

*Project*ME:

# WOMEN'S REPRESENTATION IN NEPAL

## A POLICY REVIEW



Aiming to create self-sustainable communities all over Nepal.



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**WOMEN DELIVER  
YOUNG LEADER**



**Bighnaharta  
Nepal**



This research paper was developed by the team of ProjectWE. This research project was possible thanks to the small grants program for the young leaders class of 2020 by the Women Deliver Young Leaders Program and to Women Deliver Young Leader Ms. Puja Yadav.

## **SUGGESTED CITATION**

Bighnaharta Nepal (2022) ProjectWE: Women's Representation in Policy-Making in Nepal. Bighnaharta Nepal. Kathmandu.

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## **Special thanks to**

**Hon. Biraj Bhakta Shrestha**

(Provincial Assembly Member, Bagmati Province)

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## **ABOUT BIGHNAHARTA NEPAL**

Bighnaharta Nepal is a not-for-profit organization established by Nepali youths with the mission of creating self-sustainable communities among the marginalized and vulnerable population in Nepal with the help of cultural as well as environmental appropriate interventions. The organization applies the techniques of bio-engineering, eco-system based adaptation, nature-based solutions, cooperative farming, and research and advocacy at the policy level. Bighnaharta Nepal has been working in the sectors of climate change, disaster risk reduction, poverty alleviation, gender equality, socio-economic development, and social entrepreneurship.

For more information, visit <https://bighnaharta.org/>

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# ABSTRACT

This paper attempts to review existing international instruments ratified/signed/acceded by Nepal, national policies and practices, laws, regulations, and governmental plans and programs related to women's representation & empowerment within the federal system and the position of women's representation in the political system of the country with specific analysis of the local government.

A framework was adopted that focused on two aspects:

National Legal and regulatory frameworks, and Nepal's commitments made through the ratification of several international agreements v. policies and initiatives implemented by Nepal's federal, provincial, and municipal governments.

Analysis of present data of representation and comparing it in its realm by intervening through the use of secondary data to find out actual representation and empowerment.

This study followed both Qualitative and Quantitative research patterns where UN agreements, international treaties, and declarations were accessed online , policies and acts of the government via the government's official website, and journal papers via google search through keywords. Similarly, secondary data from various surveys carried out by Election Commission, and NGO data have been used.

The paper tries to analyze various gaps and challenges and concludes with some key recommendations to address such challenges and gaps in the selected policies/strategies.

## ►► **Keywords:**

Women's representation, empowerment, gender equality, decision making, Gender Responsive Budgeting, gender mainstreaming policies.

# LIST OF ABBREVIATIONS

<b>Art.</b>	<b>Article</b>
<b>CERD</b>	<b>Convention on the Elimination of All Forms of Racial Discrimination</b>
<b>CRC</b>	<b>Convention on the Rights of the Child</b>
<b>CSW</b>	<b>Commission on the Status of Women</b>
<b>CEDAW</b>	<b>Convention on the Elimination of All Forms of Discrimination against Women</b>
<b>CRPD</b>	<b>Convention on the Rights of Persons with Disabilities</b>
<b>FY</b>	<b>Fiscal Year</b>
<b>GESI</b>	<b>Nepal Gender Equality and Social Inclusion</b>
<b>ICCPR</b>	<b>International Covenant on Civil and Political Rights.</b>
<b>ICESCR</b>	<b>International Covenant on Economic and Socio-Cultural rights</b>
<b>LGOA</b>	<b>Local Government (Operation) Act 2075</b>
<b>LG</b>	<b>Local Government</b>
<b>MoFAGA</b>	<b>Ministry of Federal Affairs and General Administration</b>
<b>MDG</b>	<b>Millennium Development Goal</b>
<b>NHRC</b>	<b>National Human Right Commission</b>
<b>PLGSP</b>	<b>Provincial and Local Governance Support Programme</b>
<b>PG</b>	<b>Provincial Government</b>
<b>SDG</b>	<b>Sustainable Development Goal</b>
<b>UDHR</b>	<b>Universal Declaration of Human Rights</b>
<b>UN</b>	<b>United Nations</b>
<b>UNDRIP</b>	<b>UN convention Declaration on the right of the Indigenous peoples</b>
<b>UNDP</b>	<b>United Nations Development program</b>
<b>WID</b>	<b>Women in Development</b>

# ► INTRODUCTION

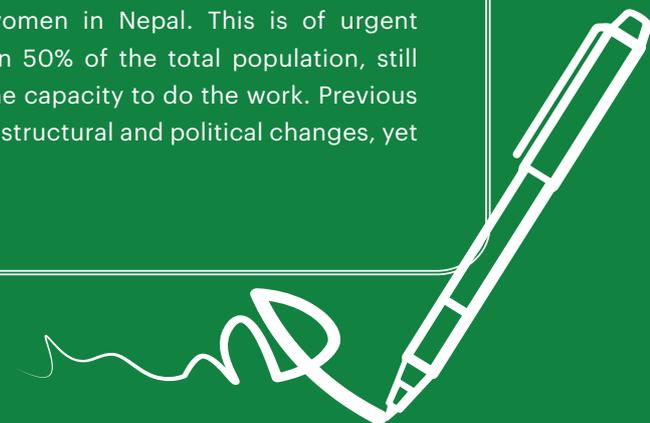
## Background

Since the dawn of democracy, Nepal has made several efforts to ensure gender equality through legislation, policies, and laws, and has achieved substantial results. The yearly federal budget has adopted the methodology of gender-responsive budgeting. Furthermore, plans formulated by the government have put a high emphasis on gender mainstreaming and gender parity. As a result, Nepal's overall policy and legal framework for GESI is favorable, and the Government of Nepal has included GESI as a key topic in all of its periodic development plans, with a focus on special measures backed by proportional representation, positive discrimination, and gender budgeting. However, inclusion and exclusion terms associated with gender identity have limited the representation of different gender identities within the framework of policies and laws.

Under the authority of the Constitution of Nepal 2015, in 2017 Nepal witnessed successful local, provincial and federal elections. This transition also paved the way for increased political representation of women. Women constitute 34 percent of the federal parliament, 34 percent of provincial assemblies, and 41 percent of all 753 local governments (UN Women, 2020). Though the data depicts a significant increase in the number of representation of women in policymaking and government, comparing 2017 local level election data to the previous ones, the most emerging question would be whether or not such representation is effective representation.

Nepal has a history of gender and caste-based oppression and social hierarchy. Nepal is ranked 115th out of 188 nations for gender equality by the United Nations Development Programme (UNDP), and 110th out of 145 countries in the Global Gender Gap by the World Economic Forum. Despite the abolition of caste-based discrimination in 1963, the consolidation of economic and political power and privilege of certain groups of people has further marginalized Adivasi, Janajati, Muslims, and Madeshi ethnicities. Furthermore, women have an inferior position in society in comparison to men. Such constructed social hierarchy and gender norms have subjected women to various layers of oppression. In addition, women from indigenous/tribal backgrounds have negligible participation in the public sphere as compared to other women.

With the history of layers of discrimination on the basis of gender, caste, religion, and social hierarchy, the recent unprecedented increment in women's representation in the new federal structure doesn't automatically change the status of women in Nepal. This is of urgent importance, where women, despite making up more than 50% of the total population, still are not in prominent positions, and where they are, lack the capacity to do the work. Previous gender reform efforts have brought about notable (de-jure) structural and political changes, yet de-facto invasion/change is still a far cry.



## Objectives

The main objective of the paper is to study and analyze international treaties, national legislation, policies, and practices and Supreme Court's notable decisions relevant to Women Representation and Empowerment. The specific objectives of the study are listed below:

- To study and analyze the gap between international principles and national level policies and practices in regard to women's representation.
- To analyze whether the present data on the representation of women in three tiers of government is effective/real representation.
- To compare the contemporary practice of involvement of women in decision-making in central, provincial, and local government.
- To analyze the gaps in policy implementation by analyzing the primary data collected through surveys conducted by various organizations.

## Methodology

This research is based on secondary sources of data on both qualitative and quantitative research methods.

- **The study mainly uses qualitative methods as follows:**

Document review and analysis: Policies, Acts, UN agreements, International Treaties and declarations, journal papers, and literature review on relevant documents and websites, women's movements, policy documents, laws, press materials, experiential reflection, and everyday narratives documented through existing research. The desk review follows the important discourses that affected the gender mainstreaming and representation agenda. Information was collected from the website of Nepal Law Commission at [www.lawcommission.gov.np](http://www.lawcommission.gov.np) to analyze the legislation of Nepal. With the help of different internet portals of institutions including, Ministry of Women, Children and Senior Citizens, Women Commission, Dalit Commission, National Inclusion Commission, and others to review the national policies, plans and strategies. The literature was searched by keywords, policies, plans, strategies, acts and directives, and institutions on Women Representation.

Key Informants Interviews (KIIs) and direct interviews with the officials of Federal, Provincial, and Local Governments, government institutions, and civil society organization was also conducted to gather information about their perspectives on gender-based representation, participation, and decision-making as well as to understand the past and existing programs and projects that have been successfully conducted gaps or challenges in the implementation process.

- **The study mainly used quantitative methods as follows:**

The comparison and analysis of secondary data collected by the Nepal Election Commission & other organizations regarding the Local election of 2017. The data and information, facts & figures regarding the data of awareness of people on leadership, representation, empowerment and participation are collected from secondary sources through research conducted by various related organizations.

## Limitation of the study

The limitation of the study of this research basically confines in the existing International framework binding to Nepal and National Legal and policy framework related to women empowerment and representation focusing more on Local level Government. The study is based on the desk review of policies and use of secondary data collected by others and entails very few practical inconsistencies. It is limited to works of authors and agencies and the conclusions have been derived from the facts presented by the authors cited. Due to lack of adequate literature in the sector, the data is mostly derived from the articles and Reports of NGOs and INGOs working in the field. So, the researcher is concentrated specifically with the women Representation in Local level in Nepal.

# PART 1: LEGAL INSTRUMENTS

## International policies and the principles:

Nepal has ratified and made commitments to gender equality policies in all conventions and conferences it has been party to. To fulfill this very obligation, it has taken various initiatives to ensure gender equality by the introduction of certain legal provisions and endeavored to implement them. Nepal became a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>1</sup> on 22nd April 1991 and ratified both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)<sup>2</sup> on 14th May 1991. It became a party to the Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>3</sup> on 30th January 1971, the Convention on the Rights of the Child (CRC)<sup>4</sup> on 14th September 1990, The UN convention Declaration on the right of the Indigenous peoples (UNDRIP)<sup>5</sup> in 2007 and the Convention on the Rights of Persons with Disabilities (CRPD)<sup>6</sup> more recently, on 7 May 2010, (UN Women, 2020).

Apart from this, a total number of 23 international human rights instruments, including seven of the nine core human rights treaties have been ratified by Nepal which also stresses gender mainstreaming and certain provisions applicable specifically to women.

Nepal has adopted a Monistic Approach as provided under section 9 of the Treaty Act 1990<sup>7</sup> where it is mentioned that the treaties and agreements, to which Nepal is a party shall be enforced as if it is the law of Nepal, and in case of divergence, the provision of treaties or agreement shall prevail over the provision of the national law to the extent of inconsistency.

## Significant international provisions related to women's empowerment:

The concept of gender mainstreaming was first introduced at the World Conference on Women in Nairobi in 1985<sup>8</sup>. It came up with a strategy in international gender equality policy through the Beijing Platform for Action, adopted in 1995.

*International Covenant on Civil and Political Rights 1966*<sup>9</sup>, Article 3 provides for the duty of States Parties to ensure the equal right of men and women to the enjoyment of all civil and political rights. *Convention on the Elimination of All Forms of Discrimination against Women 1985* in the preamble recalls the importance equal participation of women, in the political, social, economic, and cultural life of their countries, with capacity of the full development of the potentialities of women in the service of their countries and of humanity.

1 UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13

2 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, <https://www.refworld.org/docid/3ae6b36c0.html> [accessed 19 May 2022].

3 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, <https://www.refworld.org/docid/3ae6b3940.html> [accessed 19 May 2022]

4 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3 <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 19 May 2022]

5 UN General Assembly, *United Nations Declaration on the Rights*

*of Indigenous Peoples : resolution adopted by the General Assembly*, 2 October 2007, A/RES/61/295 <https://www.refworld.org/docid/471355a82.html> [accessed 19 May 2022] <sup>6</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106.

7 Treaty Act, §§ 9 (1990).

8 World Conference to Review and Appraise the Achievements of the United Nations Decade for Women 15-26 July 1985, Nairobi, Kenya, A/CONF.116/28/Rev.1.

9 *International Covenant on Civil and Political Rights*, UN General Assembly, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

Convinced that the full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women on equal terms with men in all field.

Article 3 mandates the States Parties to take all appropriate measures in all fields including political, social, economic and cultural fields, ensure the full development and advancement of women, guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 7 ensures equal voting Rights, participation in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

Similarly, Article 8 ensures equal opportunity of women to represent their Governments at the international level and to participate in the work of international organizations.

Likewise, Article 14 puts special attention to ensure all appropriate measures for the upliftment of rural women and their participation at all level.

*The Convention on the Nationality of Married Women 1957*,<sup>10</sup> Article 9 of the convention provides for the statehood of women, irrespective of their marital status. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full access of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". *Millennium Development Goals 2000* have also explicitly mentioned women's rights as several multitudes of social, economic, political, environmental, and cultural spheres that have critical relationships with women as being (UN,1995).

**Sustainable Development Goal 2016** (SDG) Goal number 5 is to achieve and empower all women and girls. Gender equality is not only a fundamental human right but a necessary foundation for a peaceful, prosperous and sustainable world.

