim Report 2075 of the CIEDP.

6	Karnali Province [Province 6]	31	291	322 (13%)
7	Far West Province [Province 7]	28	331	359 (14%)
	Total	200	2,318	2,518 (100%)

Source: Diagram 2.3.3.1. p.13 & Information about the complains, p. 23 in the Third Interim Report 2075.

- Integrated women, peace and security commitments into key national and inter-ministerial policy, planning and monitoring frameworks with a focus on Indigenous women?

There is no such commitment focused on Indigenous women.

Relevant CEDAW articles: **Article 2** Governments shall take concrete steps to eliminate discrimination against women; **General Recommendation No.30 (2013)** on women in conflict prevention, conflict and post-conflict situations; **General Recommendation No. 35** on gender-based violence against women.

UN Security Council Resolution No. 1325 on women, peace and security

Relevant SDGs: **4** Quality Education; **5** Gender Equality; **16** Peace, Justice and Strong Institutions

Participants of all province level consultations answered NO to each of the following statements:

- Ensured that preventive measures that include an ethnic dimension are put in place including the establishment of early warning systems, mediation measures, regulation of arms transfer, dialogues with protestors or actors in resistance movements
- Used communication strategies, including social media, to increase awareness of the Indigenous women, peace and security agenda
- Increased budgetary allocations for the implementation of the Indigenous women, peace and security agenda
- Taken steps to reduce excessive military expenditures and/or control arms availability
- Ensured budgetary support for the implementation of the Indigenous women, peace and security agenda and earmarked sufficient funds for support services for women affected by conflict to access justice
- Re-allocated funds from military spending to social and economic development, (e.g. equality and the empowerment of Indigenous women)
- Supported inclusive and ethnic-sensitive conflict analysis, early warning and prevention mechanisms
- Other?

21. What actions has Nepal taken in the last five years to increase the leadership, representation and participation of Indigenous women in conflict prevention, resolution,

peace building, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings?

Participants of all province level consultations answered NO to each of the following statements:

- Promoted and supported Indigenous women's meaningful participation in peace processes and the implementation of peace agreements
- Ensured that the disarmament, demobilization and reintegration (DDR) programmes promoted the advancement of Indigenous women's rights in the conflict affected community
- Promoted equal participation of Indigenous women in humanitarian and crisis response activities at all levels, particularly at the decision-making level
- Integrated a gender perspective in the prevention and resolution of armed or other conflicts
- Integrated a gender perspective in humanitarian action and crisis response
- Protected civil society spaces and women human rights defenders
- Other?

22. What actions has Nepal taken in the last five years to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of Indigenous women and girls in situations of armed and other conflicts or humanitarian action and crisis response?

Participants of all province level consultations answered NO to each of the following statements:

- Implemented legal and policy reforms to redress and prevent violations of the rights of Indigenous women and girls
- Strengthened institutional capacities, including the justice system and transitional justice mechanisms as applicable, during conflict and crisis response
- Strengthened the capacity of security sector institutions to prosecute human rights violations and prevent sexual, racial and gender-based violence, sexual exploitation and abuse
- Ensured that armed forces/uniformed personnel do not enjoy impunity in operations conducted in conflict affected areas and that they can be brought under the purview of ordinary criminal laws when they perpetrate acts of sexual violence
- Increased access for women affected by conflict, refugees or displaced women to violence prevention and protection services
- Ensured that national corporations operating extraterritorially in conflict affected countries are held accountable
- Taken measures to combat illicit arms trafficking
- Taken measures to combat the production, use of and trafficking in illicit drugs
- Taken measures to combat the trafficking of women and children
- Other?

23. What actions has Nepal taken in the last five years to eliminate discrimination against and violations of the rights of the Indigenous girl child?

Participants of all province level consultations answered NO to each of the following statements:

- Taken measures to combat negative social norms and practices and increased awareness of the needs and potential of girl children
- Strengthened girls' access to quality education, skills development and training
- Tackled disadvantages in health outcomes due to malnutrition, early childbearing (e.g. anemia) and exposure to HIV/AIDS and other sexually transmitted diseases
- Implemented policies and programs to reduce and eradicate child, early and forced marriage
- Implemented policies and programs to eliminate violence against girls
- Implemented policies to prevent and eliminate sexual violence and harmful practices
- Implemented policies and programs to eradicate child labor and excessive levels of unpaid care and domestic work undertaken by Indigenous girl children that prevents them from going to school and accessing health services
- Promoted girls' awareness of and participation in social, economic and political life
- Other?

