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# Nepal Gender Equality and Social Inclusion Analysis 2020

**April 2020**

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Cover Photograph: Researchers administering the GESI interview to persons with disabilities in the Sahajpur, Kailali District. Photo credit: Pinky Singh Rana, CAMRIS International, Inc.

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# Executive Summary

## I. Background

The United States Agency for International Development (USAID) mission in Nepal requested CAMRIS International to conduct a Gender Equality and Social Inclusion (GESI) analysis in Nepal to help inform USAID's upcoming Country Development Cooperation Strategy (CDCS). The analysis follows the five domains of analysis question used by USAID for gender analysis, as highlighted in the statement of work. The five domains are: 1) laws, policies, regulations, and institutional practices; 2) cultural norms and beliefs; 3) gender and social roles, responsibilities and time use; 4) access to and control over assets and resources; and 5) patterns of power and decision-making.

The statement of work of the GESI analysis required two reports: 1) a literature review; and 2) the final report, which incorporates findings from the literature and the primary data collection. This analysis is the latter and includes sex and caste/ethnicity disaggregated statistics on gender and social inclusion, and preliminary strategic recommendations. There are plans to hold a workshop to further develop the recommendations with collaboration from USAID technical offices.

## 2. Analysis Purpose

The purpose is to identify the most significant macro and sectoral level societal inequalities facing females, marginalized groups and youth and so that gender equality and social inclusion can be integrated throughout the upcoming CDCS.

## 4. Methodology

The GESI analysis team conducted an extensive desk review of secondary data sources. These sources included: Nepal's laws, policies, strategies, and action plans on gender equality and social inclusion; reports on human rights and gender equality; and literature from academic institutions, development partners, and USAID. The literature review began in August 2019, and the preliminary findings were presented in early September 2019. The team continued to review secondary literature through the development of this report in December 2019.

In mid-September 2019, the analysis team conducted primary data collection for two weeks in Provinces 2, 5 and 7. The data collection included Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) with representatives of national, provincial, and local governments, the legislature and judiciary, private sector, political parties, human rights organizations, media, and leading members of civil society, among others. Consultations were also held with implementing partners, donor organizations, and experts. In October and November 2019, the team continued to conduct KIIs and FGDs at the federal level in Kathmandu. The primary data findings along with the literature review are presented in this final report.

## 4. Findings and Conclusions

The report includes findings presented across five domains of gender analysis and by sectors.

#### **4.1. Domain 1: Laws, Policies, Regulations, and Institutional Practices**

The 2015 Constitution ushered in new changes and strengthened GESI by protecting the equal rights of women, the poor, gender-based violence (GBV) survivors, and other vulnerable and marginalized groups. The government of Nepal has developed numerous laws and policies to address GESI. However, inequalities remain in the way some laws are written, while for others the main challenge lies in incomplete implementation.

Findings indicate efforts at formulating GESI-sensitive laws and policies to ensure participation, voices and needs of women and marginalized in provinces and local governments are at an initial stage. Across the provinces and among policy makers, duty bearers, and the general population, the understanding of gender is limited to 'women'. Marginalized groups are yet to be included. Likewise, the process of channeling budgeting for GESI considerations in the federal structure remains uncertain.

Some significant macro concerns, which are directly and indirectly affecting overall sectoral development and preventing breakdown of GESI resistances, follow. These are presented under two categories: inequalities in GESI laws, policies and practices and GBV-related laws and their enforcement.

##### Inequalities in GESI Laws, Policies, and Practices

- *Political quotas*: The Constitution of 2015 set quotas for women and marginalized groups to hold elected office positions. Progress and continued problems are discussed under domain 5.
- *Citizenship*: Article 38 of the Constitution provides for every woman to have equal lineage right without any gender discrimination. However, discriminatory provisions limit the mother's ability to transfer citizenship to her children. Additionally, unlike citizenship by descent, naturalized citizenship is not a right. Marginalized groups are more likely to be unable to acquire citizenship. For instance, Dalits face citizenship problems because, unlike others, they may not have obtained birth registrations and other legal documents necessary to process their citizenship since the time of their forefathers. Between 59 and 81 percent of those from Dom, Santhal, Halkhor, and Marwadi lack citizenship.
- *Marriage laws*: Nepali marriage laws discriminate against women and the same sex couples. Although the Civil Code prohibits bigamy, it also provides that when a woman bears a child, the woman is automatically married to the father of that child. The new Civil Code Act defines marriage as an act of two opposite-sex people above 20 years of age accepting each other as husband and wife, creating problems for same-sex couples.
- *Foreign Employment Act 2007*: Women and men are not treated equally under the Foreign Employment Act. There are restrictive provisions for women in the name of safety and security, based on age, type of work and destination country, which do not exist for men. Many women opt for the unofficial emigration routes, increasing their vulnerability to trafficking and exploitation.
- *Government job quotas*: The Public Service Commission is legally required to reserve government positions for marginalized groups. However, in a recent vacancy in June 2019 that was supposed to include over 9,000 positions, the Commission failed to create positions for the allotted groups. For instance, the Commission created only 4 of 206 reserved positions for people with disabilities. Marginalized castes representing half the population represent only 27 percent of civil service positions.
- *Budgets for women and marginalized*: The budget scored as directly contributing to gender equality increased from about 11 percent in 2007-08 to 38 percent in 2019-20. However, the

scoring method of the gender responsive budgeting is seen as subjective and a coding activity, not actually affecting budgeting decisions. Local-level implementation of gender responsive budgeting has not occurred. The earlier minimum condition and performance measure that ensured budgetary allocation for the socially marginalized (which does not include LGBTQI groups) has been removed with federalism, with local authorities being assigned the responsibility. This poses a risk of GESI budgetary allocations being overshadowed and further deterring access to resources and services.

- *Lack of knowledge and governmental implementation of rights:* Nepal continues to improve legal and institutional instruments to strengthen rights of women and marginalized groups, but enforcement of laws, policies, and action plans is weak as is lack of awareness to access benefits and support rights. For instance, between about half and three-quarters of those with disabilities do not have disability cards to receive benefits. Although six commissions are established to protect human rights, they remain inadequately staffed.

### Laws and Enforcement Related to Gender-based Violence

Nepal has numerous laws and institutions to address GBV and protect the rights of women and girls. Despite the numerous laws, policies and action plans, enforcement remains weak. Some major forms of GBV and related gaps follow.

- *Gender-based Violence:* Various forms of GBV in Nepal include child marriage; female infanticide; child sexual abuse and pedophilia; dowry-related violence; sexual harassment, rape; untouchability; witchcraft accusations; sex and labor trafficking; bonded slavery; corporal punishment in schools which tend to be higher for boys; school bullying; domestic violence; widow abuse; acid attacks; LGBTQI population abuse; violence against persons with mental and physical disabilities, and conflict-affected persons; violence against conflict affected person; GBV based on cultural norms and beliefs such as Chhaupadi, Jhuma; and violence against women in politics. Authorities are reluctant to register GBV cases and prosecute perpetrators due to social pressure, political patronage, corruption and a patriarchal society that accepts GBV. There is inadequate commitment to eradicate GBV by political parties, and duty bearers directly and passively hinder legal and policy efforts. Impunity of perpetrators and the absence of rule of law are highly prevalent across all provinces. Power imbalances further victimize GBV survivors preventing women and marginalized groups' access to justice.
- *Legal justice:* A major weakness includes the statute of limitations, which provides for a period of one year to file cases of rape and other forms of sexual violence, which obstructs victims' access to justice and fosters impunity for such heinous crimes. Conflict-affected women and girls who were victims of rape and other forms of sexual abuse have not benefitted from interim relief and full reparations.
- *Trafficking in Persons (TIP):* There is a dearth of data on the number of TIP cases. The only numbers available are for the reported cases of survivors. The 2007 Human Trafficking and Transportation (Control) Act criminalized some forms of sex trafficking, labor trafficking, and slavery and bonded labor. However, recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor is not criminalized. On 12 March 2020, the Nepal House of Representatives passed a proposal to ratify the Palermo Protocol – the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Stakeholders expect some existing gaps and weaknesses will be addressed.
- *Sexual Harassment:* There is a lack of awareness of rights and enforcement of harassment-related laws as well as lack of inspections of workplaces.



- *Child physical and sexual abuse*: Definitions and activities that constitute child sexual abuse and exploitation under Children’s Act 2018, which updated the Children’s Act 1992 (B.S. 2048), remain vague and overlapping. Furthermore, similar provisions in the Penal Code 2017 on child sexual abuse have added confusion. UNICEF conducted a survey in 2014 that showed 66 percent of the children in the schools surveyed experienced physical violence, and 22 percent experienced psychological violence by teachers. Peers were reported to be the cause of 28 percent of physical violence and 15 percent of the psychological violence.

#### **4.2. Domain 2: Cultural Norms and Beliefs**

Nepal continues to have many cultural norms and beliefs that hinder the advancement of women and marginalized groups, some of which are child marriage, domestic violence, *chhaupadi*, dowry, and discrimination based on caste, and accusations of witchcraft. Abuse of women and marginalized groups is seen as independent from the issue of human rights. Discriminatory beliefs and practices are reinforcing objectification of girls and women, reducing their ability to challenge mindsets of subordination, and leading to low self-esteem and an inability to assert themselves across all sectors. Institutional practices and practitioners conditioned by patriarchal and discriminatory beliefs and perceptions lead to inadequate budgetary allocation to promote the rights of women and marginalized groups.

Non-accountability of duty bearers is resulting in women and marginalized groups facing multiple layers of discrimination and socio-economic, verbal, physical and sexual exploitation and abuse. Impunity enjoyed by perpetrators from generally more politically linked, affluent and ‘dominant’ groups diminishes the capacity of women and marginalized to enjoy their rights. Even those who struggled to reach decision making positions are prohibited meaningful participation and voice either due to those from ‘dominant’ groups who prevent them or social conditioning that inhibit them from speaking up.