*Indigenous and Tribal Peoples Convention, 1989*,<sup>11</sup> Nepal becomes the first country in South Asia to ratify Indigenous and Tribal People Convention 1989 and the second country in all of Asia to do so. It emphasis for the protection of Indigenous and Tribal community and their equal and equitable access to the National Resources.

*Beijing Declaration and Platform of Action*, Article 13 of the Beijing Declaration provides Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, which are fundamental for the achievement of equality, development, and peace. Article 34 provides the opportunity to develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

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9 International Covenant on Civil and Political Rights, UN General Assembly, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

10 UN General Assembly, Convention of the Nationality of Married Women, 29 January 1957, A/RES/1040, available at: <https://www.refworld.org/docid/3b00f0674.html> [accessed 17 May 2022]

refworld.org/docid/3b00f0674.html [accessed 17 May 2022]

11 International Labour Organization, Indigenous and Tribal Peoples Convention, 1989 (No. 169), 31 July 2019, 978-92-2-133210-7[ISBN]

## Institutional Framework:

### UN Women:

UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. It also works for the betterment of women at the regional and country levels. The main roles of UN Women are:

- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards, and norms.
- To help the Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge an effective partnership with civil society.
- To hold the UN system accountable for its own commitments to gender equality, including regular monitoring of system-wide progress.

Guided by CEDAW, BPfA, and MDGs, UN Women in Nepal, focuses on the following key areas:

- Violence against women
- Peace and security
- Leadership and Participation
- Economic Empowerment
- National planning and budget

### UN Commission on the Status of Women (CSW)

The Commission on the Status of Women (CSW) was established in 1946 as a subsidiary body of the Economic and Social Council (ESC). The commission was to create guidelines and formulate actions to improve the situation of women in the Economic, Political, Social, Cultural, and Educational fields.

### UN Special Rapporteur on Violence against Women

The United Nations Commission on Human Rights appointed a Special Rapporteur on violence against women, including its causes and consequences, on 4 March 1994 (resolution **1994/45**). Since March 2006, the Special Rapporteur reports to the Human Rights Council, as per Human Rights Council's decision 1/102. The mandate was most recently renewed in 2019 by (resolution **41/17**.)



# CURRENT NATIONAL LEGAL FRAMEWORKS

Since 1997, the Government of Nepal has been implementing the Beijing Platform for Action (BPFA) in its domestic processes through a multi-stakeholder partnership approach that includes government organizations, international donor partners, NGOs, and the private sector, and has been a signatory to regional frameworks relating to women empowerment.

## NEPALESE GOVERNMENT'S APPROACH TO GENDER MAINSTREAMING IN PERIODIC PLAN AND POLICIES.

### A) "Welfare Approach"

While reviewing Gender mainstreaming legislation and policies, it may be traced back to the first five-year plan (1956-1961), when a "welfare approach" was implemented, focusing on women's reproductive roles as mothers and homemakers.

In 1979, the Government of Nepal performed follow-up research on the Status of Women in Nepal, in conjunction with Nepal's commemoration of International Women's Day and participation in the First World Conference on Women, held in Mexico in 1975.<sup>12</sup>

<sup>12</sup> Tulasa Devi Dulal, Gender Mainstreaming: Policies at the National and International Level, *Journal of Population and Development*, June 2020, p.198.

<sup>13</sup> Bhadra, C. & Thapa, S. M. (2007). Nepal country ender profile. A final report. <https://www.jica.go.jp/activities/issues/gender/reports/>

### B) "Women in Development (WID) Approach"

For the first time in Nepal's planned development, the sixth (1980-85), seventh (1985-1990), and eighth (1992-1997) five-year plans adopted an "efficiency approach"<sup>13</sup> in the WID policy, allocating a separate chapter about the role of women in development. With the WID approach, the focus on the role of women shifted from the protective and reproductive role to the empowerment and productive role. It basically put emphasis on the women-centric programs on literary/training and development. This model has highly influenced the 1960s feminist movement in the west.

### C) "Equity Approach"

The seventh plan combined an "equity approach" with an "efficiency strategy", while the eighth plan coupled an "equity approach" with a realization of the importance of integrating women into development. It was due to the fact that Feminist Jurisprudence attacked the WID approach for creating the misleading impression that women were outside of the economy and development and needed to be integrated. They claimed that because women are always the agents of progress, the bottom line must be "Women for Development" rather than "Development for Women". They concluded that equipping women with education/training and technology would not make a significant difference unless and until the change was incorporated into the broader system. Therefore, the eighth plan mentioned expanding women's representation in decision-making and mentioned 'gender-based' discrimination.<sup>14</sup>

### D) "Gender and Development (GAD) Approach"

In terms of discourse and debate, the feminist movement grew in popularity in the 1980s. After that, a gender perspective in development was introduced, with the notion that women should be at the center of development, and that existing gender relations should be re-examined and re-

[ku57pq00002hdv3w-att/nep\\_2007\\_en.pdf](https://www.npc.gov.np/images/categories/ku57pq00002hdv3w-att/nep_2007_en.pdf)

<sup>14</sup> National Planning Commission (NPC). (2007). Three years interim plan. Kathmandu: National Planning Commission Secretary, Singh Durbar <https://www.npc.gov.np/images/categories>

constructed.

During the ninth five-year plan (1997-2002), a paradigm shift was witnessed where Nepal's development policy shifted from women in development to gender and development (gender and development), which was continued in the tenth five-year plan (2003-2008). By implementing the "gender mainstreaming" strategy, these Periodic Plans have adopted a policy of "gender equality" and "women's empowerment."<sup>15</sup>

Gender equality was designated as a major indicator of poverty analysis in the tenth five-year plan (2003-2008), which is also known as the Poverty Reduction Strategy Paper (PRSP). The poverty reduction strategy paper in the tenth plan was the most serious and comprehensive government statement on inclusion to date. It highlights social exclusion as one of the three main aspects of poverty, as well as the primary cause of deprivation of specific caste and ethnic groups, women, and individuals living in rural areas where Agriculture (2002), health (2002), education (2002), local development (2003), and Women, Children, and Social Welfare (2003) ministries have all completed gender budget audits.<sup>16</sup>

The Interim Plan (2008-2011) focuses on gender-sensitive budgeting and allocates 33% of contingencies within each state structure.  
CURRENT NATIONAL LEGAL FRAMEWORKS:

From 1997, the Government of Nepal has been implementing the Beijing Platform for Action (BPFA) in its domestic processes through a multi-stakeholder partnership approach that includes government organizations, international donor partners, NGOs, and the private sector, and has been a signatory to regional frameworks relating to Women empowerment.

## Constitution of Nepal 2072

Constitution guarantees equal rights to all citizens, with some exceptions for women and disadvantaged

groups. Article 18 of Nepal's 2015<sup>17</sup> Constitution stipulates that all citizens are equal before the law and have the right to equal protection under the law without discrimination on any basis.

Article 38 of the Nepalese Constitution of 2072<sup>18</sup> declares women's essential rights, including safe motherhood and reproductive health, as well as protection against gender-based violence. Also, sub-article (4) states that women have the right to participate in all bodies of the state based on the principle of proportional inclusion, while sub-article (5) states that women have the right to special opportunities in education, health, employment, and social security based on positive discrimination.

Similarly, Article 42 of the Constitution<sup>19</sup> guarantees the right to participate in all governmental structures and bodies based on the idea of propositional inclusion. As per article 84 & 176, At least one-third of the total number of members elected from each political party representing in the Federal Parliament and National assembly must be women.

Article 252<sup>20</sup> establishes the National Women Commission, which is charged with developing policies and programs relating to women's rights and interests and submitting them to the Nepalese government for execution.

Article 281 of the Constitution<sup>21</sup>, also includes provisions of institutional structures to promote gender equality. Article 283, ensures inclusion by stating that appointments to constitutional bodies and agencies must be made on the basis of exclusionary principles.

Article 51(j) of the constitution of Nepal 2072<sup>22</sup> foresees policies relating to social justice and inclusion where Gender mainstreaming has been emphasized. It provides for making vulnerable women, self-sufficient through rehabilitation, protection, and empowerment & special provisions for the protection and development of the women of the oppressed and backward regions and for the fulfillment of their basic needs.

15 National Planning Commission (NPC). (2003). the tenth five year plan 2003-2008. Kathmandu: His Majesty's Government. National Planning Commission Secretary, Nepal.

16 Giri, K. (2012). Gender reforms in Nepal: Retreat or predicaments? A review of the politics and practice of women's rights. Alliance for Social Dialogue and South Asia Institute of Advance Studies. Kathmandu, Nepal.

17 CONST. OF NEPAL, 2015, Art. 18, § 1, Cl. 2.

18 CONST. OF NEPAL, 2015, Art. 38, § 1, Cl. 2.

19 CONST. OF NEPAL, 2015, Art. 42, § 1, Cl. 2.

20 CONST. OF NEPAL, 2015, Art. 252, § 1, Cl. 2.

21 CONST. OF NEPAL, 2015, Art. 281, § 1, Cl. 2.

22 CONST. OF NEPAL, 2015, Art. 61(j), § 1, Cl. 2.

## Other Relevant Acts

### **Federation, Province and Local Level (Coordination and Inter-relation) Act, 2020 (2077)**

Federal, Provincial and Local Level (Coordination and Inter-relation) Act, 2020 (2077) foresees the coordination of all the three levels of government in the enforcement of fundamental rights, Directive Principles, national interest, and adoption of proportional, inclusive, and participatory governance systems among others.

The Act has mentioned that out of 7 members nominated by the President, at least 3 members must be women when forming the National Coordination Council.

### **Political Parties Registration Act 2002 and Regulation 2017**

Clause 15 (4) of the Political Party Registration Act says: "A political party should have at least one-third women representation in all its committees."

### **Election Commission Act, 2073 (2017)<sup>23</sup>**

Section 42 of the Act required election to be gender friendly and inclusive: It bounds the Commission to adopt the principles of gender friendliness and inclusiveness while preparing election-related policies, conducting programs, deputing employees, supervising and monitoring the election.

### **Local Body Election (First Amendment) Act, 2017<sup>24</sup>**

The Local Body Election Act, 2017 has provisioned for 50% women candidacy for various positions. Section 6(2) provides two including one Dalit woman in the each ward committee of the Local Government. Article 6 (3) provides that for the female members, the four who get the highest number of votes are elected to Rural executive and five who get the highest number of votes for the municipal executive.

Similarly, Article 6 (5) provides for the District Coordinating Committee, that at least three women and at least one person from Dalit or minority

community have to be elected.

Likewise, Section 17 (4) of the Local Level Election Act 2017 makes it mandatory for a political party to field a woman as a candidate for either chief or deputy chief at the local level.

### **Local Government (Operation) Act 2017<sup>25</sup>**

Section 24 of Local Government (Operation) Act 2017 recognizes the population's diversity and suggests that local governments consider cultural, linguistic, and social diversity when planning and budgeting. Also, Section 12 mandates that each ward of local governments should keep track of the economic and social status of women citizens. Similarly, Local Government shall ensure maximum participation of women in the planning and implementation of their development initiatives, according to the act. In the Local Revenue Advisory Committee, at least one out of the seven members must be a woman.

### **National Women Commission Act, 2017<sup>26</sup> & Regulations 2021**

The National Women Commission established under Article 252 of the Constitution of Nepal. The Act mandates Commission's legal status and defined the Commission's role & responsibilities. The vision of National Women Commission is to make a gender equal society ensuring their meaningful and proportional participation in all level of Government through the effective implementation of national and international legal instruments on women's rights by eliminating all the discriminatory laws and violence against women.

The National Women Commission Act, 2074, monitors Government programs, make necessary recommendations regarding implementation if the acts and the policies are adequate & also make recommendations to the appropriate commission in order to increase women's participation and empower them that contribute to gender inequality.

### **Foreign Employment Act, 2064 (2007)<sup>27</sup>**

Foreign Employment Act 2064 consolidates the laws relating to foreign employment to ensure,

23 Election Commission Act, § 42 (2017).

24 Local Body Election Act, § 6(2), 6(3), 6(5), 17(4) (2017).

25 Local Government (Operation) Act, § 12, 24 (2017).

26 National Women Commission Act, § 12 (2021).

27 Foreign Employment Act, (2007).

promote and protect the rights of Nepali employees operating in a foreign land. It has included various laws that address women as migrant workers.

- No discrimination on the basis of gender while sending workers for foreign employment.
- Special facilities to be provided to women, Dalit, indigenous nationalities, oppressed, victims of natural calamities, and people of remote areas who go for foreign employment.

### **The Social Security Act, 2075 (2018)**

The Social Security Act, 2075 (2018) was enacted by the Federal Parliament for the protection of the right to social security for the indigent citizens, incapacitated and helpless citizens, helpless single women, citizens with disabilities, children, citizens who are unable to take care themselves and citizens belonging to the tribes on the verge of extinction.

The act has provided the provision with the right to get social security allowance for incapacitated and helpless persons, helpless single women, and indigent Nepali citizens completing the age of sixty.

### **Process of enactment of laws and policies by Province and Local Level**

Federation, Province and Local Level (Coordination and Inter-relation) Act, 2020 has mentioned the process of enactment of policies by Province and Local Level by the following chart:

- Based on the conditions and standards compiled under the Constitution → Province/ Local Level enact laws and Policies → the laws and policies are then framed by the Federal government.
- While enacting or implementing any exclusive power, it shall be done in a way so that it will not encroach on the power of any of the three levels of Government.
- Matters concerning the construction, operation of infrastructure, public awareness promotion, education, health, employment, and any other matter of similar nature shall be in accordance with Provincial Law.
- Matters concerning government policy framed by the Federal government, defining acts of criminal offense or matters of similar nature shall be in accordance with the Federal Law.