Environmental conservation, protection and rehabilitation ¹⁷

CRITICAL AREAS OF CONCERN

- I. Human rights of women
- K. Women and the environment
- L. The girl child

24. What actions has Nepal taken in the last five years to integrate gender perspectives and concerns into environmental policies?

Participants of all province level consultations answered NO to each of the following questions:

- Supported women's participation and leadership in environmental and natural resource management and governance?
- Incorporated climate information into disaster planning and decision-making at the sub national and national levels by ensuring that diverse groups of women are consulted as valuable sources of community knowledge on climate change?
- Promoted and strengthened the vital role played by sub national governments (such as cities) in disaster risk reduction, service provision, emergency response, land-use planning and climate change?

¹⁷Relevant CEDAW articles: **Article 7** The right to participate in the formulation of government policy and perform all public functions; **Article 14** Governments should undertake to eliminate discrimination against women in rural areas so that they may participate in and benefit from rural development; **General Recommendation No. 24 (2016)** on the rights of rural women; **General Recommendation No. 37 (2017)** on the gender-related dimensions of disaster risk reduction in the context of climate change
Relevant SDGs: **1** No Poverty; **2** End Hunger; **5** Gender Equality; **11** Sustainable Cities and Communities; **12** Sustainable Consumption; **13** Climate Action; **14** Life Below Water; **15** Life on Land

- Strengthened evidence and/or raised awareness about gender-specific environmental and health hazards (e.g. consumer products, technologies and industrial pollution)?
- Increased women's access to and control over land, water, energy, and other natural resources?
- Promoted the education of women and girls in science, engineering, technology and other disciplines relating to the natural environment?
- Enhanced women's access to sustainable time- and labour-saving infrastructure (e.g. access to clean water and energy) and climate-smart agricultural technology?
- Taken measures to protect and preserve the knowledge and practices of women in Indigenous and local communities related to traditional medicine, biodiversity and conservation techniques?
- Taken steps to ensure that women benefit equally from decent jobs in the green economy?
- Monitored and evaluated the impact of environmental policies and sustainable infrastructure projects on Indigenous women and girls?
- Other?

25. What actions has Nepal taken in the last five years to integrate gender perspectives into policies and programs for disaster risk reduction, climate resilience and mitigation with focus on Indigenous women?

Participants of all province level consultations answered NO to each of the following questions:

- Supported Indigenous women's participation and leadership, including those affected by disasters, in disaster risk reduction, climate resilience and mitigation policies, programs and projects?
- Developed specific gender- and Indigenous women-responsive indicators and monitoring mechanisms to enable State parties to establish baselines and measure progress in areas such as the participation of Indigenous women in initiatives relating to disaster risk reduction, climate change and in political, economic and social institutions?
- Developed policies on the role and impact of the private sector and other non-state actors in disaster risk reduction, climate resilience and impact on racial equality at the national level and when operating transnational?
- Developed policies and programs to address violence against Indigenous women in the context of disaster risk reduction and climate change?
- Provided training, sensitization and awareness-raising for authorities, emergency service workers and other groups on the various forms of violence against Indigenous women that are prevalent in situations of disaster and how to prevent and address them?
- Monitored the impact and effect of disasters and climate change on Indigenous women's right to health, education, work and social protection, an adequate standard of living and to mobility?
- Strengthened the evidence base and raised awareness about the disproportionate vulnerability of Indigenous women and girls to the impact of environmental degradation and disasters?
- Promoted access of Indigenous women in situations of disaster to services such as relief payments, disaster insurance and compensation?

- Introduced or strengthened and implemented Indigenous women-responsive laws and policies related to disaster risk reduction climate resilience and mitigation (e.g. disaster laws addressing vulnerability of Indigenous women in disaster)?

D. NATIONAL INSTITUTIONS AND PROCESSES

26. What is Nepal's current national machinery for equality and the empowerment of Indigenous women? Please name it and describe its location within Government.

The Ministry of Women, Children and Senior Citizens and the National Women's Commission are national machineries for gender equality and the empowerment of women but the participants of consultation meetings in the provinces said that neither the ministry nor the commission work to further the rights of Indigenous women and to ensure their collective rights. The Commission on Indigenous Nationalities and the Tharu Commission are constitutional bodies which are not yet functional due to a lack of member appointments.

27. What is the line of accountability for the national machinery for racial equality? Does it report annually to the Cabinet and Parliament? Are those reports accessible to the public?