- Sons and daughters are considered equal under the constitution, but the mindset of son preference continues to exist, and daughters generally are less valued by society. Religious and cultural practices reinforce acceptance of domestic violence against women, with great variation across provinces. In Province 2, 46 percent divorced/separated or widowed women reported experiencing physical violence relative to an overall average of 22 percent. These mindsets also reinforce views of girls and women as untouchable during menstruation and the post-partum period, especially in certain provinces.
- The SOSIN 2018 data shows that despite improvement certain castes still face discrimination in multiple forms including in the religious sphere, with Kami, Sarki, and Halkhor reporting between 51, 66 and 72 percent of them being prevented from entering religious places.
- The 2015 constitution calls for the for the rights of LGBTI population, to be protected, but there are no laws or mechanisms to enforce this. Many LGBTQI individuals face discrimination, harassment and abuse by families, communities and law enforcement agencies. The most marginalized within marginalized groups, such as the intersex and transgender community continue to remain voiceless, indicate they suffer the worst from discrimination, and require specific programs to address their needs.
- People with disabilities face discrimination and violence in their homes, schools and in public. Such discrimination is leading to low level of confidence and self-esteem among females and marginalized groups. Intersectionality for women and marginalized groups tend to further limit their access to resources and opportunities, be it in social, economic or political resources and services. This is evidenced across all sectors analyzed by the GESI analysis.

### **4.3. Domain 3: Gender and Social Roles, Responsibilities, and Time Use.**

In Nepal, men, especially from dominant groups, dominate every aspect of public life including politics, media, higher education, governmental bureaucracy and the private sector. Meanwhile, women shoulder the majority of unpaid domestic duties, spending four times more minutes tending to domestic responsibilities than do men. Family and domestic obligations limit women's time and availability. These gender roles are established at a young age, as parents in many parts of Nepal show preference for sons. Daughters are expected to assist with household chores, which can limit their time for school work. Some parents, especially in rural areas, see less value in investing in their daughters' education and, combined with the disincentive of dowries required for older, educated children, send them to government schools and marry them young.

- In Nepal, women bear most of the unpaid household work, which, combined with other work burdens, leads to time poverty for them. The time burden of rural women is even greater due to weak rural infrastructure, while urban working women are burdened by multiple responsibilities.
- Women are also undertaking home-based work to earn extra income, which remains invisible and unrecognized, both within families and by the government.
- Migration has further burdened rural women and children, especially girls. The economic burden of male migration on women is further reducing their participation and opportunities for public leadership positions.
- Women are usually more impacted by climate change because they continue to have less economic, legal and political power than men, and therefore they are less able to cope with the adverse effects of climate change.<sup>1</sup>
- The 2015 earthquake resulted in added responsibilities and care work on women due to gender expectations and social roles. The UN Women's Joint Perception Survey with the Common Feedback Project reported as a result of the earthquake an 'increase in the care work time use burden with 69 percent of women reporting an increase in time spent on child and elderly care, 51 percent reporting an increase in time spent on fetching water and 63 percent reporting an increase in time spent on cooking and cleaning. At the same time, 68 percent of women reported a decrease in time spent on paid work and 72 percent reported a decrease in time spent sleeping and resting'<sup>2</sup>

The GESI analysis notes change in mindsets and support from family and society are essential if enhanced and equitable distribution of roles and responsibilities are to take place for women, marginalized and youth groups to build their agency and decision-making power. The analysis found an absence of data highlighting the opportunity cost to the family, community and nation found resulting from the disproportionate roles and responsibilities on women. The present federal structure provides a window of opportunity for provincial governments to consolidate and leverage such data, when available, and addresses contextual GESI barriers and gaps in reaching women and marginalized.

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<sup>1</sup> UNDP. (2016). *Gender and Climate Change: Overview of the Linkages between Gender and Climate Change*.

<sup>2</sup> Government of Nepal – Ministry of Women, Children, and Social Welfare, *Nepal Gender Equality and Social Inclusion Profile* <https://reliefweb.int/sites/reliefweb.int/files/resources/Nepal%20GESI%20Profile.pdf>.

#### 4.4. Domain 4: Access to and Control over Assets and Resources.

Nepal has made significant progress in a number of critical social development areas. It has more than halved the proportion of people living in absolute material poverty over the last two decades, and it also narrowed the gender gap in education, health and in participation in the political decision-making process. However, despite the progress, there are stark gaps and inequalities in access to resources when looking at different sub-groups and regions. These gaps include access to land/housing, employment and pay, health, quality education, financial institutions and justice. The GESI analysis team found no GESI-disaggregated data demonstrating opportunity costs (e.g. cost to national economy) resulting from unequal access and control over diverse resources at the national level, provincial and local levels.

- According to the 2011 Census, only 19.7 percent of households reported the ownership of land or house was in the name of the female member of the household. Female-ownership of fixed assets was higher in urban areas at 26.8 percent compared to rural areas at 18.0 percent. In addition to lower ownership of land, women tend to have lower social capital and access to financial services and technology.
- As discussed under education, while the female literacy rate has increased, girls are more often sent to poorer-quality government schools and have higher dropout rates putting them on a trajectory for lower wages. This increases their vulnerability to early marriage and trafficking. Marginalized groups and rural populations continue to have less access to tertiary education than urban populations and members of upper castes and the wage premiums provided by these higher-level positions.
- As discussed under economic growth, women's labor force participation rate is half that of men, and Nepal's wage gap between women and men is higher than the global average of 20 percent with women earning an average of 29.5 percent less than men.<sup>3</sup> Even then, only 52 percent of women decide independently on how their earnings are used (NDHS 2016).<sup>4</sup>
- The GESI analysis team found women, youth and marginalized groups' efforts to engage in the private sector challenged. Private sector engagement demands resources, which is generally beyond their reach. Many young women, men and marginalized have little information on private sector opportunities. They are also challenged by lack of trust from household members, lack of resources to initiate an enterprise, and the absence of conducive environment within households and in the markets.
- As indicated under agriculture, the feminization of agriculture has led to some empowerment among women in making some independent decisions.
- A survey among Nepal's sexual and gender minorities indicated almost one in four LGBTQI respondents (23.2 percent) reported being denied services or treatment by a hospital or a health clinic. Almost 30 percent of those in the Third Gender Assigned Male at Birth Group reported denial of health care, and 15 percent of the Third Gender Assigned Female at Birth Group reported being denied.<sup>5</sup>

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<sup>3</sup> Dhungana, S. CBS Report Bring to Fore Huge Gender Pay Gap. The Himalayan Times (June 19, 2019).

<https://thehimalayantimes.com/nepal/central-bureau-of-statistics-report-brings-to-fore-huge-gender-pay-gap/>

<sup>4</sup> Ministry of Nepal, New Era, ICF, "Nepal Demographic Health Survey, 2016, November, 2017:

<https://www.dhsprogram.com/pubs/pdf/fr336/fr336.pdf>.

<sup>5</sup> UNDP, Williams Institute (2014). Surveying Nepal's Sexual and Gender Minorities: An Inclusive Approach. Bangkok, UNDP

- There was a general perception from stakeholders regarding inadequate support from family, community, social and political leaders, and duty bearers to prevent social, economic, and political violence. Other forms of violence such as sexual exploitation in schools (by teachers and peers), and in workplaces and public spaces were also identified by stakeholders as preventing an individual's access to education, equal pay, and justice.
- Access to justice continues to be a challenge for women, Dalit and marginalized communities. The field work showed that women and marginalized communities lack information about the whole judicial process, and there is a lack of trust in the judiciary system. It is not impartial or independent of the government, according to legal professionals.
- Efforts to ensure justice at local levels has led to the introduction of judicial committees. However, consolidated impacts of their efforts remain to be seen. Women and girls who were victims of torture, including rape and other forms of sexual violence during the conflict period, were not entitled to interim relief packages, compensation, reparations and other support services (including medical or psychosocial support).

The GESI analysis team found no GESI-disaggregated data demonstrating opportunity costs (e.g. cost to national economy) resulting from unequal access and control over diverse resources at the national level, provincial and local levels. At the macro level, the GESI team notes limited financial and human resources for the women and marginalized group commissions, preventing their effective functioning. This is reflective of the political leaders' level of prioritization of GESI considerations.

#### **4.5 Domain 5: Patterns of Power and Decision-Making.**

In the 2017 elections, there was significant progress in the representation of women and marginalized groups due to quotas for women and Dalits. Nearly 41 percent of elected government officials now are women, while in the state and federal assemblies, women make up 33 percent of the officials. Dalit representation increased to 7.3 percent in 2017 from a low of 0.5 percent in 1991. Despite this progress, the following challenges were identified.

- Women and marginalized groups would have been left out politically had it not been for the proportional representation system. Of the 275 seats in the House of Representatives, there is a legal provision to have 60 percent (165) of seats directly elected and 40 percent (110) allotted proportionally. Only six women out of 165 members of federal parliament were directly elected into the House of Representatives. Among the six, there were no Madheshi or Dalit women. In contrast, 159 men were directly elected out of the total 184 members.
- Politically, of the 275 House of Representative members, 90 (32.7 percent) are women. Among the 59 National Assembly members, 22 (37.3 percent) are women. These women are not in leadership positions.
- Although Dalit representation increased, it is still not in proportion to the Dalits percentage of the population (13.6 percent according to the Central Bureau of Statistics 2011). Madheshis and Janajatis have made significant gains in the first-ever provincial elections held in 2017, winning seats above or almost at par with their national population shares.
- Despite the increase in representation of women and Dalits, their influence remains weak, and men from advantaged dominant social groups continue to dominate. One reason that few women and Dalits were directly elected is that men in their parties do not have confidence in them and, therefore, they were not able to get direct tickets for election through their own political parties.

- Almost all the women were elected to the deputy positions. In the local governments, 98 percent of the elected women are deputy mayors or vice chairs. Excluding the seats reserved for women, ward chairs and members are also 99 percent and 98 percent men, respectively. Excluding Dalit women, ward members appointed by quota,<sup>6</sup> Dalits make up only 3.3 percent of local representatives.<sup>7</sup>
- Women and marginalized leaders, elected directly and through proportional representation at federal and provincial assemblies, largely are not receiving support from male and dominant group colleagues nor accepted as decision makers.
- Those elected through proportional representation quotas are viewed as subordinate to those directly elected.

Taken together, despite significant progress, men from socially advantaged groups continue to dominate the political landscape. Challenges in systemic transformations are perpetuated by mindsets of ‘dominant’ groups within these structures. Inadequate resources and weak implementation emanates from the resistance of those in positions of authority, primarily men from the privileged classes who are conditioned by patriarchal norms and values. The absence of oversight of governments and institutional practitioners further prevent transformation. It remains unknown the level of readiness, willingness, commitments and efforts of policymakers and duty bearers to translate regulations and practices to reach marginalized and change the playing fields. While the government of Nepal understands it must tackle gender inequality and social exclusion in order to graduate to a middle-income country, changing patriarchal mindsets is a slow but critical process that Nepal must undergo.