### **The GoN shall consult with each province in relation to the following matters:**

#### Provincial Level

- While enacting the law and formulating policies on matters of concurrent powers referred to Schedule 6 and 7

#### Local Level

- Formulating national plan and policies that are to be abided and Implemented by the Local level
- Any other matter as deemed appropriate by the Government of Nepal.

## Policy Development and implementation at Local Level

The process of Formulation of policies in local level is enshrined in Schedule 8 of the constitution of Nepal, Local Government (Operation) Act 2017, as well as the Local Government Planning Handbook Guidelines 2077 (2020) . Section 102 of the Local

Government (Operation) Act 2017 mandates the inclusion of GESI in the development and implementation of laws, plans, policies, rules, and regulations, as well as proportionate representation in all Local Government structures, including judicial, monitoring, revenue generation, and planning committees.

All the Local Governments are obliged to develop a list of strategies to implement the policies. GESI focal persons are appointed to make their own guidelines. Citizen charters, public audits, public hearings, and grievance mechanisms are used to assess the policy' viability/Practicability.

### 15<sup>th</sup> DEVELOPMENT PLAN <sup>28</sup>

The 15th plan has come up with the gender-equal planning process. In Chapter 7, it is stated that the vision of the plan is to build Nepal as a gender-equal nation. The goal of the plan is to achieve substantial gender equality by ensuring equal and meaningful participation of women.

#### **The plan's estimated target is as follows:**

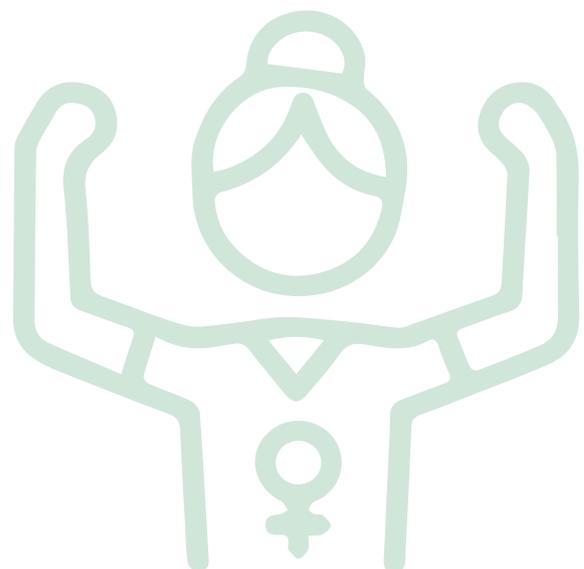
The Gender Development Index will have increased from 0.897 to 0.963 by the end of the plan. The percentage of women who have experienced physical, psychological, or physical violence in their lifetime will have dropped from 24.4 percent to 13%. Gender-friendly policies and laws will have been developed and implemented at the federal, provincial, and local levels. All types of discrimination and exploitation will be greatly reduced, women's contribution to national income will be recognized, a gender-responsive budget will be implemented at all levels, and a data system to track gender equality and empowerment will be built.

## Highlights of the 15th Plan related to Women Empowerment and Representation:

Gender equality and inclusion are discussed in sub-chapter 3 of Chapter 1. Gender-based violence has been recognized by the state as a barrier to equality and empowerment, and numerous policies, plans, and initiatives have been implemented to address it. In the fiscal years, 2017/18 and 2018/19, the gender-responsive budget allocation ratio in the national budget aimed at directly benefiting women achieved 37.4 and 38.6, respectively. The right of women to own land has been stressed by ensuring the constitutionally given right to property, food security and sovereignty, women's rights, and the rights of landless Dalits, and accomplishing the SDGs by 2030, by critically managing limited accessible land and land resources in a sustainable manner.

### 15th Plan has a distinct chapter related to Gender Equality and Women Empowerment

Chapter 7 of the 15th plan is related to Gender Equality and Women Empowerment. It mandates the principle of inclusion in the appointment of the women in the Nepal Army and Nepal Police, Ambassadors, and constitutional bodies' offices on an equal footing. It sets a legal foundation for to design local acts, regulations, policies, and procedures, as well as campaigning to guarantee that these rights are exercised by the targeted group, particularly women within each of these targeted categories. It has set out various strategies and working policies to meet the vision of the plan.



STRATEGIES	WORKING POLICIES
<p><b>1</b> All tiers and sectors of the nation formulate sectoral policies, acts, and programs related to gender equality.</p>	<ol style="list-style-type: none"> <li>1. Formulate new laws and review existing laws and programs,</li> <li>2. Gender equality in all sectors at the federal, provincial, and local levels.</li> </ol>
<p><b>2</b> To adopt a gender-responsive governance system in all levels as well as all sectors and agencies of the state.</p>	<ol style="list-style-type: none"> <li>1. Achieve women's representation of 50% at all levels, structures, and development processes of the state.</li> <li>2. Women's participation will be increased at the policymaking level of all levels.</li> <li>3. Spending a certain portion of the corporate social responsibility funds for women's empowerment.</li> <li>4. Making public agencies gender-sensitive.</li> </ol>
<p><b>3</b> To institutionalize a system of the gender-responsive budget at all levels of government.</p>	<ol style="list-style-type: none"> <li>1. Institutionalizing a gender-responsive budget from the federal to the local level.</li> <li>2. Gender empowerment index as one of the criteria while making fiscal transfers to the provincial and local levels.</li> <li>3. A gender focal person will be assigned at all levels of the state and the allocation of the women-targeted budget will be made mandatory.</li> <li>4. The gender audit system in all levels of the state.</li> </ol>
<p><b>4</b> To develop a data system to measure gender equality and empowerment.</p>	<ol style="list-style-type: none"> <li>1. Gender equality and empowerment measurement indicators to make the monitoring and evaluation system effective.</li> <li>2. A report on women's issues developed annually based on the reports generated from the province and the local level.</li> </ol>
<p><b>5</b> To achieve economic empowerment and social transformation by giving special priority to economically poor and socially excluded women.</p>	<ol style="list-style-type: none"> <li>1. Livelihood enhancement programs for the economic empowerment of poor and disadvantaged women through entrepreneurship.</li> <li>2. The President's Women Empowerment Program will be extended nationwide.</li> <li>3. The women's development programs and their good practices and achievements will be institutionalized at the local level.</li> <li>4. Women cooperatives will be mobilized in the sectors of productive businesses and self-employment.</li> <li>5. Awareness and capacity development programs to eliminate social discrimination against sexual and gender minorities.</li> </ol>

6. Socio-economic development programs for income generation, capacity development, and empowerment of women and adolescent girls from poor and excluded groups such as Dalits, indigenous groups, single women, and women living with disabilities, Badi, Kamalari, Kamaiya, and Chepang.

7. Provisions will be made for concessional loans and access to finance facilities for women to help them become self-employed and develop entrepreneurship by running businesses or being engaged in income-generating activities

## 6

**To increase access to justice through preventive, protective measures for ending all forms of violence, exploitation, and discrimination against women.**

1. The policy of zero tolerance against all forms of violence against women will be made effective.

2. A social campaign to increase awareness on all levels declaring the 'year against gender-based violence' to end the superstitions and evil practices.

3. Research various dimensions of violence declaring gender-violence free zones.



# BUDGET SYSTEM

## Gender-responsive Budgeting system:

Gender-responsive budgeting (GRB)<sup>29</sup> helps achieve national commitments to gender equality and women's empowerment by mainstreaming gender into macroeconomic policy and the national budgeting system (Ministry of Health and Population, 2019). Since the FY 2007/08 budget, the GRB system has been in use. It is not a budget for women; rather, it is a budget that benefits everyone by ensuring gender-equitable resource distribution and equal opportunity for all (Ministry of Health and Population, 2019)<sup>30</sup>

## Gender and social inclusion priorities in budget 2078/79

The GoN has exhibited a strong commitment to Gender Equality and Social Inclusion (GESI) concerns and adopted Gender Responsive Budgeting in accordance with the 15th periodic plan. The use of scoring criteria for ministries and departments to rank their initiatives as directly responsive, indirectly gender-responsive, or gender-neutral is one of the adopted solutions. The following are the budget's major highlights:

- A marginal increase of 34% in the budget of the Ministry of Women, Children, and Senior Citizens. The budget focuses on Women's empowerment, skilling and income generation, prevention of violence against women and girls, child care, and rights.
- A unique category of health and treatment care has been recognized in the budget, which includes single women, widowers, and seniors with disabilities.
- Investing in menstruation hygiene

and health; distributing free menstrual products to public school girls.

# Government Plans and Programs

## Federal Government

### Ministry level efforts:

#### *The Ministry of Finance*

The Ministry of Finance (MoF) established the inter-ministerial Gender-Responsive Budget (GRB) Committee in 2008 to assess the impact of development policies on women and men. The committee's mandate was to design a methodology to monitor sectorial budget allocations and public expenditures from a gender perspective. The project aims to make local government institutions more gender-sensitive and to achieve an equitable distribution of resources and equal opportunities for all. The government's annual programs are categorized into three groups under the GRB system: a) Budgets that benefit women directly; b) Budgets that benefit women indirectly; and c) Budgets that are neutral. The committee has also come up with the Gender Responsive Budget Model Guideline 2020(2077) for the local and provincial governments.

#### *Ministry of Federal Affairs and General Administration*

MoFAGA has come up with PLGSP (Provincial and Local Governance Support program) where there are committees at both the federal level, and the provincial level. The program has made it mandatory for these committees to include at least four women members to ensure that all higher-level decisions and guidance provided by the committees are GESI sensitive and strategically

<sup>29</sup> Budget Speech 2021/22, Ministry of Finance (MoF), p.19

<sup>30</sup> The Global campaign for Aid and Development Technology, Gender Financing in Nepal: Mapping funding to improve gender equality, March 2021, PUBLISH WHAT YOU FUND, [https://www.publishwhatyoufund.org/wpcontent/uploads/dlm\\_uploads/2021/03/Gender-Financing-in-Nepal.pdf](https://www.publishwhatyoufund.org/wpcontent/uploads/dlm_uploads/2021/03/Gender-Financing-in-Nepal.pdf) (May 2, 2022)

support the promotion of gender equality and social inclusion in all program components. Similarly, the program has included a particular provision for including the GESI section chief of MoFAGA in the NEC as a key member of the committee to ensure that GESI-related concerns are well absorbed and reflected in the overall PLGSP program.

Provision of GESI specialists at the federal and 7 GESI experts at the province level to ensure the proper implementation of GESI in policy making.

### **Ministry of Women, children, and senior citizen**

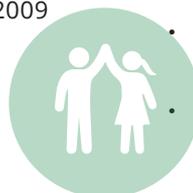
MoWCSC has come up with Gender Equality and Women's Empowerment National Action Plan 2004(2061), Action plan 7.1 provides policy to increase women's representation in parliament, local level, and other sectors of government like constitutional bodies. It has come up with various strategies to implement the policy like specific acts related to political parties, Awareness campaigns in political parties regarding GESI, and capacity development of women.

The Department of Women Development under the MoWCSC looks after women's and children's programs and implements them through its Women Development Offices, which are the key gender focal points in the districts. At all levels—ministry, department, and district—effectiveness is constrained by inadequate resources and weak capacity. Furthermore, the Women Development Officer of the respective department added that the lack of adequate budget further interrupts and makes it difficult for the department to organize any upcoming programs and events.<sup>31</sup>

### **Gender Equality and Social Inclusion Policy 2009 (2066)**

The Ministry of Federal Affairs and General Administration has come up with the GESI policy in 2009 (2066) where major policies include:

- Work for the development of the people of the backward and marginalized communities, communities and areas.
- Socially inclusive and integrated Development Mechanism



- Proportionate participation of the poor, the disabled, and the underprivileged.
- Empowerment of Women, Children, Indigenous, Muslims, and other backward communities.

Strategies like Gender mainstreaming, women empowerment, and Political representation have also been included.

### **Gender Equality and Social Inclusion (GESI) Strategy 2021 – 202332**

Aiming to strengthen the collaboration between the three levels of government and to highlight gender equality and social inclusion (GESI) with both mainstream approaches as well as targeted interventions, the GESI Strategy 2021-2023 was brought in action.

The specific objectives of the PLGSP GESI Strategy are:

- To mainstream GESI so that a sensitive and responsive approach is integrated throughout PLGSP implementation;
- To ensure GESI targeted activities are prioritized with proper monitoring and evaluation
- To contribute & strengthen GESI responsiveness of all policies, & projects at Provincial and Local level.

It has taken two approaches basically which include gender mainstreaming and gender-targeted intervention in the strategy.

PLGSP has included three specific outputs that directly contribute to GESI:

- Horizontal and Vertical accountability to mainstream GESI through the Modernized Provincial Government system.
- Inclusive Citizen Engagement in Local Government.
- Local Government systems to mainstream GESI in their service delivery.

It prioritized GESI audits at the provincial and local levels, internalized and institutionalized

31 G.Basnet, personal communication, December 28, 2021

32 Gender Equality and Social Inclusion (GESI) Strategy 2021 – 2023, Provincial and Local Governance Support Programme (PLGSP), GON MINISTRY OF FEDERAL AFFAIRS AND GENERAL ADMINISTRATION,(Nov 2019) <https://www.plgsp.gov.np/sites/default/files/202112/PLGSP%20Gender%20Equality%20and%20Social%20Inclusion%2028GESI%29%20Strategy%202021%E2%80%932023.pdf>

GESI sensitive tools such as Gender Responsive Budgeting (GRB) in the planning and prioritization of activities, GESI friendly policies, and guidance, and ensured the participation of women and representatives from other excluded groups in planning, budgeting, and policy formulation, including conducting consultations and discussions with organizations/networks of women, during the first two years.

