

- The Government has not implemented its commitments to establish child care centres and does not adequately regulate maternity leave, sick leave, trade union formation, collective bargaining rights, pension, or old age benefits and gratuity.⁶
- The current ratio between employment of women and men in Nepal is approximately 30:70. The government is currently prioritizing deployment of women to address the issue of gender balance and to address the specific needs of women migrant workers.
- The government is taking measures toward ratifying the International Labour Organization Domestic Workers Convention (C189). The issue is currently being deliberated at the parliament and the council of ministers. The National Human Right Commission has recommended to the Nepali government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. So far the Ministry of law and Justice has provided legal consent to ratify C189.

Goal 13

WOREC conducted 10 FGDs and 10 IDI at the community level in some eastern and western districts of Nepal and gathered the following findings from the research:

- The destruction of the natural land and forest has forced women to walk far distances to fetch drinking water and firewood, and this has increased the incidence of violence against women –especially sexual violence. The increased physical and mental stresses have a direct impact on women’s sexual and reproductive health.
- Six out of ten wives of migrated men say suffer they suffer under stigmatization and other physical and psychological violence. The highest rates of domestic violence reportedly happen when men are unable to make enough money through seasonal migration.
- Wives left alone when their husbands migrate for work face a heightened threat of abuse. Seventy seven percent of the sampled population shared that they had experienced violence by family members or from other male members of the community. This shows women in the community whose husbands have migrated due to climate change are left increasingly vulnerable to abuse.

NPL_18744_E.pdf
6 1992 Labor and Foreign Employment Act

CONCLUSION & RECOMMENDATIONS

If Nepal is to achieve Goals 3, 5 and 8, the government needs to address existing structural and systemic barriers. Likewise, Goals 5 and 13 cannot be achieved without eliminating discrimination against women and ensuring that all members of society are enabled to contribute to the country’s development.

Concrete recommendations are as follows:

- There is a need to take urgent steps to improve the quality, coverage and availability of gender-disaggregated data.
- Develop and implement a due diligence framework and guiding principles to eliminate violence against women in five areas, namely; prevention, protection, prosecution, punishment and provision of redress and reparation (5P’s).
- The government’s taxation, subsidy and spending policies are either gender unfriendly or biased against women. It is recommended that the gender auditing of macroeconomic policies be carried out at the global and national levels. The practices of relevant international financial institutions also should be reviewed regarding their gender responsiveness.
- The government should fully implement and meet its obligations under the various treaties that it has already signed, notably the Convention on the Rights of the Child (CRC), Convention on the Elimination of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). It should also move forward with its ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention (C189).
- The government should form a SDGs department in the ministries that can incorporate the SDGs into the national planning process and aid in localizing the implementation of SDGs at the sub-national and regional levels. Moreover, the national level SDGs indicators must be passed as soon as possible so that the progress can be mapped.



WOREC is a national human rights organization, which has been continuously advocating for a social justice as a prerequisite for peace and sustainable development for past 23 years. Aiming to advance social and gender justice while also eliminating all forms of discrimination, marginalization and exclusion that pervade our communities, WOREC is monitoring and reviewing the SDGs in order to ensure that it leads to gender sensitive policies and development justice. This research was carried out by WOREC as part of an eight country project on Monitoring and Review of the SDGs with the Asia Pacific Forum on Women, Law & Development (APWLD).



Monitoring and Review of the Sustainable Development Goals & Development Justice

Reviewed by
WOREC

COUNTRY CONTEXT

Nepal is a Least Developed Country (LDC) in South Asia with slow socio-economic growth as well as a low level of human development. Development remains stunted by problems such as; political and social fragility as the country continues to undergo post-conflict recovery, high levels of poverty and inequality, and weak governance structures in all spheres of the state.

The decade-long armed conflict between the Communist Party of Nepal (Maoist) and the government of Nepal that ravaged the country from 1996 to 2006 continues to have serious social and political impacts today. For instance, transitional justice has yet to be discussed and though a Truth and Reconciliation Commission (TRC) has been formed it has so far failed to punish perpetrators and provide justice to survivors. Data and documentation of sexual violence during the conflict period remain scarce, and little accountability has been delivered in response to the rampant sexual assault that occurred during the conflict.

The massive earthquakes and aftershocks of April and May 2015 also resulted in devastating setbacks for the country’s development. The disaster affected almost a third of the country’s 26.4 million population, killed nearly 9,000 people, injured nearly 25,000, and resulted in more than NPR 700 billion (USD \$10 billion) worth of damage. Consequently, Nepal’s annual GDP growth rate saw a 3% drop in 2015 from the previous year.