#### **4.6 Sector: Economic Growth**

Nepal has several economic growth laws and policies in place to advance women and marginalized groups. These are progressive and aimed at addressing challenges women and marginalized groups encounter in the process of economic empowerment. However, GESI-related economic challenges persist.

- National Planning Commission data from 2017 shows that more than 8.1 million people are living in poverty, and 28.6 percent face multidimensional poverty. The region of Karnali is known to have the highest multidimensional poverty rate (51.2 percent).<sup>8</sup>
- According to the World Bank 2018 data on personal remittances, 28 percent of Nepal’s GDP comes from remittances from foreign labor of migrants, one of the highest proportions in the world.<sup>9</sup> In the process female migrant workers are facing conditions which are worse than for men. They encounter unequal pay, GBV (including physical, sexual, emotional and verbal), and trafficking.
- The recent Nepal Labor Force Survey III (2017/2018) indicates that the female labor force participation rate (26.3 percent) is just under half that of the male rate (53.8 percent).<sup>10</sup> About

<sup>6</sup> Even within the Dalit women reserved seats, hill Dalit held 77 percent and Madheshi Dalit only 23 percent, even though their population is higher nationally.

<sup>7</sup> Bholu Pawan, “Dalits and Women the Most Unrepresented in Parliament,” The Record, <https://www.recordnepal.com/data/dalits-and-women-the-most-under-represented-in-parliament/>.

<sup>8</sup> Fighting Inequality in Nepal: The Road to Prosperity (2019). Oxfam International and HAMI

<sup>9</sup> World Bank 2018 data on personal remittances <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=NP>

<sup>10</sup> The Nepal Labor Force Survey (NLFS) III revised the definition of labor force participation for the 2017/18 report. Therefore, previous years’ data cannot be compared. The previous NLFS showed a high percentage (81.67 percent) of women in Nepal’s labor force participation because it used a different definition.

66 percent of working-age women (age 15 and up) are employed in agriculture, compared to 53 percent of working-age men.<sup>11</sup> Rural women face multiple burdens (household, community and farm related), have limited information about market demand and supply, and have limited opportunities to set up agriculture-related businesses.<sup>12</sup>

- Nepali women bear the majority of unpaid household work, which leads to great time poverty for them, severely limiting women's ability to get an income generating job. Despite their contributions, there is no national data to recognize their contributions and transform the power dynamics to improve their socio-economic conditions.

#### 4.7 Sector: Education

The education sector has seen significant improvement. Primary school enrollment now exceeds 96 percent with gender parity. Female students in primary education increased from 39.9 percent in 1995 to 50.8 percent in 2016.<sup>13</sup> According to CBS 2011, the female literacy rate has jumped from 35 percent to 57 percent in one decade, which is seen as a significant improvement but comparing with the literacy of male, i.e., 75 percent there is still a big gap between the two genders.<sup>14</sup>

- Two-thirds of all children attend public schools in Nepal, and 70 percent of children dropout prior to taking the Secondary Education Examination.<sup>15</sup>
- While gender parity has been achieved in primary- and secondary-level education, girls are more often sent to lower-cost and often lower-quality government schools due to the lower value to the family of educating a girl who will join another family and the disincentive from dowries. Further, 80 percent of girls dropout by the time they reach higher secondary level (grade 11)<sup>16</sup> making it more challenging for them to transition to decent work.
- The literacy rate of Dalit women is 45.5 percent whereas it is 52.7 percent for Dalit men.<sup>17</sup> The intersectionality of being a poor Dalit woman really has an impact on one's ability to advance in Nepal.
- Marginalized groups and rural populations continue to have less access to tertiary education than urban populations and members of upper castes. The enrollment ratio in higher education among disadvantaged groups like Dalits was in 2010/11 still disproportionately low.<sup>18</sup>
- A 2014 UNICEF survey in schools showed that 66 percent of the children indicated they experienced physical violence, and 22 percent experienced psychological violence by teachers. Peers were reported to be the cause of 28 percent of physical violence and 15 percent of the

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<sup>11</sup> International Bank for Reconstruction and Development/World Bank (2018). Male Outmigration and Women's Work and Empowerment in Agriculture: The Case of Nepal and Senegal).

<sup>12</sup> FAO (2019). *Country gender assessment of agriculture and the rural sector in Nepal*. Kathmandu.

<sup>13</sup> Nepal – Female Students in Primary Education,” Knoema, <https://knoema.com/atlas/Nepal/topics/Education/Primary-Education/Female-students-in-primary-education>

<sup>14</sup> <http://therisingnepal.org.np/news/2234>

<sup>15</sup> Sharma, S. and Levinson, D. (2018). Travel Cost and Dropout from Secondary Schools in Nepal

<sup>16</sup> Anil Paudel, “For Girls in Nepal, an Educational Gap Hinders the Transition to Work,” Brookings Institute, June 6, 2019, <https://www.brookings.edu/blog/education-plus-development/2019/06/26/for-girls-in-nepal-an-educational-gap-hinders-the-transition-to-work/>.

<sup>17</sup> Mohan Sunar, Bishokarma K, Poudel S, Nepali P, B.K. S, Manabi A (2015). Human Rights Situation of Dalit Communities in Nepal. <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>

<sup>18</sup> Dragana Borenovic Dilas, Jean Cui, and Stefan Trines, “Education in Nepal,” World Education News and Reviews, April 3, 2018, <https://wenr.wes.org/2018/04/education-in-nepal> <https://wenr.wes.org/2018/04/education-in-nepal>.

psychological violence. The survey also found that 12 percent of children were victims of sexual violence at school.

### **Sector: Agriculture**

Agriculture is one of the main sources of livelihood in Nepal, for both men and women, as it contributes one-third of the gross domestic product.<sup>19</sup> However, this is an area demanding greater GESI focus. There is inadequate knowledge and understanding of GESI laws and policies related to agriculture among most women and marginalized group stakeholders, so they are unable to benefit from resources available.

- About 66 percent of working-age women are employed in agriculture, compared to 53 percent of working-age men.<sup>20</sup> Despite legal provisions for equal pay, there is a pay gap of 25 percent between men and women in this sector.<sup>21</sup>
- The feminization of agriculture has led to some empowerment among women. Women whose spouses are away can make independent marketing and financial decisions and participate in various farm activities. Women are mainly and traditionally subsistence agricultural producers. However, as a result of the absence of men, they are shifting to take over traditionally male roles, such as ploughing and marketing. This increase in women's roles is doubling their work burden and leading to 'time poverty.'
- A World Bank report found that women in Nepali households with international migrants in their families are significantly more likely to report being self-employed on the farm and less likely to report being contributing family workers.<sup>22</sup>
- Rural women face multiple burdens (household, community and farm related), have limited information about market demand and supply, and have limited opportunities to set up agriculture-related businesses.<sup>23</sup>
- Despite their roles, the government is yet to recognize women and marginalized groups' contributions in the sector. The government also does not promote youth engagement to better incentivize retention of labor in rural communities to prevent continued falling agricultural productivity.

### **Sector: Health**

Nepal has made substantial progress in the health sector, particularly in children's and maternal health. Given the substantial health policies, plans and strategies that already are established, transformation can occur if GESI concerns are closely taken into account. These considerations range from addressing power dynamics within households that constrain women in accessing health services to positive, non-discriminatory behavior of health service providers. Health care is not distributed equally across the various gender and social groups, however.

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<sup>19</sup> FAO (2019). *Country Gender Assessment of Agriculture and the Rural Sector in Nepal*. Kathmandu.

<sup>20</sup> International Bank for Reconstruction and Development / World Bank (2018). *Male Outmigration and Women's Work and Empowerment in Agriculture: The Case of Nepal and Senegal*.

<sup>21</sup> Food and Agriculture Organization, "Country Gender Assessment of Agriculture and the Rural Sector in Nepal," <https://reliefweb.int/report/nepal/country-gender-assessment-agriculture-and-rural-sector-nepal>.

<sup>22</sup> World Bank (2018). *Ibid*.

<sup>23</sup> FAO (2019). *Country gender assessment of agriculture and the rural sector in Nepal*. Kathmandu.

- Between 1990 and 2015, Nepal reduced its maternal mortality ratio by 71 percent. Infant mortality decreased by more than half from 78 deaths per 1,000 live births in 1996 to 32 in 2016, and under 5 mortality declined threefold from 118 to 39 deaths per 1,000 live births.
- However, the distribution of health institutions remains uneven across the seven provinces, with a major concentration in Province 3, followed by concentrations in Provinces 1 and 2. Province 6 and 7 which are also the most remote have a sparse concentration<sup>24</sup> of health institutions.
- LGBTQI populations find access to healthcare challenging. Social and structural barriers jeopardize access to crucial HIV and healthcare services for marginalized subpopulations, such as gay men and transgender women.<sup>25</sup>
- There is an increasing need to address mental illnesses, which are not diagnosed or treated. The GON spends just one percent of the total healthcare budget on mental health.<sup>26</sup>

### **Sector: Environment, Climate Change, and Energy**

The last decades highlight a positive shift in policies in addressing environment and impacts of climate change, including GESI related issues, though concerns remain. Government officials have low awareness about climate change, and neither climate change nor its GESI-related impacts are getting deserved attention. The energy sector demands more GESI-related policies and practices to enhance employment opportunities. Some major GESI concerns identified by the analysis follow.

- The impact of changing water supply from the Himalayan basin and its GESI related fallout on women, marginalized groups, and the poorest is high and reinforce further gender inequities and vulnerabilities. The impact of climate change is experienced greatest by women, as “Women do not have easy and adequate access to funds to cover weather-related losses or adaptation technologies.”<sup>27</sup>
- While Nepal has a commercially-viable hydropower potential of 42,000 MW,<sup>9</sup> just 1,020 MW, or 2.4 percent, are being generated.<sup>10</sup>
- Supportive policy and institutional frameworks are essential for integrating gender equality and social inclusion considerations in the energy sector, but these have not been well-incorporated into key energy sector policies and in most energy projects.<sup>28</sup>

### **Sector: Disaster Risk Reduction**

- Based on the 2011 Population Census, of households affected in the 10 districts most affected by the 2015 earthquake, 18 percent (34,509 households) were female-headed, and out of a total of 10,736 persons with disabilities affected 6,656 are women.
- Women and marginalized groups are disproportionately disadvantaged in accessing relief, services and information. They also face increased vulnerability to GBV, and exploitations during

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<sup>24</sup> Governance Facility (2018) ‘Federal Nepal – The Provinces: Comparative Analysis of Economic and Administrative Data and Challenges’, Kathmandu, Nepal.