### **Gender Equality and Social Inclusion (GESI) Working Group**

The Gender Equality and Social Inclusion (GESI) Working Group, (renamed from Social Inclusion Action Group (SIAG), is one of the Working Groups under the Social Cluster of the International Development Partner Group (IDPG). The GESI Working Group aims to provide strategic advice and support to the IDPG and other development stakeholders on gender equality and social inclusion. USAID and UN Women are the current co-chairs, having taken over in March 2016 from the Swiss Agency for Development and Cooperation (SDC) and the UN Resident Coordinator's Office.

The GESI Working Group commits to support the Government of Nepal in its efforts to achieve this vision and to work to achieve the GESI Working Group goal of "influencing the development partners and the government actors towards inclusive development outcomes.

### **Gender Equality Policy 2020(2077)<sup>33</sup>**

National Human Development Report 2020 provides GDI (Gender Development Index) and GEM (Gender Empowerment Measures) values of 0.886 and 0.62, respectively suggesting that the human development in Nepal as a whole is not significantly high.

The policy requires the government to develop policies, plans, and laws that are gender-responsive; empower women to ensure their access to all state bodies; increase women's participation in income-generating activities; reduce business and social risk in women's economic activities; and ensure their equal representation at decision-making levels. The initiative stresses eliminating discriminatory impediments to women's socio-economic progress

and eradicating gender-based violence.

The National Gender Equality Policy aims to build a just, prosperous, and equitable society by establishing gender-responsive governance structures at all three levels of government, including a gender-responsive budget.

### **Gender and Inclusive Policy in Election Management, 2020 (2077)<sup>34</sup>**

The policy was formulated, by Women commission to manage the requirement of Constitution, women empowerment laws, on Gender-equality and Inclusion and to meet the vision of 15th plan.

The policy is based on the Commission's Third Five-Year Strategic Plan and Gender and Inclusion Policy, as well as election experience at all levels. The policy is based on lessons learned from elections at all levels, the Commission's Third Five-Year Strategic Plan, and the Gender and Inclusion Policy. The purpose of this policy is to ensure that women and target groups participate in election management at all levels and play a role based on gender equality and inclusion.

- Gender and inclusion policy in election management emphasize empowerment of through:
- Participation of women in all levels, stages, and processes of election management to mainstream gender equality and inclusion process.
- Capacity building by providing necessary coordination, support, and facilitation to make political parties and other stakeholders gender-friendly and inclusive.
- Equal rights and inclusion of women in election-related policies, laws, plans, programs & budget.
- To coordinate and cooperate with the all level of government to create gender -friendly workplace.

### **National Strategy on Ending Child Marriage-2016<sup>35</sup>**

Nepal has adopted National Strategy on Ending Child Marriage-2016. The strategy aims to end child marriage by 2030 through the empowerment of girls and ensuring their access to education.

33 Gender Equality Policy 2077, Ministry of Women, children and Senior Citizen, <https://nwc.gov.np/wp-content/uploads/2021/07/Laingik-Samanata-Niti.pdf> (April 28, 2022)

34 Gender and Inclusive Policy in Election Management, 2077, Election Commission, <https://nepal.ec-undp-electoralassistance.org/wp-content/uploads/sites/16/2018/12/ec-undp-jtf-nepal-resources-publications-gender-policy-and-strategy.pdf> (March 28, 2022)

35 National Strategy on Ending Child Marriage, 2072

### **Campaign against Gender-Based Violence Annual Implementation Action Plan of 2019 (2076)**

The aim of this action plan is to lay the groundwork for building a gender-violence-free nation through the existing zero-tolerance policy against gender-based discrimination and inequality. The campaign aims to address violence in the following areas: Domestic Violence, Overseas Employment Violence, Violence related to women working in the recreation area, Sexual Violence and Abuse, Violence in the Workplace, Misuse of Intelligent Media, Violence Based on Superstition and Curiosity, Violence Against Women in the Political Sector, Violence in Public, Violence from the Assad attack.

Under the Campaign Against Gender-Based Violence Annual Implementation Action Plan of 2076 the program for prevention of various forms of sexual violence in society including sexual violence, activities providing information about sexual violence in school as well as establishing separate toilets for male and female students shall be done under the responsibility of Ministry of Social Development. Likewise, the formulation of a gender-responsive budget at the Federal, State, and Local Level shall be made under the responsibility of the Nepal Police.

In regards to disseminating information, providing advertisements, and films against sexual violence, a campaign against GBV named "Each home, a dignified home" shall be conducted under the responsibility of the local level. In order to conduct a sensible awareness campaign, special programs such as awareness programs against Chaupadi in Province 6 and 7 as well as awareness programs against human trafficking, child marriage, dowry in the respective affected areas shall be conducted and to mobilize women's organizations, GBV monitoring group and adolescent group (Kishori) formed under the "Sawik Mahila Bikash" program which is under the responsibility of Ministry of Women, Children and Senior Citizens.

For strategic management, the action plan of 2019 planned to provide training on judicial practice to the deputy head of the Judicial Committee

Likewise, it planned to establish a rehabilitation center, and counseling center for women at risk of violence in every municipality in order to strengthen the rehabilitation and support mechanisms. To

improve the legal and policy framework for ending GBV, establish a GBV fund in all 7 provinces under the responsibility of the respective local government and establish a GBV Fund in all 753 local levels as well as the establishment of branches of the department of women and children in all 753 local levels.

Similarly to increase access to justice, the strategy to have one Gender Focal Person for the whole province in all 7 provinces was made under the responsibility of all three levels of government as well as the Nepal Police.

### **GoN's "President Women Upliftment Program"**

The president's women empowerment program through the ministry of women children and social welfares initiative has begun in 26 of the total 40 districts with a total budget of NPR 55 million the program aims to support women's equal participation in all stages of nation-building and economic empowerment as well as provide skill development and capability enhancement training to Dalit indigenous marginalized and Muslim women in the first 30 districts with the lowest human development index HDI.



<b>Name of the project</b>	<b>President Women Empowerment Program</b>
<b>Sector</b>	Social, Gender Equality and Women Empowerment
<b>Goal</b>	Establishing a gender-responsive governance system and creating a just society by socially and economically empowering women.
<b>Social, Gender Equality and Women Empowerment</b>	Improve women's entrepreneurship development, increased participation, gender equality as well as safe motherhood and reproductive health
<b>Impact and outcomes</b>	Women's entrepreneurship development and employment advancement chances will have increased, and the gender equality and empowerment index will have improved.
<b>Outputs</b>	A gender-responsive budgeting system will have been institutionalized at the government level, with 3000 women receiving entrepreneurship and employment-oriented training and 10,000 women receiving employment opportunities annually. There will also be air rescue and safe delivery management for pregnant women in life-threatening situations.
<b>Major activities</b>	<ul style="list-style-type: none"> <li>• Promote economic empowerment, entrepreneurship, and employment by establishing a multi-dimensional women entrepreneur model village, integrated women entrepreneurship development, and creative vocational and skills-based training.</li> <li>• Create a rescue fund and create plans for air rescue and safe hospital deliveries for pregnant women in life-threatening situations.</li> <li>• Conduct a survey of domestic and care work done by women, as well as a monetary price annual assessment of the situation of gender-based violence, to develop a management information system with gender disaggregated data.</li> <li>• Create a gender-responsive budgeting mechanism at all three levels of government, build a gender-friendly physical structure, and run initiatives to empower and educate women.</li> </ul>
<b>Duration</b>	Start: FY 2022
<b>Total estimated cost</b>	NRs. 21.175 billion
<b>Scope</b>	300 local levels from all 7 provinces that are lagging behind in the Human Development Index

## Provincial Level

### Gandaki Province GESI Policy 2020

Chapter 3, No. 4 of the policy mentions action indicators including for GESI, such as participation and empowerment of women in planning, implementation, evaluation process, human resource management, employees with a focus on gender equality and social inclusion, Sensitivity and Inclusion Criteria Development programs, Zero Tolerance Mechanism to sexual offenses, need-based and targeted budgeting mechanism, policy and action to create equitable inclusive participation of women in all sectors, establishment of gender mainstreaming committee in the provincial and the local level.

The policy provides for the provision of a Gender inclusion committee, where the Chief Secretary is the head of the committee including the other 6 members. It also provides for the designation a of Focal person in all ministries, provincial level departments, and other offices with the power to formulate policies and programs and coordinate with other offices regarding the GESI.

### Gender Responsive Budget Preparation Training, Itahari, 29-31 October 2021

The program was planned as per the PASIP work plan 2021/2022. The GRB training helps province government staff to prepare, implement and monitor the gender-responsive budget in the province.

The objective of the training was to capacitate staff of the provincial government on gender-responsive budget preparation so that they can contribute to gender equality, and empowerment and to mainstream gender in the development process.

### The Children's Protection and Women Empowerment Program in Province 2

This project is based in Janakpur in Province 2 focusing on skills training and employment opportunities for women from lower castes, who do not have access to any assistance.

The establishment of environmentally friendly social enterprises, along with the provision of veterinary training, and the establishment of sustainable income for the communities falls under its scope.

### Educate Daughter: Save Daughter Campaign<sup>36</sup>

In 2016, the Government of Nepal devised a national policy with the goal of ending child marriage by 2030. This program was launched in Nepal in partnership with UN agencies and other donors. The provincial government launched a campaign called "Beti Bachao, Beti Padhao" in early 2019, which means "Save Daughter, Educate Daughter." After the girls receive their citizenship certificates at the age of 16, the campaign involves providing them with insurance packages. The insurance coverage is \$1200, and a comprehensive inspection is performed.

In the previous decade, the number of females enrolled in school has increased dramatically in Province 2 and across the country. In recent years, the number of girls dropping out of primary school has decreased.

### Province Working Procedure for Women Empowerment Program, 2020 (2077)

Sudur Paschimanchal Province has come up with Province Working Procedure for Women Empowerment Program, 2020(2077). The Ministry of Social Development has brought this procedure to make the program effective budget allocation for conducting women empowerment activities in local government.

36 Shahiman Rai, State 2 kicks off 'Beti Bachau-Beti Padhau' campaign, The Kathmandu post, January 16, 2019 <https://kathmandupost.com/national/2019/01/16/state-2-kicks-off-beti-bachau-beti-padhau-campaign>, (May 4,2022).

## Local Government

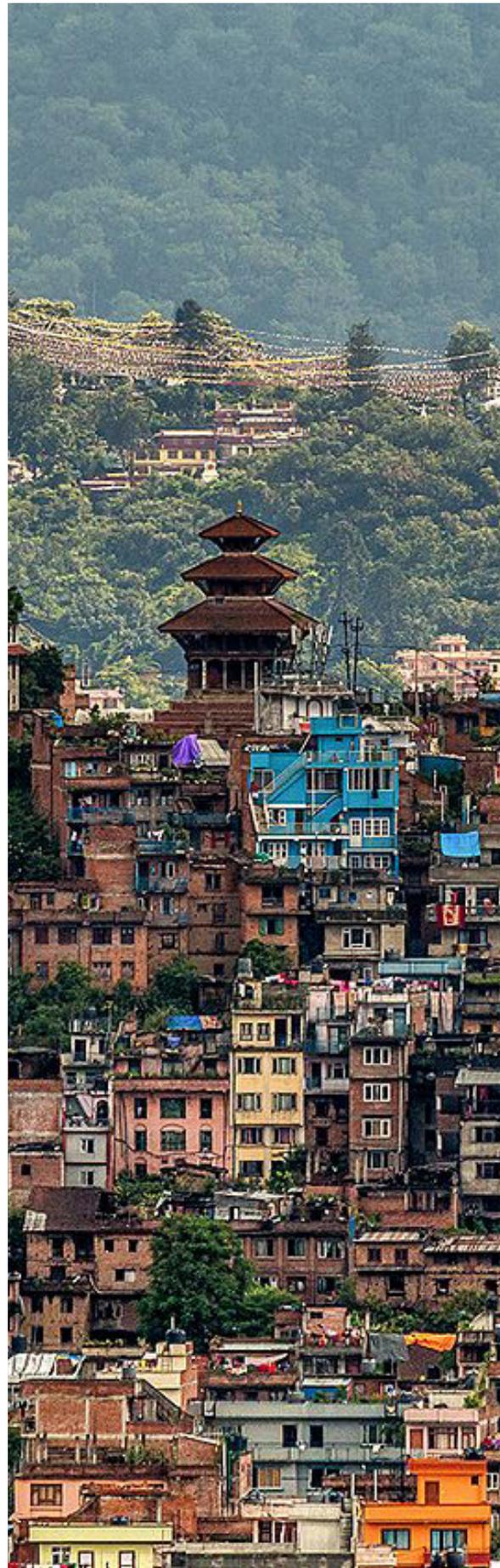
### GESI Policy 2076 (Kirtipur Municipality)

Gender Equality and Social Inclusion Policy 2019(2076) has been prepared by Kirtipur Municipality to strengthen institutional arrangements to integrate GESI in policies and provide GESI responsive programming, planning, budgeting, monitoring, evaluation, and reporting. The policy was prepared with technical assistance from UNDP Nepal.<sup>37</sup>

### Women Self-Employment Program Operating Procedure, 2076 (Birendranagar Municipality)

Birendranagar Municipality has come up with Women Self-Employment Program Operating Procedure, 2076. In order to achieve women's sustainable development by promoting economic empowerment, prestige, and respect for equal participation in every level of society building while ensuring their rights, implementation of women's self-employment program is under section 11 sub-section 7 of the Local Government Operation Act, 2017(2074)<sup>38</sup>. This working procedure has been approved and implemented.

Various Municipalities Jwalamukhi Municipality, Dhading, Thakre Municipality, Putalibazar Municipality, Patan Municipality, Biratnagar Municipality, Gandaki Municipality, Naukunda Municipality, Bahrabise Municipality, Dupcheswor Municipality, Tulsipur Municipality, Annapurna Municipality, Dhangadhi Municipality, Waling Municipality, and many others have come up with GESI strategy and Annual Report.