The National Inclusion Commission is supposed to look at it but its first appointed chairperson indicated that the Commission is going to be dominated by the Khas Arya group. There is no annual report on racial equality.

28. Is the head of the national machinery a member of the institutional process for SDG implementation (e.g. inter-ministerial coordinating office, commission or committees)?

The participants of consultation meetings in the provinces did not know.

There is no national process for SDG implementation.

If YES, what is their role in decision-making in the national machinery?

29. Are there formal mechanisms in place for Indigenous women to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action, CEDAW and the 2030 Agenda for Sustainable Development?

The participants of consultation meetings in the provinces answered NO.

No, there is no national process for SDG implementation

If YES, which of the following Indigenous peoples stakeholders participate formally in national coordination mechanisms established to contribute to the implementation of the Beijing Declaration, CEDAW and Platform for Action and the 2030 Agenda for Sustainable Development?

Participants of all province level consultations answered NO to each of the following questions:

- Indigenous peoples' civil society organizations?
- Indigenous women's rights organizations?
- Indigenous women's academia and think tanks?
- Indigenous women's faith-based organizations?
- Indigenous women Parliaments/parliamentary committees?
- Indigenous women's private sector?
- Other actors, please specify.

Do you have mechanisms in place to ensure that Indigenous women and girls and all genders can participate and that their concerns are reflected in these processes?

NO

Please describe how Indigenous peoples have contributed to the preparation of the present national report?

NIWF Nepal and NIWF carried out national level consultations in Kathmandu and four province level consultations in Bardibas, in the Mahottari district in Province 2, which covered the Mahottari, Sarlahi, Dhanusa and Sindhuli districts, and in Bhairahawa, which covered the Rupandehi, Kapilvastu and Palpa districts in Province 4. Also, field work was carried out in Banepa and Dhulikhel in the Kvrepalchowk district, in Charikot, in the Dolkha district, and in Hetauda, in the Mkawanpur district in Province 3, in Pokhara, in the Kaski district and in Baglung, in the Baglung district in Province 4. During the field visits, focus group discussions were conducted. Key informant interviews were held with the Deputy Mayors of Municipalities in Pokhara, Namobudhha, Hetauda and Gokarneswor. Additionally,, a literature review of secondary sources, including the Civil Society Report of Beijing+20 Nepal, the National Review on the Implementation of the Beijing Declaration and Platform Action (1995) the Outcomes of the Twenty-Third Special Session of the General Assembly (2000) published in 2014, the NGO Report on Beijing+15, the Shadow Report for the Sixth Periodic Report of Nepal CEDAW/c/NPL/6 on the Situation of the Rights of Indigenous Women in Nepal and Concluding Observation on the Sixth periodic report of Nepal published in 2018 was carried out. These primary and secondary data sources were reviewed and a draft report was prepared by Yasso Kanti Bhattachan with editorial assistance from Dr. Krishna B. Bhattachan. Yasso Kanti Bhatatchan, Chinimaya Majhi, Krishna Kumari Waiba, Shanti Dewan, Manju Dhimal, Sabitra Chepang, Junita Rai, Hima Limbu, Mayalu Lama and Mala Rai conducted field work and prepared draft reports of the province and national level consultations.

E. DATA AND STATISTICS

30. Is gender equality and the empowerment of Indigenous women and girls included as a key priority in the national plan/strategy for SDG implementation?

The participants of consultation meetings in the provinces answered NO.

31. Out of the following, which are your priorities for strengthening national statistics disaggregated by gender and caste/ethnicity over the next five years?

Participants of all province level consultations answered NO to each of the following questions:

- Promoted new laws, regulations, or statistical program/strategy to develop ethnic statistics?
- Establishment of an inter-agency coordination mechanism on ethnic statistics (e.g., technical working group, inter-agency committee)?
- Use more Indigenous women-sensitive data in the formulation of policy and implementation of programs and projects?
- Conduct new surveys to produce national baseline information on specialized topics (e.g., time use, violence against Indigenous women, asset ownership, poverty, disability) relating to Indigenous women?
- Greater utilization and/or improvement of administrative-based or alternative data sources to address ethnic data gaps?
- Production of knowledge products on ethnic statistics (e.g., user-friendly reports, policy briefs, research papers)?
- Development of a centralized web-based database and/or dashboard on ethnic statistics
- Institutionalization of users-producers' dialogues mechanisms?
- Statistical capacity building of users to increase statistical appreciation on and use of ethnic statistics (e.g., trainings, statistical appreciation seminars)?
- Other?