<sup>25</sup> UNDP, USAID (2014). *Being LGBT in Asia: Nepal Country Report*. Bangkok.

<sup>26</sup> Ibid.

<sup>27</sup> UNDP. (2016). *Gender and Climate Change: Overview of the Linkages between Gender and Climate Change*.

<sup>28</sup> ADB (2018) “Gender Equality and Social Inclusion Assessment of the Energy Sector: Enhancing Social Sustainability of Energy Development in Nepal.” Manila, Philippines.)



post disaster periods. Findings from the Community Feedback Project Survey Rounds (2015)<sup>29</sup> indicate more women than men of all ages continued to report not receiving information about relief and services, unequal access to relief services and that their problems were not being addressed through the humanitarian response period.<sup>30</sup>

- Field work indicates that efforts to create an understanding on various frameworks and promoting their understanding on disaster risk reduction among elected leaders is not a priority. There is little understanding of the vulnerabilities of women and marginalized groups and the importance of addressing GESI in disaster risk resilience.
- The economic impact of disasters is greater on women and marginalized. For instance, in the post-earthquake period, the LGBTQI population's lack of livelihood opportunities compelled many into sex work. Due to the limited supply of contraception in the post-earthquake context, many LGBTQI sex workers experienced increased vulnerabilities resulting from unsafe sexual practices.<sup>31</sup>

Taken together, despite significant progress, men from socially advantaged groups continue to dominate the political landscape. Challenges in systemic transformation are perpetuated by mindsets of dominant groups within these structures. Inadequate resources and weak implementation emanates from the resistance of those in positions of authority, primarily men from the privileged classes who are conditioned by patriarchal norms and values. The absence of oversight of governments and institutional practitioners further prevents transformation. It remains unknown the level of readiness, willingness, commitments and efforts of policymakers and duty bearers to translate regulations and practices to reach the marginalized and even the playing fields. While the government of Nepal understands it must tackle gender inequality and social exclusion in order to graduate to a middle income country, changing patriarchal mindsets is a slow but critical process that Nepal must undergo.

## E. Strategic Recommendations

The GESI analysis scope of work did not include a review of programming of USAID or other development partners, so the analysis presents eight potential cross-cutting strategic opportunities or directions for consideration based on findings and conclusions as well as contextual issues, such as the opportunities available given federalism.

- **Strategic Opportunity 1:** Support improved formulation and/or revision of GESI-sensitive sectoral laws, policies and regulations across sectors and at federal, provincial and local levels. Promote their wide-spread understanding to change attitudes and power dynamics.
- **Strategic Opportunity 2:** Promote within all levels of governments, agencies, institutions and communities where development partners engage effective implementation of sectoral GESI-sensitive laws, policies and regulations that guarantee all, including women and marginalized populations, their human and legal rights.

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<sup>29</sup> "Nepal Gender Profile (March 2016) By Inter-custer Working Group, " United Nations Office for the Coordination of Humanitarian Affairs, <https://reliefweb.int/report/nepal/nepal-gender-profile-march-2016-inter-cluster-gender-working-group>.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

- **Strategic Opportunity 3:** Promote long-term efforts to engender transformative GESI-sensitive mindsets across all sectors.
- **Strategic Opportunity 4:** Improve integration of GESI in local governmental programming and budgeting systems, and promote robust monitoring, transparency and accountability on GESI issues and programs, across sectors and levels of government. Build capacity of stakeholders to develop, implement and monitor gender responsive budgeting plans and bridge gaps between GESI-based evidence, planning and practice.
- **Strategic Opportunity 5:** Consolidate high-quality GESI-disaggregated evidence across the program cycle and across sectors and stakeholders – public, private, and NGOs– to help bridge gaps between GESI-based evidence and their use in planning and practice as a tool for change.
- **Strategic Opportunity 6:** Promote the meaningful and equitable participation of all people in decision-making across sectors and at all levels of decision making – households, communities, the private sector, civil society and government. Strengthen the social capital of women, marginalized groups, and youth and help improve their decision making and leadership capacities to increase agency and enhance their equitable access to and control over resources.
- **Strategic Opportunity 7:** Strengthen systems across sectors and communities to eliminate GBV, promote access to justice for survivors of trafficking and GBV, and decrease acceptance of GBV.
- **Strategic Opportunity 8:** Engage youth as a catalytic force for realizing GESI transformations.

Additional more-programmatic suggestions are presented within each sector-wise section.

## Abbreviations

ADS	Agriculture Development Strategy
AES	Adult Entertainment Sector
CDCS	Country Development Cooperation Strategy
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFUGs	Community Forest Users Groups
CSOs	Civil Society Organizations
CBI	Central bureau of Investigation
DRG	Democracy, Rights and Governance
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EMIS	Education Management Information System
FECOFUN	Federation of Community Forest Users
FGD	Focus Group Discussion
FWEAN	Federation of Women Entrepreneurs Association of Nepal
FAO	Food and Agriculture Organization
FMoHP	Federal Ministry of Health and Population
FPTP	First Past the Post
GBV	Gender-based Violence
GESI	Gender Equality and Social Inclusion
GON	Government of Nepal
GRB	Gender Responsive Budgeting
GDP	Gross Domestic Product
HTTCA	Human Trafficking and Transportation (Control) Act
IUCN	International Union for Conservation of Nature
KII	Key Informant Interview
LGBTQI	Lesbian, Gay, Bisexual, Transgender , Queer and Intersex
MoWSCW	Ministry of Women, Children and Social Welfare
MoHA	Ministry of Home Affairs
MoAD	Ministry of Agriculture and Livestock Development
MPI	Multidimensional Poverty Index
NDHS	Nepal Demographic and Health Survey
NGO	Non-Governmental Organization
NLFS	Nepal Labor Force Survey
NOC	No Objection Certification
NPWCs	Nepal Police Women’s Cells
NRA	National Reconstruction Authority
NOC	No Objection Certificate
OCCM	One Stop Crisis Management Centers
PLHIV	People Living with HIV
PLWD	People Living with Disabilities
PR	Proportional Representation
SOSIN	State of Social Inclusion in Nepal
SSDP	School Sector Development Plan
SBA	Skilled Birth Attendants
TIP	Trafficking in Persons
VET	Technical Vocational Education and Training
TVPA	Trafficking Victims Protection Act
USAID	United States Agency for International Development

UNICEF  
UNFPA  
UNDP  
VRS

United Nation Children's Fund  
United Nations Population Fund  
United Nations Development Programme  
Vital Registration System

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# I. Introduction

## I.1 Purpose

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As USAID prepares to develop its Country Development Cooperation Strategy (CDCS) for 2020-2025, it is conducting various analyses to inform the five-year strategic plan. CAMRIS International, Inc., was requested to conduct the Gender Equality and Social Inclusion (GESI) Analysis (see Appendix A for the Statement of Work). The purpose of the GESI Analysis is to identify significant macro and sectoral level societal gender inequalities, marginalized groups, and vulnerable populations so that GESI can be reflected in all sections of the CDCS, including the Goal, Development Objectives, and Intermediate Results and sub-Intermediate Results.

The analysis also provides disaggregated statistics (e.g., sex, caste, and ethnicity) for gender<sup>32</sup> and social inclusion considerations. In addition, it provides recommendations about the priority GESI issues the CDCS should address for the next five years.

## I.2 Background

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USAID guidance in the Automated Directives System (ADS) 205, directs Missions to identify macro or sectoral level societal gender inequalities or obstacles to female empowerment in order to address these issues into all sections of the CDCS. Three overarching agency-wide gender equality and female empowerment outcomes are to be incorporated into the CDCS results framework: 1) Reduce gender disparities in access to and control over assets and benefits from resources, wealth, opportunities and services; 2) Reduce gender-based violence and mitigate its harmful effects on individuals and communities; and 3) Increase capabilities of women and girls to realize their rights, determine their life outcomes, and influence decision-making. USAID/Nepal's Mission Order 205.1 clearly establishes Mission policy on the integration of gender equality, female empowerment, and social inclusion into all relevant Mission strategy, programs and activities, defines roles and responsibilities of Mission management, technical teams, technical officers and implementing partners for integration in strategy and program cycle to achieve an enabling environment for more effective, efficient, and equitable development.

Nepal's rich history and cultural and geographical diversity have resulted in a unique and complex social structure that overlays development in all sectors. Understanding and carefully considering this structure – particularly its gender, caste, and ethnicity dimensions – is critical to achieving the equitable socio-economic development results laid out in USAID/Nepal's Country Development Cooperation Strategy (CDCS). Problems of persistent poverty and other inequalities reflected in Nepal's socio-economic data clearly indicate that the low status

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<sup>32</sup> No disaggregated data was available for the third gender.

and exclusion of women and excluded groups is a significant impediment to economic growth, increased human capital, and democratic governance. GESI must be actively promoted and monitored to achieve an enabling environment for more effective, efficient, and equitable development. The sustainability and impact of inequalities reflected in Nepal's socio-economic data clearly indicate that the low status and exclusion of women and excluded groups is a major impediment to economic growth, increased human capital, and democratic governance. Moreover, the sustainability and impact of USAID/Nepal programs and projects depend on the ability to more effectively identify and analyze gender, caste, and ethnic disparities and ensure that they are considered throughout the design, planning, implementation, documentation, monitoring, and evaluation of programs and activities. It is important to understand the intersecting identities a person has in order to capture the extent to which they may or may not experience heightened marginalization or exclusion in society. Given the inter-sectionality of gender with caste/ethnicity, sexual and religious identities, disability and other vulnerabilities in Nepal, the Mission Order 205.I requires that the findings of the GESI Analysis must be integrated into the CDCS.

USAID/Nepal programs and projects depend on the ability to more effectively identify and analyze gender, caste, and ethnic disparities and ensure that they are considered throughout the design.

### 1.3 Methodology

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The GESI Analysis relies primarily on qualitative data that the GESI team obtained through extensive document review, key informant interviews (KIIs), and focus group discussions (FGDs). The secondary sources included are reports from the Government of Nepal (GON), academia, development partners, media, and other studies that address gender, caste/ethnicity inclusion, and vulnerability, including USAID/Nepal's activities, evaluations, assessments, studies, and analyses. Primary sources are from KIIs and FGDs with representatives of national, provincial, and local governments, the legislature and judiciary, private sector, political parties, human rights organizations, media, and leading members of civil society, among others. Consultations also were held with various implementing partners, donor organizations, and GESI experts. The report also draws on quantitative data obtained from secondary sources, such as the Central Bureau of Statistics, various government ministries, Nepal's Demographic and Health Survey, World Bank data, and the State of Social Inclusion in Nepal (SOSIN) Survey.