<sup>37</sup> Ministry of Federal Affairs and General Administration, Gender Equality and Social Inclusion (GESI) Strategy 2021 – 2023, Provincial and Local Governance Support Programme (PLGSP).

<sup>38</sup> Local Government Operation Act, 2074

# PART 2: WOMEN EMPOWERMENT IN NEPAL

Whilst women's representation in all the sectors comes up as a prime concern, we have to look for the representation of women in overall sectors of the country. With the people's movement (also known as the Maoist war), the issue of women's inclusion in politics has been strongly raised by women's rights activists, civil society members, and women wings of the political parties. Yet, women's representation has been significantly constrained by the patriarchal thought of the society and other various factors, financial barriers being one of them. Representation of women in the Nepalese local election in 2017 increased up to 40.9% due to affirmative action or reservation provision in the constitution of Nepal 2015 but the women's representation in the political domain remains largely tokenistic in nature and only limited to numeric representation.

## History of Women Empowerment in Nepal

Despite having experienced a significant and profound socio-political transformation from the Rana administration to the Federal Democratic Republic, women's political participation has not been easy but they have been quite successful in gaining their rights during the last decade.<sup>39</sup> The Panchayat government allocated only three seats for women; after the Jana Andolan I of 1990, the quota for women's candidacy in parliament was increased to 5%. There was only one woman out of every 200 elected politicians in 1992. In 1997, women won 21% of municipal seats, which was a huge stride forward. However, women were underrepresented in government for a long time at the policy level, with female politicians not more than 6% of the total before 2007.<sup>40</sup>

The significant participation of women in politics began more than 60 years ago when Dwarika Devi Thakurani became the first woman lawmaker in 1958 and also became the first woman minister, the only

woman out of 109 members in Nepal's first bicameral parliament. Similarly, Sadhana Devi Pradhan became Nepal's first democratically elected municipal representative in 1953. Since then, Nepali women have only made a little progress in Nepali politics in the case of number. In 1998, Nepali Congress leader Sailaja Acharya became the country's first and only female deputy prime minister.<sup>41</sup>

While women played a significant role in the Maoist insurgency and in the People's Movement (2006), they were not included as representatives in the table talks between the Maoists and the government, which culminated in the CPA in November 2006. Following the signing of the CPA,

numerous committees were formed, with the National Monitoring Committee being the only one with two women out of a total of 31 members. In the Interim Constitution Drafting Committee, the six-member all-male was finally enlarged to include four women and one Dalit representation after tremendous demand from civil society. (B. R. Upreti, 2020)

The Interim Constitution of Nepal 2063 came up with a milestone policy that stipulated that a minimum of one-third of the total number of candidates to the Constituent Assembly should be women (Article 63(5)), which was incorporated in the new electoral law passed by Interim Parliament in 2007.

Altogether, nearly 3,500 women contested the elections, comprising around 35% of all candidates, and on election day women outnumbered men as voters. [2]

As a result of the 2008 Constituent Assembly (CA) Election, Nepali women's representation in the legislative body (Legislature-Parliament) was boosted to 32.8 percent where 30 seats (12.5 percent of the 240 seats) were won in the FPTP elections, and 161 seats in the PR elections (close to 48 percent of the 335 seats available). In addition, the three major political parties nominated six women to comply

39 Bishnu R. Upreti, et al., Nepali Women in Politics: Success and Challenges 21(2) JOURNAL OF INTERNATIONAL WOMEN'S STUDIES, 76-93. <https://vc.bridgew.edu/jiws/vol21/iss2/8>

40 S. Lotter, Gender gap, gender trap: negotiations of inter sectionality and patriarchy amongst women elites in Nepal, 48(2) INTERNATIONAL QUARTERLY FOR ASIAN STUDIES, 97- 115.

41 Aashiyana Adhikari, Women Representation in Politics, merely tokenism in Nepal, THE GEO-POLITICS, June 19 2020 <https://thegeopolitics.com/women-representation-in-politics-merely-tokenism-in-nepal/>

with the quota, resulting in women holding 197, or almost one-third, of the 601 seats in the new Constituent Assembly. The inclusion of a quota article in the Interim Constitution of 2007 not only increased women's participation in the Constituent Assembly but also paved the way for future female participation.<sup>42</sup>

Women have a fundamental right to participate proportionately in all state bodies, according to the Nepalese Constitution 2015, with 33 percent representation in the Federal Parliament and 40 percent in local administration. According to the data, women make up 34% of members of the Federal Parliament, the highest proportion in Asia<sup>43</sup> Similarly, in provincial and municipal government, women comprised approximately 34% and 41% of the attendees, respectively. Women's participation in public services and the private sector has also expanded dramatically. Women's participation in civil services increased from 11% in 2008 to around 24% in 2020 as a result of the reservation policy.<sup>44</sup>

### Some progress can be seen

Despite the fact that the representation is still stagnant and dis-satisfactory, significant progress can be seen regarding women's representation in the major power position of the country. Data depicts that the number of women in power positions has significantly increased in past decades.

In 2006, WAPPDCA and the Inter-Party Women's Alliance launched the "Mission 50-50" campaign 2009 to ensure equal representation and meaningful participation of women at all

levels of government, and the Forum for Women, Law, and Development (FWLD) has lobbied the government to adopt legal provisions requiring political parties to have a minimum of 33 percent women's representation at all levels of their organizations.

Out of 148,364 contestants in the 2017 local elections, 90,517 (61%) were male candidates while 57,847(38.98%) were female candidates from which 35,034 were selected which include 20,705 (59.04%) male and 14,329 (40.96%)<sup>45</sup> females comprising approximately 6567 Dalit female representatives as well.<sup>46</sup> Likewise, women were voted to 700 local units out of 753 as deputy mayors as a result of the Local Governance Operation Act of 2017. Bidhya Devi Bhandari became the first woman President, Onshari Gharti became Speaker of the Legislature-Parliament, and Sushila Karki became the first woman Chief Justice of the Supreme Court after the new Constitution was adopted in 2015.<sup>47</sup>

Six of the ten legislative committees in the House of Representatives are led by women.<sup>48</sup> There is roughly 20% women representation in Foreign Service positions in Nepal. Women are also represented in international committees. Sapana Pradhan Malla was elected to the UN Committee on the Status of Women in 2015, Bandana Rana to the UN Committee on the Elimination of Discrimination against Women in 2016, and Melisa Uprety to the UN Working Group on Discrimination against Women in Law and Practice in 2017. Following the elections, women held roughly 41% of positions at the federal, provincial, and national levels of government in Nepal. Seven women were elected mayors, 11 as rural municipality chairpersons, 276 as deputy mayors, and 424 as vice-chairs of rural municipalities.<sup>49</sup> Women are now being considered for posts as ambassadors to other countries, allowing them to act as delegates and engage in global diplomacy. Three female ambassadors have been appointed in 2019, out of 30 embassies in 30 countries, including Oman, Japan, and Israel. There is a provision for commissioners to be nominated on an inclusion basis at constitutional bodies. In the CIAA, there is one female commissioner. The Public Service Commission also has one female commissioner. Aside from that, the National Inclusion Commission has a female honorary member.<sup>50</sup>

42 N. Barau, & R. Jerryll, Nepal elections: More women have a seat at the Table, but will they have a voice, The Asia Foundation, <https://asiafoundation.org/2017/12/13/nepal-elections-women-seat-table-will-voice/>.

43 International Parliamentary Union, Proportion of Seats held by women in national parliament, THE WORLD BANK RECORD, available at <https://data.worldbank.org/indicator> (10 April 2022)

44 Bishnu R. Uprety, et al., Nepali Women in Politics: Success and Challenges 21(2) JOURNAL OF INTERNATIONAL WOMEN'S STUDIES, 76-93. <https://vc.bridgew.edu/jiws/vol21/iss2/8> (10 April 2022)

45 Sanju Manandhar, Women Representation in Nepalese Local Election 2017: Issues and Challenges, Journal of Political Science, Vol.1, August 2021, P.39

46 Bholu Paswan, Data Reveals Local Elections a Disaster for Gender Equality, The Record. October 24, 2017

47 SDG report, <https://unstats.un.org/sdgs/report/2021/> (10 April 2022)

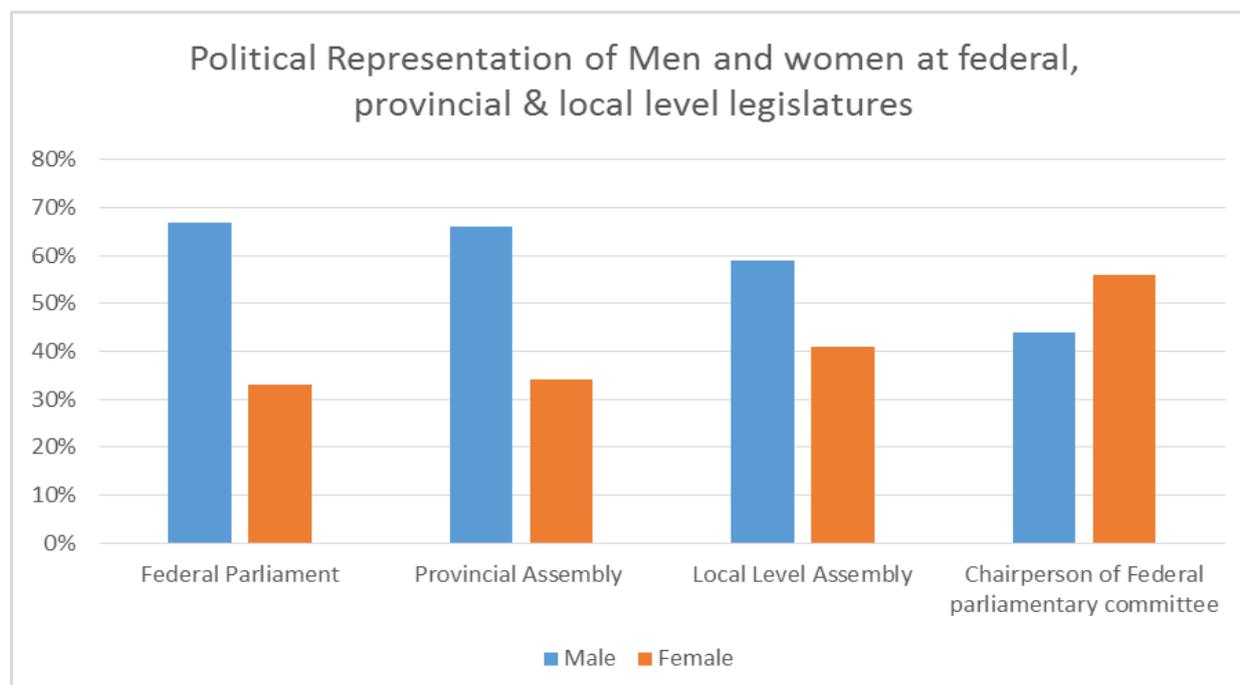
48 Bhattarai, The woeful presence of Nepali women in politics and government, The Annapurna Express, February 26, 2019.

49 Data collected from Judicial Council, December 2019

50 Bholu Paswan, Data Reveals Local Elections a Disaster for Gender Equality, THE RECORD, and October 24, 2017

S.N	Province	No. of candidate members			Total elected members		
		Male %	Female %	Total	Male %	Female %	Total
1	Province 1	60.85	39.15	25067	58.81	41.19	6043
2	Province 2	83.9	16.1	27248	41.15	58.85	6618
3	Province 3	62.36	37.64	23613	59.27	40.73	5792
4	Province 5	60.88	39.11	23036	58.78	41.22	5133
5	Province 6	60.91	39.09	12402	59.97	40.03	3687
6	Province 7	59.28	40.72	14343	59.0	41.0	3834
7	Total	61.01	38.98	148364	59.04	40.96	35041

**Table 1 : Gender distribution of contested candidates and elected candidates according to province in local election 2017**



**Fig 1 : Political representation of men and women at federal, provincial and local level legislatures.**

- *Women in Federal Parliament: 33%*
- *Women in State Assembly: 34%*
- *Women in Local Level Assembly: 41%*
- *Women Chairpersons in Federal parliament: 9 out of 16*
- *Women holds 90% of Deputy Mayor or Vice Chair of Local Governments, leading four major sectors: Judicial Committee; Revenue Consultation Committee; Budget and Program Committee and Monitoring and Evaluation Committee.*

## Present context

Government initiatives consider women's empowerment to be a top priority, however, the implementation of development projects isn't successful unless women are involved in the planning process.

Women's representation is minimal when it comes to political appointments to state bodies. There are currently five commissioners including the chief commissioner at the Election Commissioner (EC), with Ila Sharma being the only female commissioner. The ministerial cabinet after the 2017 federal election consisted of one prime minister, 19 ministers, and three state ministers. Only two of the 19 ministers in the central government are female, while none of the three state ministers are female. Only 3 (14.28 percent) of the 21 Supreme Court judges are female; 14 (9.45 percent) of the 148 High Court judges are female, and 5 (2.17 percent) of the 230 District Court judges are female.<sup>51</sup>

Only 18 (3.3 percent) of the 753 local governments (Chairperson/Mayor) are led by woman and only 23.54 percent work in the civil service. In the academic sector, however, no female vice-chancellor has been appointed to a university.<sup>52</sup>

Despite the available provisions, major political parties have treated the inclusion agenda as if it were a set of empty discussions, and they appear unconcerned about women's representation. Even after the constitution was promulgated in 2015, the number of Nepalese women in the government did not considerably increase. This demonstrates

how Nepalese women are considered as only tokens for public representation. As a result, the representation is only on paper, and the true representation is still futile.