Nepal’s social, political and economic situations also leave the country vulnerable to political interference from other countries. For instance, Nepal underwent nine months of an unannounced blockade by India right after the earthquake, an act that had detrimental affects on post-earthquake recovery and exacerbated the suffering of disadvantaged and marginalized peoples, including women in particular.

Additionally, though recent attempts were made to amend discriminatory elements of Nepal’s new constitution, many discriminatory laws and policies prevail. Anti-discrimination amendments remain unimplemented or unenforced. For instance, the Domestic Violence Act has not been fully implemented or monitored. Similarly, Nepal’s Supreme Court has made public mandates calling for the establishment of a system of fast-track courts for cases involving women and children, for speedy processing of cases, and to make the judiciary more effective. However, these changes have yet to take place. In this context, there is much potential for integrating the SDGs into national planning, budget allocation, and the implementation of laws and policies.

NEPAL



Palma Ratio (Income Inequality)

1.3

UNDP Gender Inequality Rank

108

NEPAL’S HEALTH BUDGET USD 386 MILLION VS

MILITARY BUDGET USD 343 MILLION

NEPAL’S MINIMUM WAGE IS USD 900 (PER ANNUM) VS RICHEST INDIVIDUAL NET WORTH USD 1.3 BILLION

OVERVIEW OF SYSTEMIC & STRUCTURAL BARRIERS TOWARDS ACHIEVING DEVELOPMENT JUSTICE

A persistent patriarchal social structure in Nepal is a major impediment to implement the SDGs and achieve development justice at the sub-national and local levels. There is an absence of motivation by government and its line ministries to mobilize financial resources to ensure inclusion, and the enhanced engagement and participation of women, marginalized people, and disadvantaged groups remains a challenge. For instance, good governance and capacity development of the people is vital to enable the public’s engagement in policy-making and for ensuring that existing institutions operate inclusively.

Lingering impacts of the militarization that took place during the civil conflict continue to impede women's social and economic advancement, though the issue is resolving gradually. While women actively participated during the Maoists insurgency, their meaningful participation and leadership in parliament did not last. Also, the sexual violence that took place during the time conflict hasn't been adequately addressed and discriminatory policies from this time period remain intact. For instance, single mothers weren't allowed to pass citizenship to their children as many children were born during the conflict as a result of rape. After a long period of advocacy, a provision was put into the new constitution allowing the passing of citizenship in the mother's name. However, the provision remains under implemented and seems not to be taken seriously by the country's patriarchal leadership.

Pervasive poverty and labour exploitation are also barriers to Development Justice. Inflation in Nepal increases with the rate of 9% each year. Due to high rates of unemployment, people are often allured by foreign corporate entities that hire them and exploit them for their cheap labour. As of 2016, remittances accounted for 29.6% of the country's Gross Domestic Product (GDP).¹ Nepali migrant workers are often in an extremely vulnerable position with little to no protections from the expenses and struggles that come with finding work abroad. For instance, Nepalese who secure jobs in Malaysia have to go through a series of expensive health tests in Nepal followed by more medical testing when they arrive to Malaysia. If found medically unfit to work they are sent back to Nepal without any assistance and are not even informed of the health issues that made them fail the medical screening. Strict and punitive policies such as these exacerbate the plight of already marginalized peoples and fail to advance Development Justice.

ARCHITECTURE FOR SDGS IMPLEMENTATION

The Government of Nepal (GoN) has taken up the SDGs enthusiastically by giving priority to Agenda2030 in its National 14th Plan that was prepared by the National Planning Commission (NPC) for 2016/17- 2021/22. Some of the initiatives to implement the SDG's that have been embraced by the GoN are highlighted below;

- Through a national report on SDGs, Nepal was one of the early countries to develop indicators even before global indicators were worked out.
- Implementation of the SDGs has been integrated into the newest planning cycle;
- An audit of budget allocation for programs and projects related to SDGs from Financial Year 2016/17 shows the highest allocation goes toward infrastructure followed by funding for the social sector including poverty and hunger reduction initiatives.
- Activities on awareness, advocacy & orientation have begun and outreach efforts include goals and targets being translated into the local language (Nepali).
- Work on localization at the provincial and local levels has yet to start as provincial structure is just being formed. However, the localization has been started by CSOs working to raise awareness about SDGs.
- NGOs and civil society organizations have been brought on board with the SDGs Forum Nepal aimed at engaging government stakeholders in implementing the SDGs.
- In order to achieve goal 3, to improve health and wellbeing, a new approach to sexuality education called Comprehensive Sexuality Education (CSE) has been included in Nepal's school curriculum.
- Similarly, to address goal 5 and to prevent and respond to Gender Based Violence (GBV) or violence against women (VAW), the government has formed watch groups at ward level. There have been efforts to engage men in the community to work towards eliminating discrimination and violence against women, empowering girls and women, and to make society more gender-equal.
- Moreover, there are Women and Children Service Centers (WCSC) in 75 districts set up by the government to provide increased legal protection and social services to women and children survivors of gender-based violence and abuse. The chiefs of WCSC were provided orientation on the SDGs so that they can contribute from their level to localizing the SDGs in the community.
- In the same way, information services regarding safe migration, including training and redress opinions, are being made available in regional areas as well as the capital to address Goal 8.