The GESI Analysis included four stages, as follows:

- I. First stage – Literature Review
  - a. Using five domains, the GESI analysis team conducted a desk review of the latest available data and literature.
  - b. Analyzed the quantitative and qualitative data to understand the gaps and dynamics that were relevant to the five domains.

- c. For analysis purposes, adopted the definition of excluded/vulnerable (Appendix B) from the report A Common Framework the Gender Equality and Social Inclusion<sup>33</sup> (report published by the Gender Equality and Social Inclusion Working Group of International Development Partners, of which USAID is a member). The current report uses the term marginalized to refer to excluded/vulnerable groups.
  2. Second stage – Presented the literature review and wrote the literature review report
    - a. The team debriefed the Mission on the findings from the desk review and received Mission feedback to help inform the literature review report and field-based research.
    - b. The team drafted a report on findings from the literature review and submitted it to USAID. The findings from the review are integrated into the final GESI Analysis Report.
  3. Third stage – Field Research
    - a. Locations: field research was conducted in Provinces 2, 5, and 7. Province 2 was selected for two reasons. First, the socio-economic and governance-related indicators are lower in this province compared to other provinces. Second, the province was a hot spot for movements in the past, such as the Madheshi movement, and the provincial government of Province 2 has been vocal on the issue of power-sharing with the federal government. Province 5 and 7 were selected for geographic diversity. Province 5 is in the Terai and covers the Muslim and Tharu belt. Province 7 is under USAID’s zone of influence and is socially and economically marginalized.
    - b. Stakeholder consultations: the team conducted KIs, FGDs, and other interactive meetings with stakeholders (Appendix C), including USAID/Nepal staff and implementing partners, donors, non-governmental organizations, the private sector, civil society organizations, political parties, government ministries, the media, parliament, the judiciary, and others. In addition to conducting KIs and consultations in Kathmandu, the field research included travel to Province 2, 5, and 7 to engage with local government and community level representatives. The primary data collection in the three provinces and Kathmandu yielded a total of 107 KIs with 123 respondents and 41 FGDs (with 322 respondents). These meetings were useful in revealing the challenges and opportunities that women and marginalized groups experience at the community level with respect to their access to services, control of resources, level of political engagement, employment opportunities, and other areas.
  4. Fourth Stage – Data analysis, debrief, and report
    - a. Analyzed the primary and secondary data to identify key findings; debriefed USAID/Nepal on the preliminary findings, conclusions, and recommendations (FCRs); prepared a summary draft report of the FCRs; and revised the draft

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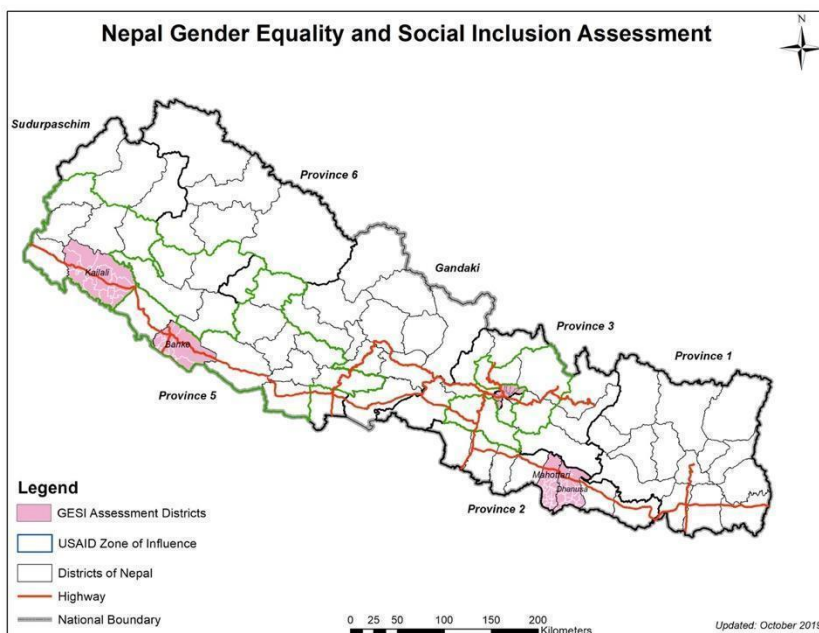
<sup>33</sup> GESI Working Group (2017): Gender Equality and Social Inclusion Working Group, International Development Partners Group, Nepal.



substantially in response to comments, adding additional sector-level literature review.

This report includes analysis from the literature review findings, as well as analysis from primary data collection. The main findings and analysis are organized using USAID’s gender equality and female empowerment five domains: 1) laws, policies, regulations, and institutional practices; 2) cultural norms and beliefs; 3) gender and social roles, responsibilities, and time use; 4) access to and control over assets and resources; and 5) patterns of power and decision-making. In addition, this report also includes sectoral-level findings, analysis, and recommendations. USAID/Nepal includes both gender and social inclusion in the five domains of analysis through an explicit focus on social disparities by gender, caste, ethnicity, religious and sexual minorities, disability, and other vulnerabilities to better reflect the situation of diverse social groups in Nepal.

**Figure I: Map of GESI Analysis Fieldwork**



## 1.4 Research Questions

The statement of work highlights the five domains of analysis used by USAID for gender analysis and included key questions on social group equality and disparities. The key questions on marginalized groups and vulnerable populations are integrated under each domain, with analysis for social groups as well. Most questions have been answered to the extent possible (See Appendix D). Questions with similar responses have been merged.

### **I.4.1 Laws, Policies, Regulations, and Institutional Practices**

Examines the context to which men and women, and diverse social groups act and make decisions and the extent to which these legal instruments or practices contain explicit gender, caste, ethnicity, or religious biases (e.g., explicit provisions that treat males and females differently or have implicit gender, caste, ethnicity, religious biases; the different impacts of laws, policies, regulations, and practices on men and women and marginalized groups and minorities because of different social arrangements and political, social, and economic behaviors).

Key Questions:

- a. What gender and societal inequalities are there in laws, policies, regulations, and institutional practices?
- b. Are there laws and policies to prevent and respond to gender-based violence? Are these laws enforced?
- c. Are there some forms of gender-based violence that are not addressed by the legal system?

### **I.4.2 Cultural Norms and Beliefs**

Examines appropriate qualities, life goals, and aspirations for boys and girls and men and women, and marginalized groups. Gender and caste norms and beliefs of people are influenced by perceptions of gender identity and cultural expression as well as their affiliation to a caste, ethnicity, or religion. These norms and beliefs are often supported by and embedded in laws, policies, and institutional practices, and influence how females and males and marginalized groups behave in different domains. It is important to explicitly identify such norms and beliefs in the GESI analysis at the country level, especially in project design, because they affect the potential participation of males and females, marginalized groups, and minorities in project activities.

Key Questions:

- a. What beliefs and perceptions shape gender and caste identities and social norms?
- b. How do these beliefs and perceptions facilitate or constrain women and marginalized groups' participation and leadership?
- c. What cultural norms and practices affect the capacities of men and women and marginalized groups?
- d. What traditional norms and practices prevent women and members of marginalized groups from participating in political, social, and economic activities?
- e. Are there harmful traditional cultural gender-based violence (GBV) practices?
- f. What are the cultural attitudes of violence towards women, men, girls, boys, or marginalized groups (e.g., acceptability of domestic violence)?

### **I.4.3 Gender and Social Roles, Responsibilities, and Time Use**

Examines roles and time use during paid work, unpaid work (including care and other work in the home), and community service to get an accurate portrait of how boys and girls, men and women, and marginalized groups lead their lives and to anticipate potential constraints to participation in development projects.

Key Questions:

- a. How do gender roles, responsibilities, and time use impact girls and boys and men and women of different social groups?
- b. How do these affect leadership and participation in social, economic, and political activities?
- c. What specific gender barriers affect full participation in all levels of private sector activities and access to markets?

### **I.4.4 Access to and Control Over Assets and Resources**

Examines whether boys and girls and men and women, including marginalized groups, own and/or have access to and the capacity to use productive resources – assets (land, housing), income, social benefits (social insurance, pensions), public services (health, water), technology – and information necessary to be a fully active and productive participant in society.

Key Questions:

- a. What is considered a “resource” for men and women of different social groups?
- b. Who has access to and control of which resources?
- c. How has access to and control of resources for men and women of different social groups changed over the last five years?
- d. To what extent do men and women of different social groups have access to and control over assets and resources?
- e. Is violence used as a form of control over assets and resources?

### **I.4.5 Patterns of Power and Decision-making**

Examines the ability of women and men and marginalized groups to decide, influence, and exercise control over the material, human, intellectual, and financial resources, in the individual, family, community, and country levels. Analyses should examine to what extent boys and girls and men and women, and marginalized groups are represented in senior-level decision-making positions and exercise voice in decisions made by the public, private, and civil society organizations.

Key Questions:

- a. To what extent are men, women, and different social groups represented in senior-level decision making?

- b. To what extent do they participate and exercise voice and influence in decisions made by public, private, and civil society organizations?
- c. To what extent do women and marginalized groups influence community and household level decision making?
- d. To what extent do women have control over the use of resources in the family and community?
- e. Are different forms of violence (e.g., physical, emotional, psychological, and economic) used to exercise power over women or marginalized groups?

## 1.5 Limitations

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Some of the key limitations of the proposed approach and methods the team used and the steps the team took to mitigate the influence of the limitations include:

**Data validity and reliability:** Key informant and group interviews constitute the primary data collection. If respondents do not consistently interpret questions as researchers intend, the resulting data may not be valid or reliable. To mitigate this limitation, the GESI Analysis team designed and pretested instruments before commencing primary data collection.

**Language:** Some of the literature was available only in the Nepali language, and some information could be lost in the translation to English. Also, in Province 2 and 5, a few of the interviews were conducted in Maithili and Awadhi.

**State of Social Inclusion in Nepal (SOSIN) Data:** The full SOSIN data was not yet available, so the team could only refer to some data points. The SOSIN team is currently analyzing the raw data and developing the 2020 report. Once this data is available, it will be useful for USAID to draw on this information.

**Selection bias in key informant and group interviews:** Due to the nature of the analysis, the team largely relied on non-random methods (purposive sampling) to select respondents. This may have resulted in a non-representative group of respondents and may have created the potential for biased results. Potential sources of selection bias follow.