The country's leading political parties have been reluctant to fulfill the proper representation of women including the Nepali Congress, which has 18 women on its 85-member Central Committee, and Rashtriya Janata Party Nepal which has approximately 70 women on its 800-member Central Committee. Similarly, the 425-member Central Committee of the Samajbadi Party includes 52 women. These are just a few of the many political parties that have failed to achieve enough female participation in their Central Committees. Similarly, upon the the adoption of the Interim Constitution in 2007, ten cabinets were established, which lacked a 33 percent of female presence.<sup>53</sup>

The lack of qualified representation is viewed as a barrier in contesting elections. However, female leaders describe the argument regarding a lack of qualified women politicians as an excuse.

## Is it Effective Representation ?

The sudden shift in the number of women in politics in the 2017 election was entirely attributable to the tokenistic participation of women in leadership posts. It will be ineffective unless and until the capacity building is prioritized. Instead, it would create a massive chasm that would prohibit the state from being a responsible, responsive, and inclusive society. The lack of female decision-makers and leaders at the federal, provincial, and local levels of government as well as within political parties is appalling. Women and communities on the margins have not been fairly represented in politics. There are very few active female leaders in Nepal's politics, economy, civil society, and social structure, and they do not necessarily reflect the country's population of common, working-class women.

The relevance of considering women's experiences in the context of their social, cultural, political, and

<sup>51</sup> Judicial Council, <http://www.jcs.gov.np/> (December 12, 2021)

<sup>52</sup> National Network for Beijing-review Nepal (NNBN), National consultation on Civil Society Report on BEIJING+25, [http://fwld.org/wp-content/uploads/2020/02/B25-Report\\_compressed.pdf](http://fwld.org/wp-content/uploads/2020/02/B25-Report_compressed.pdf) P. 40, (May. 10 2022)

<sup>53</sup> Aashiyana Adhikari, Women Representation in Politics Merely Tokenism in Nepal, The Geopolitics, <https://thegeopolitics.com/women-representation-in-politics-merely-tokenism-in-nepal> (May 10 2022)

economic origins, as these all influence access to and the type of leadership: 'Women are not seen as possessing power, wielding power, or being powerful in patriarchal societies unless it is in reference to characteristics of the domestic or private realm, which, as indicated previously, is seen as the 'natural' position for women.'<sup>54</sup> As a result, women's leadership is considerably more difficult, as the current culture adds extra barriers to leadership chances and acceptance. Also, whatever initiatives are established to improve women's leadership must take into account women's social, political, and economic backgrounds, and any endeavor that overlooks this reality will be worthless.

### Low women's representation at the decision-making level

Despite the significant representation, there was widespread hegemony and a boycott of women's representatives in decision-making. During the 2007 Interim Constitution thematic committee formation, women were represented in each of the eleven subject committees formed to discuss the draft of a new constitution, but they were just for appearance. For example, Uma Adhikari, the head of the Inter-Party Women's Alliance at the time, confessed that "it is not possible to channel our issues through [the eleven thematic committees] because gender issues are not a priority."<sup>55</sup> Despite the fact that there are some powerful women in the Constituent Assembly, most of the study's informants claimed that there is only little place for women in Nepali politics.

### The secret behind the data

The data depicts that Nepal is one of the countries with the highest representation in the whole of South Asia and has a higher rank in the whole of Asia. The question now, however, is whether that numerical representation actually translates into engendering Nepal's political process.

For that, let's look at the Distribution of elected members by position in Nepal, 2017<sup>56</sup>

Position	Male %	Female %	Total	Number
Mayors	97.24	2.76	100.0	254
Deputy Mayors	6.18	93.82	100.0	275
Chairman	97.34	2.63	100.0	418
Vice-Chairman	9.18	90.84	100.0	415
Ward Chairs	99.28	0.78	100.0	6733
Open members	98.12	1.86	100.0	12775
Women members	-	100.0	100.0	6742
Dalit women members	-	100.0	100.0	6568

**Table 2 : Distribution of elected members by position in Nepal (2017)**

54 Aashiyana Adhikari, Women Representation in Politics Merely Tokenism in Nepal, The Geopolitics, <https://thegeopolitics.com/women-representation-in-politics-merely-tokenism-in-nepal> (May 10 2022)

55 National Democratic Institute, Assessing women's political party programs: Best practices and recommendations. <https://www.ndi.org/sites/default/files/Assessing-Womens-Political-Party-Programs-ENG.pdf>. (May 1, 2022)

56 National Election Commission, <http://election.gov.np/election/np> (May 1, 2022)

This data itself is proof that Majority of women are thought to fit only for the roles, such as for deputy positions and that too, simply to satisfy the inclusion provision. The fact that a higher percentage of females are elected in reservation quotas (Women and Dalit Women) and second position like 93.82 percent in Deputy Mayor and 90.84 percent in Vice Chairman due to the mandatory provision of one being to be a woman. However, the majority of females are elected in minor posts i.e. ward members and deputy posts.

While the constitutional and legal guarantee of proportional inclusion of women in political parties and government is praiseworthy, the lack of its implementation showcases how the representation of women has been merely something of the display.<sup>57</sup>

## **Who is in Power?**

Now, let's look deeper into the picture and analyze the status of women in power. Are they really the ones who are real and effective representatives? Various research depicts that the representation is either tokenistic or from family hegemony.

Women who have been lucky enough to achieve prominence in political and other sectors are either from aristocratic families or from elite communities where the majority of them are close relatives of male politicians in positions of influence. The past Federal Parliament had the record number of 56 husband-wives or inter-relative pairings, representing the names of ordinary and underprivileged Nepalese women and men.

Women candidates and party employees are frequently subjected to gender and caste-based prejudice both inside their political parties and the society. Despite the existence of women's wings in most political parties and an Inter-Party Women's Alliance, where women meet on occasion to debate political concerns, women politicians find it difficult to convey problems of particular importance to women in the Constituent Assembly.<sup>58</sup>

The report indicates that economically stronger women from hill communities are more involved in politics compared to the economically weak in the Terai. Therefore, variables such as education, socio-economic background, and ethnicity, to name a few, have serious implications on which women have access to the limited social and political roles. One factor that influences women's roles and ability to participate in politics is the perception that the increase in women's representation was primarily a response to legal requirements, rather than a result of political parties' determination to improve gender equality in political structures and decision-making. As a result, women's political representation is mostly tokenistic in nature.<sup>59</sup>

The involvement of marginalized women, who are still denied access to resources and are excluded from the political process, is one of the numerous concerns that remain unaddressed. In fact, it has been blatantly ignored for the past century. The sudden shift in the number of women in politics in the 2017 election, on the other hand, was entirely attributable to the tokenistic participation of women in leadership posts.

The voices of genuine women with thoughts are rarely heard in this environment. Women candidates and party employees are frequently subjected to gender and caste-based prejudice both inside their political parties and in society as a whole. Despite the existence of women's wings in most political parties and an Inter-Party Women's Alliance, where women meet on occasion to debate political concerns, women politicians find it difficult to convey problems of particular importance to women in the Constituent Assembly.<sup>60</sup>

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57 National Democratic Institute, Assessing women's political party programs: Best practices and recommendations. <https://www.ndi.org/sites/default/files/Assessing-Womens-Political-Party-Programs-ENG.pdf>. (May 1, 2022)

58 Tara Kumari Kanel, Women's political representation in Nepal: An experience from the 2008 Constituent Assembly. *Asian Journal of Women's Studies*, 20(4), 39-62. (May 1, 2022)

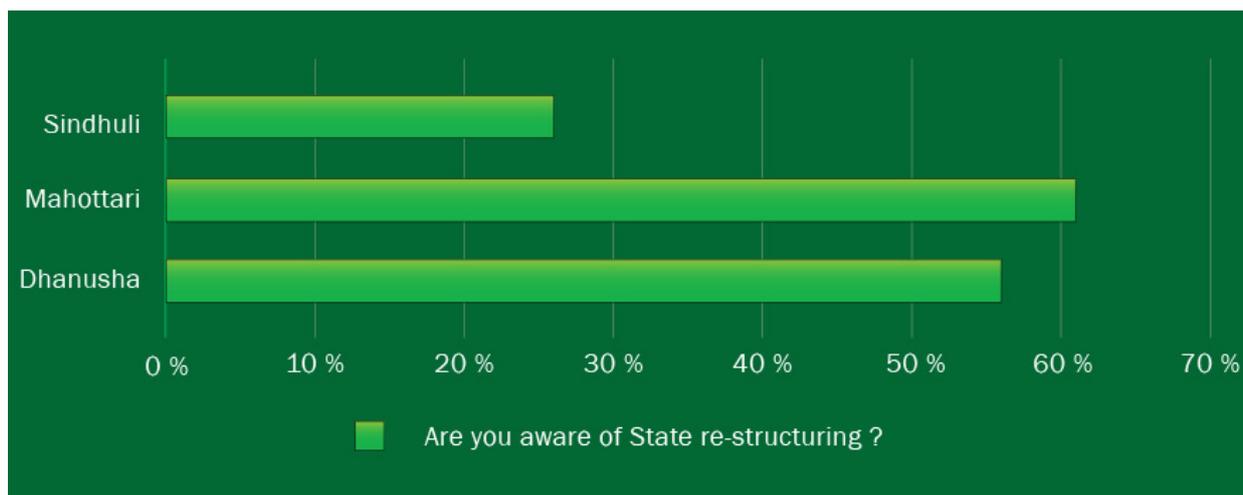
59 Novela Acharya, Women's representation in politics: Just a tokenism. *The Spotlight Nepal*, 14(12). <https://www.spotlightnepal.com/2021/02/06/womens-representationpolitics-just-tokenism> (May 1, 2022)

60 Åshild Falch, Women's political participation and influence in post conflict Bureundi and Nepal, prio Paper <https://www.prio.org/Publications/Publication/?x=7259>

## Sample data of surveys carried out by I/NGOs

Search for Common Ground, an INGO working for Peace building had conducted a mini survey in 3 district of Nepal namely, Dhanusha, Mahottari & Sindhuli where various questionnaire was prepared in order to analyze women representation in local level. To do this, 2-3 wards from each Local government Unit were randomly surveyed. The following Questionnaire is essential in order to find out the level of knowledge & capacity of the Representatives in order to recommend Specific programs that needs to be carried out.

In the first Question about state-restructuring, 26% of representatives in Sindhuli, 61% in Mahottari and 56% in Dhanusha response affirmatively.<sup>61</sup>



**Fig .2 : Are you aware about the recent state restructuring?**

While in the Question "If you are aware, what change do you find at first after the state restructuring?" the following response can be taken in order to analyze the level of knowledge of the 2 different categories of women in state- restructuring. Comparatively, we can see that there is no vast difference between the women belonging to two categories.<sup>62</sup>

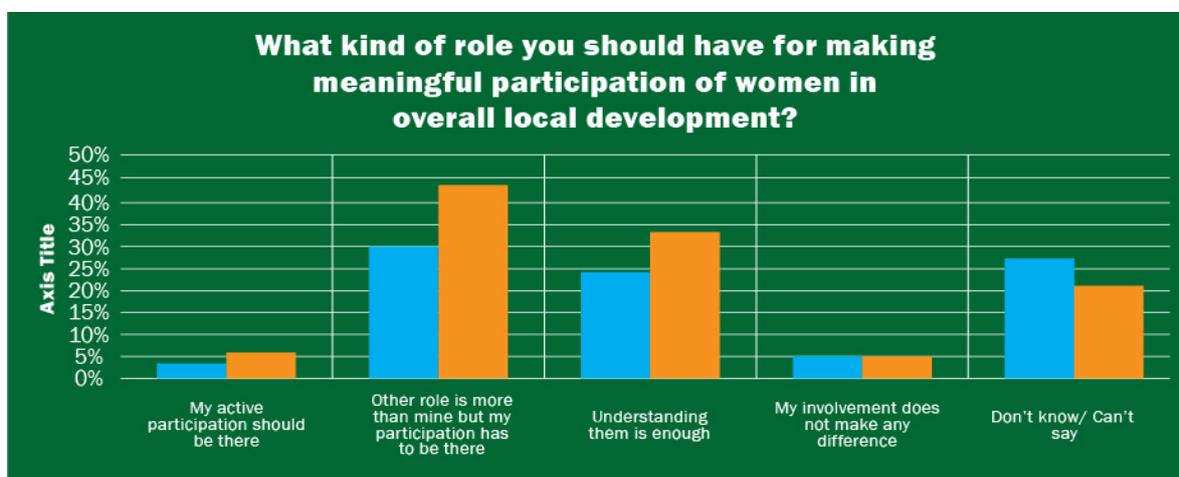
<sup>61</sup> Search for common Ground, A Report on the Status of Women and Youth Leadership in Nepal, available at <https://www.sfcg.org/wp-content/uploads/2018/04/Report-on-Status-of-Women-and-Youth-Leadership-in-Nepal-20180211.pdf> p. 17 (17th May, 2022)

<sup>62</sup> Ibid, at p.19.