INITIAL FINDINGS ON SELECTED SDGs GOALS & TARGETS

World Economic Forum Gender Gap Ranking	2016	2015	2014	2013	2012	2011	2010	2009
	110	110	112	110	123	126	115	110

GOAL 3

- The median age of first marriage for women in Nepal is 17 years. Early marriage increases the risk of maternal death and other reproductive health problems like uterine prolapse and obstetric fistula.²
- The maternal mortality ratio in 2015 is 258 deaths for every 100,000 live births due to pregnancy related problems / complications due to lack of essential health care and access to reproductive health services.
- 5% percent of maternal deaths are caused by abortion related complications and antepartum hemorrhage. As per a report by the Nepal Demographic and Health Survey (NDHS) it has been assessed that legalizing abortion alone is not enough to address the problem. The main reasons behind the continuation of unsafe abortions are inaccessibility of safe abortion services and that the stigma of abortion leads women to seek the service secretly, resulting in unsafe abortion procedures that threaten women's lives.
- Nepal has the third-highest rate of child marriage in Asia, with 37 percent of girls marrying before age 18, and 10 percent before 15, though the minimum age of marriage for both women and men is 20 under Nepali law. An estimated 11 percent of boys marry before 18.
- Comprehensive sex education has been integrated into school curriculum. However, from the interaction with students during school education we have found that a number of chapters on reproductive health, sex and sexuality are not being taught properly.

Goal 5

- Nepal has made substantial progress in the following areas; advancing equal access to education, achieving gender parity in primary and secondary level school enrolment, reducing the wage gap, and increasing women's participation in parliament.
- The government has adopted various laws, policies and measures to ensure that women and girls benefit equally from national development. Some of these measures include defining domestic violence to include the act of marital rape, introducing Gender Equality and Social Inclusion (GESI) policies to prevent and respond to VAW, and increasing women's access to public services.
- However, systemic and structural discrimination and violence against women and girls remains a huge issue despite significant improvements.³ Despite these efforts only 46 out of 100 married women have decision making powers within the family / marriage. 37% of women currently aged 20-24 were married before the age of 18 and 2 in 3 women have never told anyone about their domestic violence experiences.⁴
- According to ANBESI 2016, WOREC has found that out of 1,775 documented cases of violence against women, 1,300 women (73%) were incidents of domestic violence. Moreover, there are many serious concerns and issues the report raised, notably the absence of adequate gender-disaggregated data and statistics on the incidence of violence as well as the lack of documentation and research on domestic violence, sexual harassment, and violence against women and girls in private and in public, including the workplace.
- Similarly, ANBESI also explains that the aftermath effects of sexual violence have resulted in suicides, mental trauma and stigma, and psychological vulnerabilities. Problems relating to the caretaking of children born as a result of rape and the citizenship of such children are yet to be adequately addressed.

Goal 8

- Nepali women working in foreign employment are facing various forms of violence and abuse, especially sexual violence and threats to their lives and livelihoods. About half of returned migrants report that, once in the host country, they did not have contract letters of employment; 22% report they did not have official work permits; and around 37% report they did not receive the salary promised. The government has not been able to negotiate with the host countries to ensure safe working environment for its migrant workers.
- The government has established a minimum wage of NRs. 8,100 per month. However, it has not been able to implement the minimum standard wage or to keep wages competitive with inflation and maintain parity of wages between women and men.⁵

² Nepal Demographic and Health Survey 2011

³ National Preliminary Report 2015, National Planning Commission, GoN

⁴ the yearly VAW research report of WOREC

⁵ A Civil Society Report on ESCR, 2013, available at http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/NPL/INT_CESCR_CSS_

¹ <https://www.adb.org/sites/default/files/institutional-document/191526/macroeconomic-update-nepal-aug-2016.pdf>