1. Selection bias: The respondents selected may be limited to those that were available and whose responses may differ from those who were unable to participate.
2. Self-selection bias: Individuals who agreed to participate in group interviews may differ systematically from those who refused to participate.
3. Convenience sampling biases: When assembling respondents from a community for group interviews, only those that are more conveniently accessible may have been selected.
4. Response bias: some individuals may feel the need to provide answers that would influence future programming.
5. Language: Some respondents at the local level may have been more comfortable communicating in a language that the interviewer did not speak, thereby limiting the selection of respondents to those that speak the language(s) of the interviewers.

To mitigate against the possibility that many of the selected respondents may not have been available for an interview, the GESI Analysis team stayed flexible to accommodate as many key informants and FGD participants as possible. It interviewed key informants from a broad, cross-section of society, representing all levels and branches of government, civil society, the private sector, media and academia, donors, and USAID, to allow for data triangulation among the various primary and secondary sources. By combining data found in documents or KIs and group interviews from multiple sources, any one piece of biased data would not skew the analysis of the data.

## 2 Findings and Conclusions by Domain

### 2.1 Country Context

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Nepal is a landlocked country in between the two most populous countries in the world, India in the East, South, and West, and China (Tibet) in the North. The nearly 30 million population is diverse, with 125 castes/ethnic groups and 123 spoken languages.<sup>34</sup> Over 81 percent of the population are practicing Hinduism, and before the adoption of the Constitution of Nepal in 2015, it was the only Hindu nation in the world. Other religions are Buddhism (9 percent), Islam (4.4 percent), Kiratism (3 percent), and Christianity (1.4 percent), and other religions (such as Sikhism, Jainism, Baha'i, animists, and adherents of Bon (a Tibetan religious tradition)).<sup>35</sup> Social exclusion is a significant challenge for many caste and ethnic groups and gender identities in Nepal. In Nepal, social exclusion is rooted in the Hindu caste system, which over centuries, has been integrated into social groups throughout the country. This caste system divides groups into tiers of purity level, and gender norms are cross-cutting across castes and determine his/her identity, social status, and life opportunities (or lack thereof). This caste system forms excluded groups who are denied dignity and are discriminated against from equal access to resources and opportunities. Although Nepal is a secular nation, the caste system, patriarchy and exclusionism continue to influence social interactions, formal and informal networks, and behavioral norms. In 1996, the inequality and exclusion funneled into a civil war, known as the Maoist Revolution, which lasted until 2006, when, after the loss of over 17,000 lives, a peace accord was signed. In 2015 a new constitution was promulgated, which made Nepal into a federal democratic republic with three tiers of government – federal, provincial, and local. The constitution also established a proportional representation quota system to create a more socially inclusive government. In 2017, elections were held, and nearly 40,000 officials were elected. As a result, there was significant progress in the representation of women and some marginalized groups.

Social exclusion is when groups are historically and systematically discriminated against because of their caste, ethnicity, gender, religion, geographical area, sexual orientation, disability, or a combination of these factors.

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<sup>34</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/np.html>

<sup>35</sup> 2011 Census, and US Embassy Report (Nepal 2018 International Religious Freedom Report)

## 2.2 Domain I: Laws, Policies, Regulations, and Institutional Practices

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### 2.2.1 Gender and Societal Inequalities in Laws, Policies, Regulations, and Institutional Practices

#### *Constitution (2015) and GESI-related Laws and Policies*

The preamble of the 2015 constitution of Nepal frames the GON's goals on GESI as, "Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice."

In addition to the progressive 2015 constitution, the GON has ratified several international instruments on gender equality and human rights, including the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. The GON also has numerous laws, policies, and regulations to address gender inequality gaps and to elevate marginalized groups. (See Appendix DI)

The 2015 Constitution ushered in new changes and strengthened GESI by protecting the equal rights of women, the poor, gender-based violence (GBV) survivors, and other vulnerable and marginalized groups. In terms of GESI, Article 18 focuses on the equal rights and protection of all citizens and provides special provisions for the protection and empowerment of marginalized groups. Article 27 provisions for establishing Women, Dalit, Indigenous, Madheshi, Tharu, Muslim, and Inclusion Commissions. Article 38 focuses on the rights of women. It provides equal inheritance rights to women and ensures the right to a violence-free life.

In addition, the Constitution of 2015 set quotas for women and marginalized groups to hold elected office positions. The mandated reservation for women in the local elections expressed as a percentage was 40.4 percent<sup>36</sup>. In ward committees in urban and rural municipalities, at least two of the four ward members should be women, one of whom must be from the Dalit caste. Political parties should field at least one-woman candidate between the mayor and deputy mayor, and between chair and deputy chair of rural municipalities, as per election law. Also, a minimum of three women should be included in the nine-member District Coordination Committees. However, enforcement of electoral quotas is lacking.<sup>37</sup> Key informants and focus

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<sup>36</sup> "Nepal's Local Elections 2017: Final Observations Report," Democracy Resource Center, November 2017, [https://www.democracyresource.org/wp-content/uploads/2017/11/DRCN\\_Local-Election-Final-Observation-Report\\_Eng.pdf](https://www.democracyresource.org/wp-content/uploads/2017/11/DRCN_Local-Election-Final-Observation-Report_Eng.pdf).

<sup>37</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding observations on the sixth periodic report of Nepal (2018). See Democracy, Human Rights and Governance findings for more details.

group discussion at the federal and provincial levels noted that despite very progressive provisions in the constitution, these are often not enforced because laws and policies are not formulated to back up the aspirations of the constitution.

Article 40 provides Rights to Dalits to participate in all state and non-state bodies, making special provisions for their representation and participation in public services and other sectors of employment. Yet, concerns are now being raised that the elites within the ethnic groups are capturing the reservations, instead of the poor and most marginalized.<sup>38</sup> During the field interviews, some participants raised that the lowest of the marginalized are not benefiting from the quota and reservation system. Focus group discussions with Tharu, Badi, Raji, Muslims, Madheshis, and the Dalits within Madheshis, felt left out of the process. For example, at the ward level, there is a reservation system to ensure 50 percent of the members are women, and at least one Dalit is included (because historically Dalits have been highly discriminated against). However, in Province 7, Janjatis noted that although they are considered a marginalized group, there is no quota for them at the ward level. KIs and focus group discussions from the field underlined that all Janjatis are identified as one community, and the marginalized within Janjatis are left out. Political parties also are supposed to reserve seats aligned with the constitution; however, some of them are having trouble drawing diverse groups to join them.

The Public Service Commission (PSC) is legally required to reserve government positions for marginalized groups. However, in a recent vacancy in June 2019, which was supposed to include over 9,000 positions, it failed to create positions for the allotted groups. For example, people with disabilities were supposed to have 206 reserved positions, but only four positions were created. Janjatis should have had 1,113 reserved positions, but only 508 were created. The PSC has not balanced the representation of different castes within the government bureaucracy. As seen in Table 1 below, the different castes are not represented proportionally in government jobs according to their population size. For example, the representation for Madheshi Brahmin/Chhetri is less than a quarter of their population and half the proportion of the population for the Khas-Arya. Muslims and Dalits have far lower representation in the civil service relative to their population size.

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<sup>38</sup> USAID/Nepal DRG Assessment.



**Table I: Population of Different Castes/Ethnic Groups and Their Representation in Civil Service**

Categories	Total population (%)	Representation in Civil Service (%)
Madheshi Brahmin/ Chhetri	0.8	3.3
Khas-Arya (Pahadi Brahmin/ Chhetri)	31.2	61.5
Newar	5	7.9
Other Madheshi Castes	14.5	9.7
Janjati	23.5	13.6
Tharu	6.6	3
Muslim	4.4	0.7
Dalit	12.6	1.4

Source: Adapted from Sunam, 2018. Samabeshita ko Bahas. Samata Foundation  
Population data is from the 2011 Census Report. Civil Service Data from 2014 by TU

### Citizenship

Article 18 of the constitution states, “All citizens shall be equal before law; and no person shall be denied equal protection of law.” Article 38 of the Constitution further says, “Every woman shall have equal lineage right without any gender discriminations.” However, there are discriminatory provisions which limit the mother’s ability to transfer citizenship to her children.

*Our office provided citizenship to a woman, who had to face the hardship of going from one office to another for 19 years. Less than 5 percent of the population are aware of their rights such as Vital Registration). If they are not aware, how will they access justice.*

- A Government official, Dhanusha, Province 2

*The law states that children can get citizenship by the name of their mother, but in reality, it doesn’t happen. Females have to go through a great hassle in the government offices to fight for their rights. The government has made a policy, but there is no implementation.*

- A province-level NGO representative, Province 2

Despite constitutional provisions, the bill requires applicants seeking citizenship based on the mother’s nationality to submit an affidavit stating s/he does not know her/his father. Another option is for the mother to submit an affidavit saying she does not know her child’s father. The constitution states, “citizenship can be passed on to those whose mother or father was a citizen of Nepal at the time of his/her birth. However, this clause is succeeded by a provision

stating that it would not be applicable to Nepali female citizens married to a foreigner.”<sup>39</sup> Moreover, unlike for Nepali men, there are reservations in Nepali women’s ability to confer citizenship to their children. A person with a Nepali mother and foreign father is provided with naturalized citizenship provided they have permanently resided in Nepal and do not hold citizenship of another country.

Foreign men married to Nepali women cannot obtain naturalized citizenship, but foreign women married to Nepali men can become naturalized citizens. Additionally, unlike citizenship by descent, naturalized citizenship is not a right. Single mothers, children born out of rape, and those whose biological fathers refuse to acknowledge them are dependent on state officials handling their applications. They are faced with legal battles when trying to claim citizenship, and, without citizenship, women and their children are prevented from fully participating in economic and social activities. They cannot open bank accounts, obtain drivers licenses, vote, access education, manage property, acquire travel documents, benefit from social services, and apply for employment in the public sector.<sup>40</sup>

Those from marginalized groups are most likely to suffer from being unable to acquire citizenship. Dalits face citizenship problems because, unlike others, they may not have obtained birth registrations and other legal documents (e.g., birth certificates, certificates attesting one’s lineage, receipt of house tax, etc.) necessary to process their citizenship since the time of their forefathers. The Dalit Civil Society Organizations’ Coalition state that Dalits who attempt to acquire citizenship using their surname (different than the caste name), including children of Badi women<sup>41</sup> and inter-caste married couples, are harassed and discouraged by the authorities.<sup>42</sup> In Province 7, key informants reported that Badi women are not able to acquire citizenship for their children because many of them are sex workers and cannot provide the identity of the child’s father.