	Housewife/Farmers		Elected Representatives	
	No.	%	No.	%
Local government has been formed	32	64%	35	54%
Local Level has more rights than before	29	58%	27	42%
Local government has been restructured	20	40%	22	34%
Federal structure of state has transformed	19	38%	19	29%
More budget is released than before in local level	18	36%	23	35%
Judicial committee is formed in local level	11	22%	7	11%
Structure of government agencies have changed	11	22%	7	11%
Elected local representatives have more rights than before	13	26%	24	37%
Local have the authority to manage and utilize local resources	2	4%	12	18%
Representation of women and marginalized is guaranteed	9	18%	14	22%
Others	8	16%	17	26%
<b>Total</b>	<b>50</b>		<b>65</b>	

**Table 3 : If you are aware, what change do you find at first after the state restructuring?**

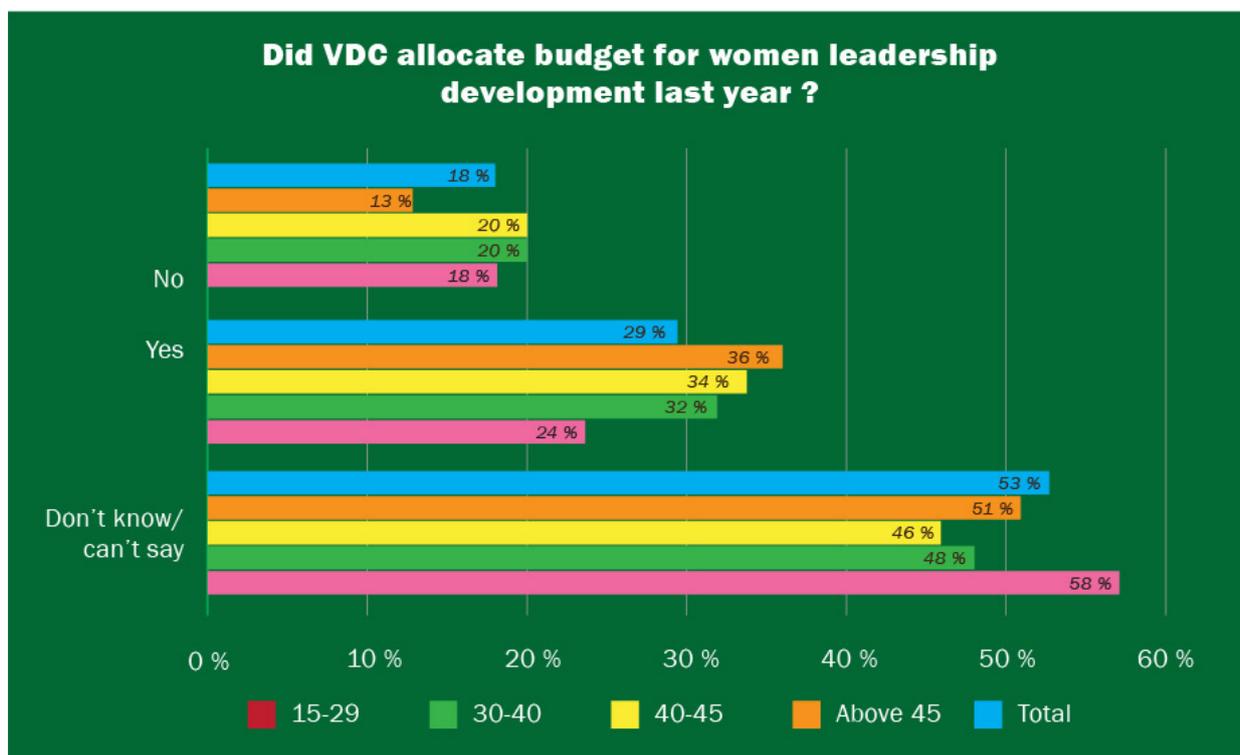
When asked to female/male about the role they can play in order to ensure meaningful participation of women in overall local development, it was found out that 28% of female and 22% of male were not known about their roles.<sup>63</sup>



**Fig .3 : What kind of role you should have for making meaningful participation of women in overall local development?**

63 Ibid, at p.42.

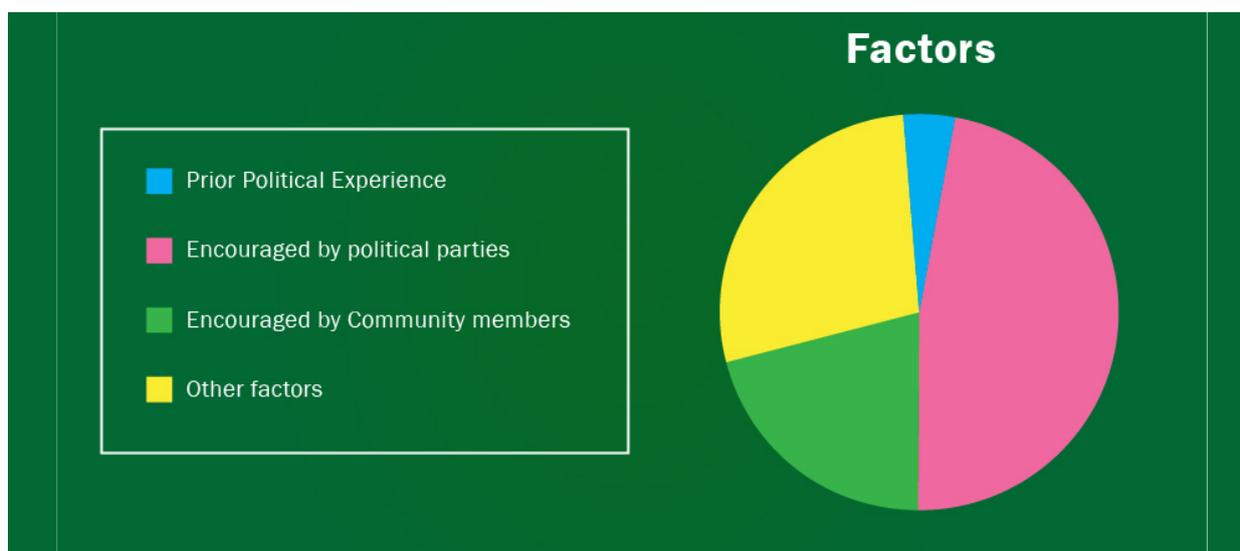
The Representatives were asked whether VDC has allocated Budget under GESI policy for women empowerment, according to the age group, majority were found to be ignorant about the policy.<sup>64</sup>



**Fig .4 : What kind of role you should have for making meaningful participation of women in overall local development?**

**Samjhauta Nepal**

Samjhauta Nepal has carried out a survey of Nepal Locally Elected women representatives out of which, they found out that 12% of the surveyed women representatives were fully illiterate, and another 22% were just literate i.e. could do very basic reading and writing. But the interesting fact was that majority (89%) of them were involved formerly engaged in social services, development projects, including affiliation in party politics prior to winning the election. A rapid questionnaire survey of 190 women elected representatives depicts following data:<sup>65</sup>

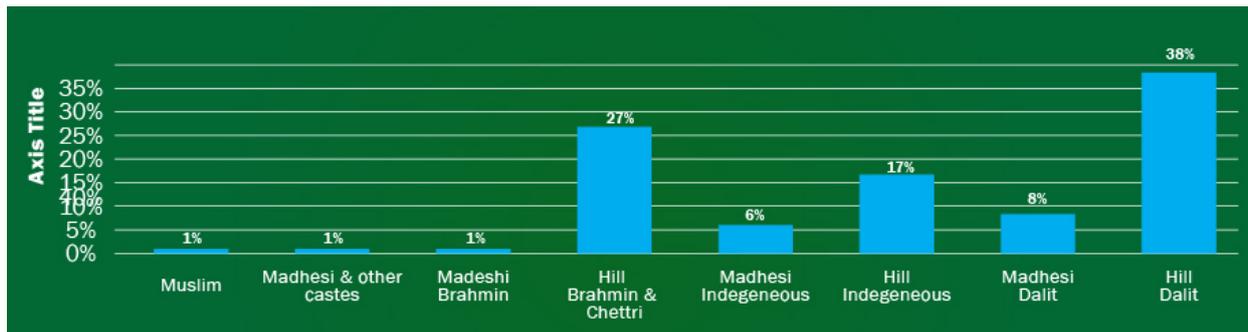


**Fig .5 : Factors influencing encouragemnet of women representatives in politics**

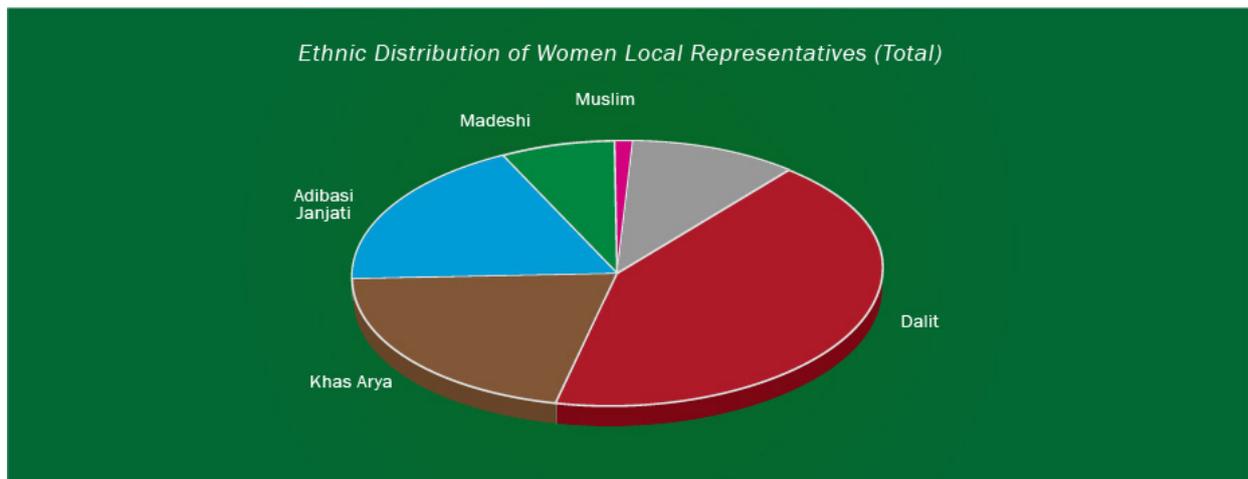
64 Ibid, at p.32.

65 Samjhauta Nepal, Nepal's Locally Elected Women Representatives; Exploratory Study of Needs and Capacity, The Asia Foundation, <https://asiafoundation.org/publication/nepals-locally-elected-representatives-exploratory-study-of-needs-and-capacity-assessment/> (April 20, 2022).

It was found out that only 4% of the representatives had prior political affiliation, 47% were encouraged by political parties, 22% by community members.



**Fig .6 : Ethnic Distribution of Women Representatives**

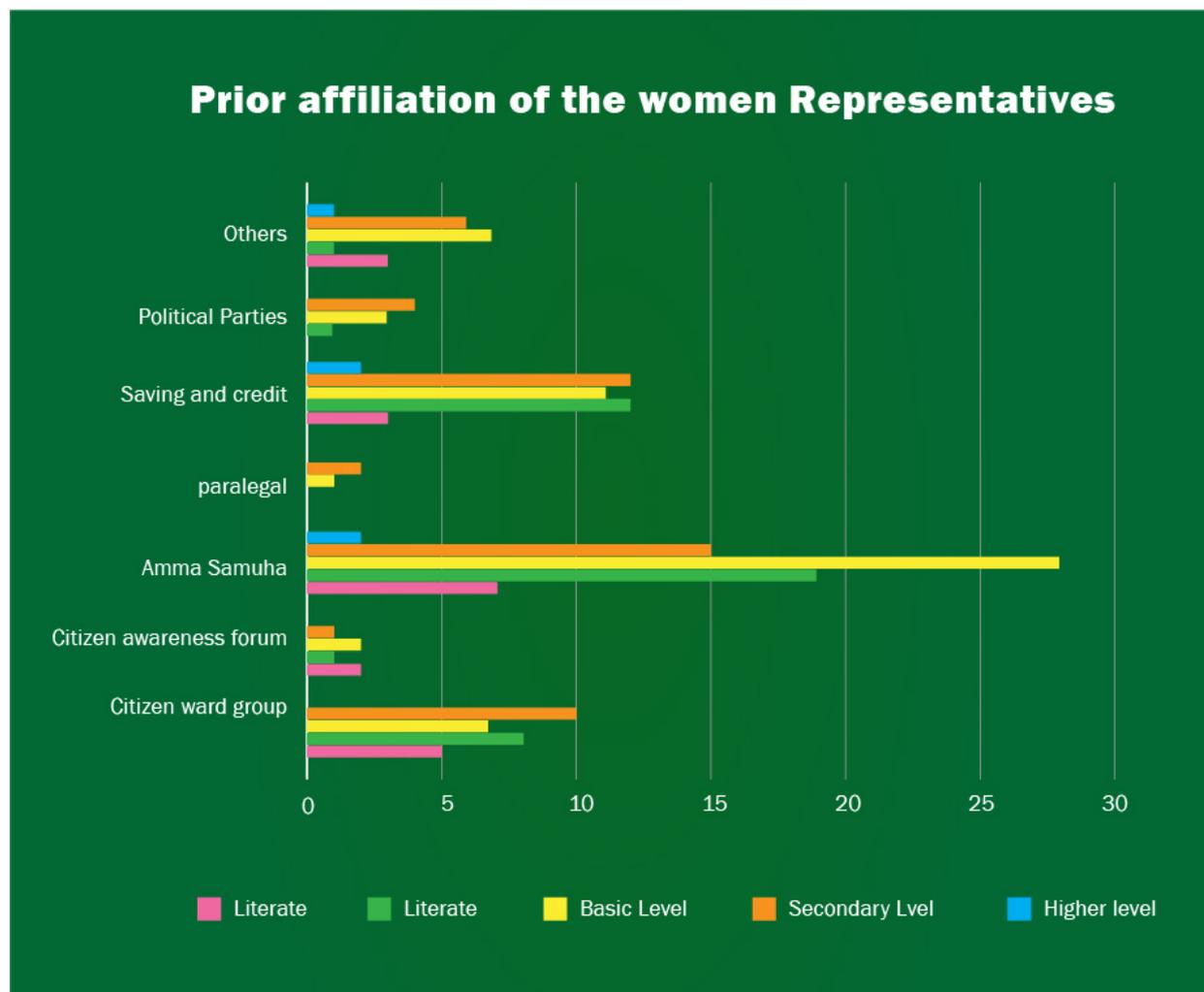


**Fig .7 : Ethnic Distribution of Women Local Representatives (Total)**

The data shows more representation is of Dalits, with significant number of representation of indigenous community is quite positive in regard to the empowerment of backward communities.<sup>64</sup>