The Vital Registration System (VRS) has only existed in Nepal since the mid-’70s, and many people still do not utilize it. A government official from Province 2 noted that most people are not aware of their rights or of state mechanisms, such as VRS. Many Madheshis in the Terai (Province 2) face challenges in acquiring citizenship and have opposed the current constitution’s restricted approach to obtaining citizenship. To address citizenship demands by Madheshis, the GON sent special teams in 2007-2008 to give people citizenship based on birth. During this time, almost 190,000 people obtained citizenship by birth, but their children did not receive citizenship due to the non-enactment of the laws.<sup>43</sup> A human rights lawyer stated that these children were entitled to citizenship certificates based on the descent but, due to non-

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<sup>39</sup> <https://kathmandupost.com/columns/2020/03/08/nepali-women-are-unequal-by-law>.

<sup>40</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding Observations on the Sixth Periodic Report of Nepal (2018).

<sup>41</sup> Badis are Hill Dalits in Southwest Nepal. Typically, Badi women are prostitutes so often the father of the child is not known; and Badi men are common laborers.

<sup>42</sup> Mohan Sunar, Bishokarma K, Poudel S, Nepali P, B.K. S, Manabi A (2015). Human Rights Situation of Dalit Communities in Nepal. <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>.

<sup>43</sup> “Lawmakers Raise Madhesis’ Concern About Citizenship Denial in House, The Himalyan Times, Mary 19, 2018, “<https://thehimalayantimes.com/nepal/lawmakers-raise-madhesis-concern-about-citizenship-denial-in-house/>.

enactment of federal laws, the district administration offices have not issued citizenship certificates to the children of citizens by birth.<sup>44</sup> Additionally, due to the open and highly porous border with India, many conservatives fear that Nepal will become overrun by Indians, with Indian men marrying Nepali women to obtain citizenship and then attain positions of power<sup>45</sup>. This is one reason that foreign men find it challenging to obtain Nepali citizenship.

Nepal has made a milestone in the LGBTQI movement, the only country in the Asian region to provide legislative protection to the LGBTQI people against discrimination, providing constitutional guarantees for LGBTQI rights. For sexual and gender minorities, a 2007 landmark Supreme Court decision acknowledged the rights of sexual minorities. It directed the government to make necessary arrangements – including enacting new laws or amending existing ones – to ensure that people of different gender identities and sexual orientations could enjoy their rights without discrimination. The decision was a major step in decriminalizing other gender identities and sexual orientations, enabling transgender individuals to obtain citizenship and passports under the “O,” or other category.<sup>46</sup>

The 2015 constitution protects the LGBTQI community against discrimination, violence, and abuse. It also guaranteed the LGBTQI community rights to have citizenship identity that reflects their preferred gender and given the right to equality. However, as a respondent at the Federal level noted, the rights of LGBTQI are included in the constitution, but laws to ensure their rights are yet to be written or enacted. Participants of KIIs and FGDs from the LGBTQI community also felt that their issues were diluted and that government representatives and bureaucrats do not address their needs, such as their citizenship needs. The main issue that LGBTQI members in Province 2 raised was the challenges that non-binary individuals have in obtaining citizenship rights. A representative from the Blue Diamond Society in Province 2 explained that a person that identifies as non-binary must obtain a letter from a doctor to get citizenship rights. The citizenship law also is silent about same-sex couples. The analysis team was unable to determine the citizenship challenges faced by LGBTQI community members belonging to Dalit and another marginalized ethnic group, as a relevant respondent was not available.

The impact of inequalities in citizenship laws, policies, and practices on the most marginalized groups are further evidenced by the most recent survey for the *State of Social Inclusion in Nepal* (SOSIN, 2018), which reveals that females and males from the marginalized Dalit communities without citizenship are highest among the following groups: Dom (59 percent), Santhal (59.9 percent), and Halkhor (62.8 percent). Among males, lack of citizenship is high for the following: Dom (77 percent), Marwadi (79.7 percent), and Santhal (81.4 percent).

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44 Ibid.

45 Bhatta, N. and Morch, M. Citizenship, Identity and Nepal's Contested 2015 Constitution. (September 19, 2019) The Diplomat. <https://thediplomat.com/2019/09/citizenship-identity-and-nepals-contested-2015-constitution/>.

46 Gender Equality and Social Inclusion Working Group. (2019). Leave No One Behind: A Common Framework for Gender Equality and Social Inclusion.

## Marriage Laws

Nepali marriage laws discriminate against women and same-sex couples. Nepali women do not have equality with men under marriage laws. The CEDAW Concluding Observations on the Sixth Periodic Report of Nepal (2018)<sup>47</sup> highlights several gender inequality issues regarding the marriage laws in Nepal.

- a) The contradictory provisions of the Civil Code that, although prohibiting bigamy, provide that, when a woman bears a child, the woman is automatically married to the father of that child;
- b) That marriage registration is not mandatory, which impedes women in unregistered and/or customary marriages from claiming their legal rights;
- c) That child marriages remain widespread, given that the Civil Code is not in line with the provision of the Criminal Code declaring child marriages null and void, and that section 173 (1) and (3) of the Criminal Code imposes punishments on children in early marriages;
- d) That the discriminatory practice of unilateral divorce (*talaq*) remains a current practice in some Muslim communities;
- e) The discriminatory provisions of the Civil Code that prevent women from claiming their property rights upon divorce if they do not provide food for their spouses; terminate common living arrangements with their spouses; inflict physical or mental harm on their spouses or plan to do so, or in cases in which the woman has had extra conjugal relations;
- f) The insufficient enforcement of the provisions of the Civil Code that grant equal status to sons and daughters regarding family property and inheritance.

For same-sex couples, Nepal's new Civil Code Act that came into effect in August 2018 has not criminalized same-sex marriage, but it defines marriage as an act of two opposite-sex people older than 20 years of age accepting each other as husband and wife.

## Foreign Employment Act

The preamble of the Foreign Employment Act, 2007 states it became necessary “to amend and consolidate the law relating to foreign employment in order to promote and make such profession secured, organized and respectful as well as to protect the right and interest of employee going for foreign employment and foreign employment entrepreneur.”<sup>48</sup> However, women and men are not treated equally under the Foreign Employment Act. There are restrictive provisions for women in the name of safety and security, which do not exist for men. Since 1985 until recently, the GON has developed specific policies to “protect” female migrant workers. These policies ranged from requiring females to obtain the approval of “guardians” (which could be parents for single females, and husbands for married females) to age

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<sup>47</sup> Source: CEDAW Concluding Observations on the Sixth Periodic Report of Nepal 2018.

<sup>48</sup> Government of Nepal, *Foreign Employment Act, 2042* (Nepali Calendar), <http://ilo.org/dyn/natlex/docs/MONOGRAPH/78258/83524/FI35762892/NPL78258.pdf>.

requirements to altogether banning their migration. In 2012, female domestic workers migrating abroad needed to be 30 years old, which was later lowered to 24 years old in 2016. However, in 2017, the parliamentary committee ordered the GON to stop allowing women to go to the Gulf countries as domestic workers. In 2019, the restriction on travel to Gulf nations for domestic work was partially lifted when migrant workers who were undertaking domestic work – whether having used legal channels or otherwise, or working under an accurate job description or not – were allowed to return and apply for re-migration to work for the same employers.

The restrictions in aspiring migrant workers persist. These restrictions on female migrants lead them to take unofficial travel routes, and many end up migrating via India. Many of those who use these irregular channels – especially displaced, rural, indigenous and marginalized women and men – often have to bribe officials to be able to leave and return. The fluctuating, rigid policies introduced by the government do not seem to be helping female migrants but, instead, are overburdening them with higher bribe fees and forcing them to use illegal migration routes, which puts them at a higher risk of becoming victims of trafficking in persons. The dangers of harassment, assault, rape, trafficking, and other dangers faced by female migrants in the process of migrating abroad are very real. The government could do considerably more to analyze, understand, and implement policies and interventions to ensure the safety of women and marginalized groups - who are more vulnerable - while not restricting their emigration.

### ***Institutional Practices***

The GON's commitment to GESI can be seen in the practical guidance developed by ministries. Currently, seven-line ministries – Agriculture, Education, Forest, Health, Federal Affairs and Local Development, Urban Development, and Water Supply and Sanitation – are implementing GESI policies and guidelines. Many also have established dedicated units with GESI focal persons to monitor progress.<sup>49</sup> But most focal points were and continue to be ineffective due to non-prioritization of the GESI portfolio by bureaucrats, inadequate training in this area, and frequent job transfers, making it difficult for them to address the GESI policies and objectives of ministries.

*In the Energy Ministry, I am assigned as the GESI focal person. Since I have been assigned as the GESI focal person I have to fulfill two roles. That is why I am unable to provide much time to GESI. I have to prioritize my regular work.*

– A government official, federal level

The KII respondent at the Ministry of Women, Children and Senior Citizen (MoWCSC) also confirmed the current challenges in human resources, noting that before federalism, the ministry had dedicated staff and an institutionalized structure at the district level. However, the transition to a federal system resulted in the staff transfer to local governments, which makes it

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<sup>49</sup> Gender Equality and Social Inclusion Working Group. (2019). Leave No One Behind: A Common Framework for Gender Equality and Social Inclusion.

very challenging for the MoWSC to reach its GESI related goals. The KII pointed out that, although the MoWSC serves 80 percent of the population (i.e., women, children, and seniors) through programs aimed at promoting equality and empowerment, the ministry only received 0.05 percent of the GON's 2019/20 budget, which is the second-lowest budget of all the ministries.

Non-state institutions, such as the Federation of Women Entrepreneurs Association of Nepal (FWEAN), are collaborating with the government and private banks to promote easy access of women in the business sector. Following research in all provinces, a FWEAN KII respondent stated they have a policy recommendation for creating female-friendly help desks. They have presented this to the various government ministries and banks and stated these would be implemented by the last quarter of 2020. The effectiveness of these help desks remains to be seen.