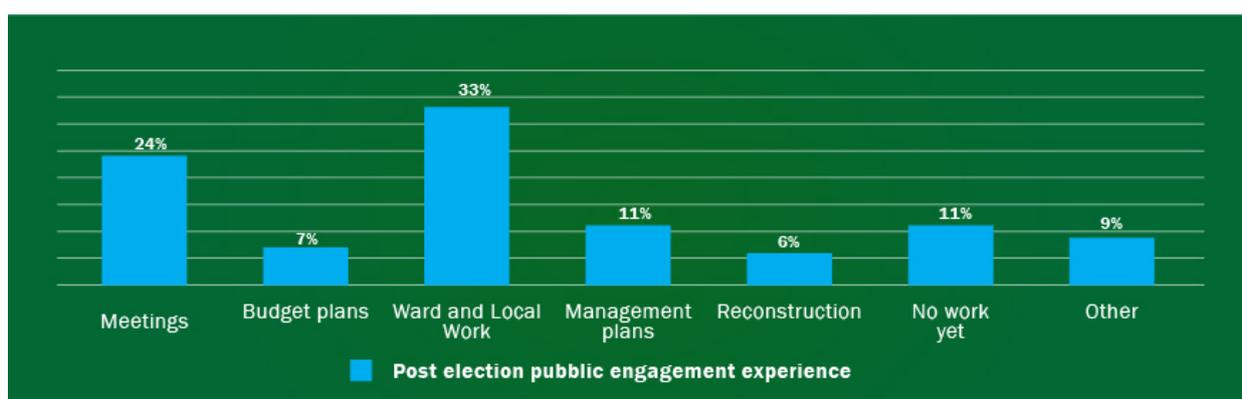


66 Ibid, at P.14.



**Fig .8 : Distribution of Women by Education and Public Engagement Experience prior to the Elections**

Prior to election, the representatives' affiliation in Amma samuna saving and credit, and Citizen Ward group is significantly higher. <sup>67</sup>

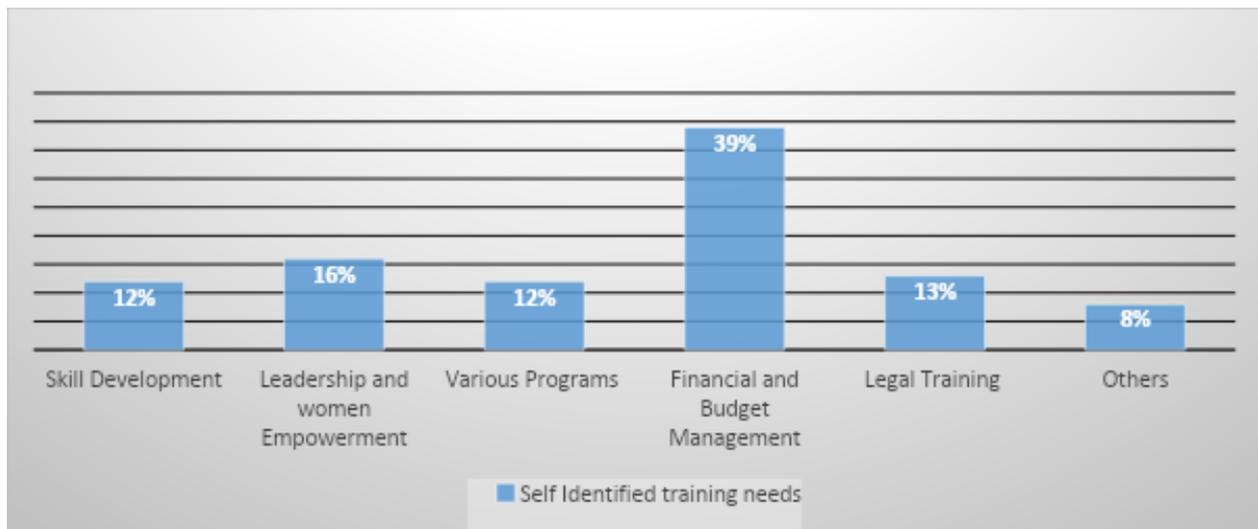


**Fig .9 : Post-election Public Engagement Experience**

After being representatives, the engagement of women in ward and local work and meetings is higher than budget planning, reconstruction and participatory work. However 11% of women shared that they have not done any work is itself a big gap to mitigate in order to make effective representation. <sup>68</sup>

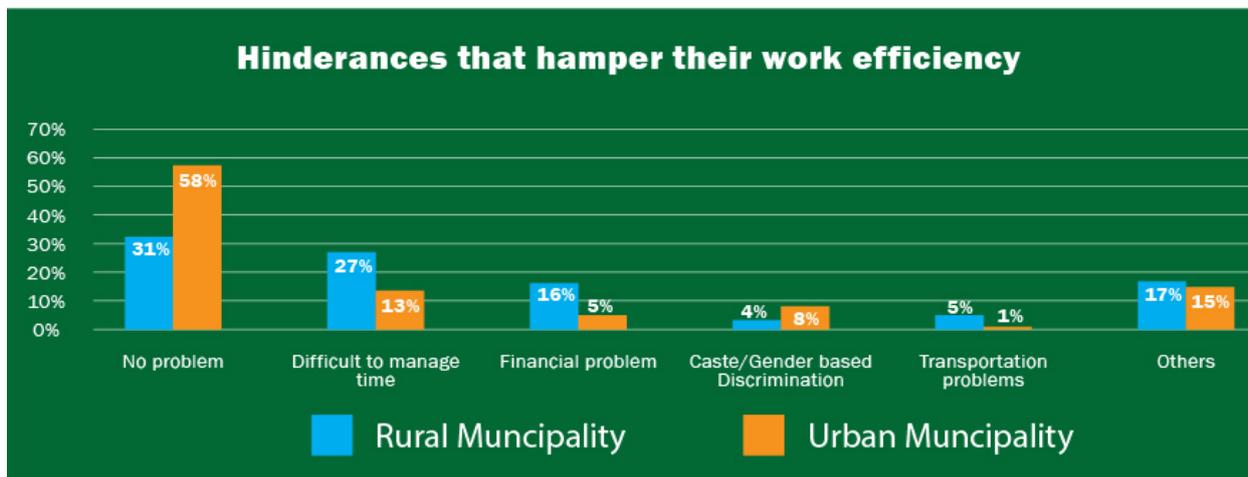
<sup>67</sup> Ibid, at 17

<sup>68</sup> Ibid, at 19



**Fig .10 : Self-identified Training Needs**

When asked about what needs to be done in order to make effective representation, they expressed the above mentioned trainings needs to be carried out.<sup>69</sup>



**Fig .11 : Distribution of Women by Location and Challenges Articulated**

Lastly, when asked about the hindrances that hampers in efficiency in carrying out responsibilities, the majority of them find it difficult to manage time followed by financial problem. It is seen more significantly in rural municipalities than in urban municipalities.

# I Conclusion

While analyzing the policies, plans, and programs at various levels, it was found that significant progress can be seen in provisions and the GESI strategy has been included in almost every policy and various programs have also been initiated at all levels of Government.

The constitution of Nepal, Federation, Province and Local Level (Coordination and Inter-relation) Act, 2020 (2077), Local Government (Operation) Act 2017 has delegated power to enact their own laws and policies by the provincial and local governments without contradicting the provisions of Constitution and/or federal laws. However, the local governments are deemed to not have enough knowledge to develop laws thus copy pasting the modal laws the prepared by ministry level. They often tend to follow the easy and fast approach of the non-consultative way of decision-making without proper discussion with the community. Nonetheless, trends have been developed at a slower pace. For e.g. Gandaki province has come up with its own GESI policy in 2020.

While in the second part, analyzing the surveys carried out by NGOs, A significant number of progress can be seen in regard to the representation in numbers. But, again most of the representatives are illiterate or semi-literate and have limited knowledge about state re-structuring, their roles, and responsibilities. It was found out that many of these women lack fundamental leadership and governance abilities with little knowledge of what they represent and what their party stands for. Also, only privileged women are being able to come up to the forefront due to party affiliation and Nepotism, therefore, questioning the effective representation.

The data study shows housework and societal traditions like being forced to wear veils and not being able to participate in community decision-making as factors that have hindered women's empowerment in Dhanusha. Thus, there is a strong need for capacity development of these elected women and the need to create equity along with equality and help to remove barriers.

The study analyzes various gaps and challenges in both existing policies and basically in the implementation of the policy.

# I Gaps

Though, Nepal is one of the leading country in South Asia in regard to women representation in Quantity and Gender friendly laws and policies, there is a serious gap in Theory v. Implementation. While preparing this policy and data analysis, we found out following gaps in the policies and data analyzed.

- Section 17 (4) of the Local Level Election Act-2017 makes it mandatory for each political party to field a woman as a candidate for either chief or deputy chief at the local level. However, the same law says the legal provision is applicable only when a party fields candidates for both positions.
- The budget has included budgetary commitments to social inclusion machinery. However, the budget allocation for the social inclusion machinery is only 0.9 percent of the total federal budget, 0.2 percent as compared to the budget of 2077/78.
- Categorization of Nepali Women envisioned by the Constitution derails the personality of women. E. g. Article 11(2) 11 (5) and 11 (7) categorizes Nepali Mother as Nepali Mother with Nepali Men, Nepali Mother with unidentified men, and Nepali Mother with foreign men
- Categorization of Nepali Women envisioned by the Constitution derails the personality of women. E. g. Article 11(2) 11 (5) and 11 (7) categorizes Nepali Mother as Nepali Mother with Nepali Men, Nepali Mother with unidentified men, and Nepali Mother with foreign men
- Furthermore, women's rights are not adequately protected in order for women to participate in many aspects of their country's affairs, and they are subjected to heinous violations.

- Even though the focus of GRB is on the female population, the budgeting process has not been defined and the policies has been inefficient in acknowledging the diversity of women in terms of religion, sexuality, caste among others.
- The monitoring body in the departments are not properly investigating whether the policy is being implemented. There is a layer of monitoring and evaluation but has not been efficient and effective.
- There is no clear provision of conducting gender auditing during law enactment process in order to ensure equal and non-discriminatory laws

# I Challenges

The study has successfully come up with various challenges. These challenges has been categorized in two sections:

## A. Policy Challenges

- While women's rights, women's empowerment, and gender equality are clearly stated in several Nepalese domestic policies, laws, project documents, and political manifestos, these rights are either not implemented in practice or have made limited progress in reducing discriminatory power relations between men and women.
- Despite a number of initiatives and provisions made by the government through process and plans in different ministries and departments, the budget allocation for the purpose is either very poor or not used properly.
- There is no proper collaboration between the three layers of Government therefore creating an ambiguity of their respective power as well as there is a high tendency of blaming each other rather than proper cooperation.

## B. Representation Challenges

- Women with political aspirations are demotivated due to the culture of token participation, and nepotism in political parties.
- The women representatives who come from political affiliation are only used fulfill the male aspiration and for the interest of party benefit rather than individual capacity and interest.
- The homogenizing of women is particularly problematic as it leads to erroneous assumptions that all women become empowered through reservation, quotas, and political representation.
- The marginalized and poor women lack access to politics and leadership due to their culture of financial and economic status.
- Due to the exclusion and subordination, women from poor and oppressed communities including Dalits, Muslims, and Madheshis, are further marginalized and excluded as overlapping forms of discrimination compound patriarchal oppression.
- There are various cultural constraints in certain groups of women. Women are supposed to do housework, being forced to wear veils to cover their heads, and not being able to participate in community decision making as factors that hindered women empowerment
- The practices of prenatal sex selection, higher rates of mortality among young girls and lower rates of school enrollment for girls as compared to boys, child marriage, the dowry system, Chhaupadi, Deuki, and Jhuma, among others, suggest that 'son preference' is curtailing the access of girl children to food, education, and health care.
- Lower interest and understanding among women about politics, particularly, on their rights and entitlements and the decision-making structures and processes; dependency of women on the family head/male due to low exposure, unemployment, and suppression.
- Lack of access to education and economic resources, social expectations of sole household responsibility, and limited mobility has minimized women's access to political and administrative positions.

# I Recommendations

## A. Policy Recommendations

- To make sure that the existing laws in regards to women's rights as well as gender equality are implemented effectively through various institutionalized monitoring mechanisms.
- Reintroduce the targeted budget allocations for women's leadership, especially at the local level.
- Repeal all remaining legal provisions that discriminate against women and girls, & prioritize the implementation of the CEDAW Committee's recommendations in particular in the areas of the distribution women Empowerment and Gender Mainstreaming.
- Election commission should come up with the directive and make strong inclusion mechanism in order to include all groups of women (Balanced Representation).
- Proactive participation of women in policy formulation and implementation should be ensured.

## B. Representation Recommendations

- Provide awareness-raising programs and necessary training in order to enhance women's level of knowledge in regards to their rights and increase their agency to act allocate adequate resources to address gender-based violence.
- Ensure proportional participation of women at all levels keeping the diversity of women and addressing the concerns of the marginalized community in mind.
- Provide a clear mandate, due expertise and ensure sustainable resources for local and provincial government for the safety, security and empowerment programs of women.
- Issues facing women spans the micro- and the macro-levels, and impact their social, economic and political situation, a comprehensive intervention plan must be worked out. Any and all barriers to women's meaningful participation must be recognized and dealt with both at the policy level and the program level.
- Adopt the measures ensuring equal and inclusive participation of women in all levels of political and public life, especially Dalit women, women with disabilities, women from religious and sexual minorities, indigenous women and Madhesi women.



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