### **Gender Responsive Budgeting**

In 2007-2008, the GON translated its commitments to gender equality by adopting the Gender Responsive Budgeting (GRB) system within its economic strategy. GRB sought to ensure that the needs and interests of women, men, and children were adequately addressed in the annual budget. The GON established a Gender Responsive Budget Committee within the Ministry of Finance. After the Committee developed the methodology, the Ministry of Finance introduced a classification of budgetary transactions to incorporate gender-responsive budgeting into the budget, which mainly entailed categorizing public expenditure by benefits to women. The categorization, based on employee perception rather than any systematic method, was created so that all line ministries, departments, project/program units at all levels provide information classifying their demands for grants (on new programs and associated expenditure items) into three categories: directly gender responsive, indirectly gender responsive, and neutral.<sup>50</sup> The public budget expenditures also are classified into three categories: (i) Directly benefiting women: when more than 50 percent of women benefit from government-funded programs; (ii) Indirectly benefiting women: when 25 to 50 percent of women benefit from government-funded programs; and (iii) Neutral: When government-funded programs are beneficial to less than 20 percent of women. The scoring system considers different aspects of gender sensitivity, participation, capacity building, benefit sharing, increased access to employment and income-earning opportunities, and reduction in women's workload (See Appendix D2). Each of these indicators has been allocated a certain percentage of points. The budget directly contributing to gender equality increased from about 11 percent in 2007-08 to 38 percent in 2019-20.

However, there has been criticism of Nepal's system of gender budgeting, because the scoring method of the gender budgeting is seen as subjective and complex.<sup>51</sup> At the federal level, a ministry official in a KII noted that GRB is a coding activity, but no actual budget is directed towards GESI efforts. Lack of understanding, ownership, and continuity have all impacted its

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<sup>50</sup> Chakraborty, L. (2016). Asia: A Survey of Gender Budgeting Efforts. IMF Working Paper. Strategy, Policy, and Review and Research Departments. <https://www.imf.org/external/pubs/ft/wp/2016/wp16150.pdf>.

<sup>51</sup> Ibid.

effectiveness. Critics assess that although Nepal is progressive for having introduced a GRB system (which includes women’s time use considerations), more concrete and effective reforms are needed to make it more inclusive, accurate, and useful. Some suggestions are to address the gaps in the design and implementation of the GRB; create GRB entry points early on in the prioritization stage of budgets; involve marginalized women in planning and revising GESI policies to further adopt the GRB at the subnational level; and improve the collection of sex-disaggregated data to assess the budgetary impacts.<sup>52</sup>

Following the institution of federalism, local levels also are required to follow the GRB system. However, the analysis team notes local-level implementation has not occurred. Under the new structure, the federal government allocates a lump sum of money for each federal level ministry and local level. The federal-level ministries reportedly utilize the GRB system still. At the local level, however, governments are using the funds for other, mainly infrastructure, purposes and do not dedicate funds to address gender inequality and exclusion. The analysis team found little understanding of GRB and a lack of awareness on its utilization. Lack of capacity and non-prioritization are compounded by the absence of enforcement and oversight of GRB. In Province 7, an FGD participant from a marginalized Janjati community commented that, “After the federal system, the budget comes in bulk and does not come separately for targeted communities.”

The analysis team found that efforts at formulating GESI sensitive laws and policies to ensure participation, voices, and needs of marginalized in provinces and local governments are at an initial stage. Across the provinces and among policymakers, duty bearers, and the general population, the understanding of gender is limited to “women.” Marginalized groups are yet to be included. Likewise, the process of channeling for GESI considerations in the federal structure remains uncertain.

### **2.2.2. Laws, Policies, Regulations and Institutions and their Implementation: Weaknesses and Resistance**

Nepal continues to improve legal and institutional instruments to strengthen women’s rights and those of marginalized groups. It established protection mechanisms through the establishment of various commissions such as the National Women’s Commission and the National Human Rights Commission. However, despite the various laws and policies established to protect women and marginalized groups, they continue to face discrimination due to weak enforcement of laws, policies, and action plans. For some marginalized groups, such as LGBTQI, gender budgeting makes no reference to them. This is partly due to weak institutions, but mainly because the GON is not investing enough resources to protect the rights of women and marginalized groups.<sup>53</sup>

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<sup>52</sup> Ghimire, S. Nepal Economic Forum Website (August 6, 2019). [https://nepaleconomicforum.org/neftake/gender-responsive-budget-nepal-experience/#\\_edn1](https://nepaleconomicforum.org/neftake/gender-responsive-budget-nepal-experience/#_edn1).

<sup>53</sup> CEDAW Shadow Report, 2018.



The CEDAW Concluding Observations on the Sixth Periodic Report of Nepal (2018) also notes that the implementation of legislation is weak and does not sufficiently protect minority groups from discrimination. For instance, the implementation of the Caste Based Discrimination and Untouchability (Offense and Punishment) Act is very weak. Although the GON declared Nepal an untouchability free nation in 2006, in practice, Dalits still face constraints making them unequal members of society. The GON has encouraged inter-caste marriages using monetary incentives (NPR 100,000 per couple), since 2009, as a good way to promote assimilation and reduce caste-based discrimination. However, the incentives are not decentralized and accessible, and, those who choose inter-caste marriages, face discrimination and abuse and are regarded as outcasts, and in some extreme cases, are killed.<sup>54</sup>

Other significant areas of weaknesses include the statute of limitations, which provides for a period of one year to file cases of rape and other forms of sexual violence, which obstructs their access to justice and fosters impunity for such heinous crimes. Conflict-affected women and girls who were victims of rape and other forms of sexual abuse have not benefitted from interim relief and full reparations.

Discrimination and abuse against intersex persons, such as reported infanticide, forced marriage and the conduct of medically unnecessary procedures on Nepali intersex infants and children on the territory of the State party or abroad before they reach an age at which they are able to provide their free, prior, and informed consent further marginalize them.

Additionally, in the health sector, reference is made to the lack of information and access to high-quality sexual and reproductive health services, along with discriminatory behavior of service providers. The restrictions on freedom of movement among migrant women workers, inadequate pre-departure orientation training, and support mechanisms for returnee migrant women workers further expose them to risks and vulnerabilities. Inadequate consultations with civil society organizations and the National Human Rights Commission in the process of drafting legislation further inhibit the ability to ensure legal frameworks that ensure the rights of the marginalized.

The *Human Rights Situation of Dalit Communities in Nepal* report also highlights that although the government has set up the infrastructure to oversee and advance the progress of human rights in Nepal<sup>55</sup> (e.g., the National Human Rights Commission, the National Women Commission, the National Dalit Commission, and the National Muslim Commission), these institutions are often not well equipped. For example, after the announcement of a National Dalit Commission, the government took a long time to establish a statutory mandate.<sup>56</sup> Furthermore, the GESI Analysis team notes that six commissions - National Dalit Commission, National Inclusion Commission, Muslim Commission, Madheshi Commission, National Indigenous Nationalities Commission, and Tharu Commission – are still not staffed adequately and they lack the

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<sup>54</sup> Ibid.

<sup>55</sup> Rebecca Holmes, et al., *Nepal's Cash Allowances for Children With Disabilities* (UNICEF), <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12420.pdf>.

<sup>56</sup> Ibid.



essential capacity, resources and independent status to fulfill their mandates. After four years, the GON finally appointed secretaries to the six commissions in November of 2018, but the GON has yet to appoint chairpersons and members.

The 2011 census indicated that 1.94 percent of the population (513,321 people) self-reported a disability, while the Nepal-Living Standards Survey conducted in the same year, estimated that 3.6 percent of the population were people with disabilities (CBS, 2011a; CBS, 2011b). The Disability Rights Act of 2017, replacing the Disabled Persons Welfare Act of 1982, has widened the definition of persons with disabilities in line with the Convention, recognized the intersectionality within disability, eliminating derogatory narratives and criminalizing the use of such narratives. The National Penal Code of 2017 criminalized discrimination based on disability with a heavy penalty. The government provisions for persons with disabilities of any age to apply for a disability identity card free of charge at the Women and Children Development Office of the concerned district. The government provides, based on assessment services and assistance, a) social assistance, subsidies, quotas, and scholarships, b) assistive devices, physiotherapy and health services, c) rehabilitation services, specialized education, and d) specialized education.

However, even accessing of government services are challenged by several barriers, such as ignorance about available services and the process of availing these, lack of information on documents to be submitted for receiving allowance, challenges in obtaining appropriate documents to apply for the card, lack of clarity on how the assessment guidelines are reviewed, and concerns of corruption. A study on disability notes that based on available 2014 and 2015 data, the percentage of individuals who report having a disability but do not hold a disability card of any color as 83 percent. For children with disabilities, this rate is slightly lower, but still concerningly high, at 78 percent. According to Action Strategy on Children with Disability, Save the Children, only 48.8 percent of persons with disabilities have received identity cards; children with disabilities are four times more likely to experience violence than children without disabilities; Girls with disabilities face sexual abuse before they reach 18 years of age. While the threat of stigma and discrimination is high among the population, conditions are worse for those from marginalized communities. For girls and women with disabilities, the threat of sexual exploitation remains high.

In Province 2 and 7, FGD participants noted that currently the government is very focused on infrastructure development, however, the access to information on available government services and facilities, and ensuring these services are not being considered in the design of these projects. In Province 7, participants with disabilities stated that the earlier government system was better because there were funds set aside to assist them. In the current system, it seems hard to access the resources, and they said they are required to have matching funds to receive assistance. Similarly, in Province 2, the President of the National Federation of Disabled Nepal underscored the challenges persons with disabilities face under federalism,

*“Before federalism, it was easy to receive the disability card at the district. Now, it is a hassle, when it can be easily distributed by the local level why do we have to go to Zonal hospital? It is specifically mentioned in the constitution that either a committee or a doctor has to certify the category of disability. To receive a medical certificate, a person has to go to Zonal Hospital, which is at times difficult for disabled as well as their care-taker.”*

This is an example of misunderstanding of the new system, and possibly miscommunication between local level representatives and community members. The Human Rights for Persons with Disabilities Act, 2074 (2017) states that the Local Level can issue a disability identity card if the disability is apparent. If it is not apparent, the Local Level would pass on the application to a coordination committee to make the decision. The coordination committee can evaluate and make a decision, or if necessary, have a medical checkup at a government hospital of the person applying at the expense of the Local Level.

The government is perceived as not genuinely practicing the inclusion policies, as reflected by the appointment of five secretaries from the Khas-Arya community. The secretaries play an important role in framing and implementing the policies for the empowerment of marginalized groups, and the dominant ruling castes usually fail to fully understand the problems of the people they are supposed to empower and protect.<sup>57</sup> Moreover, the vested interests of the political parties have prevented them from providing strong leadership in various commissions and is reflective of the lack of importance afforded to women and marginalized groups' interests. Political leaders, policymakers, and duty bearers lack a strong political will to push for GESI transformations, as shown by their tokenism and insensitive behaviors and attitudes towards women, marginalized groups, and vulnerable populations. Deep-rooted discriminatory values and beliefs are reflected in such behavior.

*There is a “Human Right for Disabled 2074” policy. The constitution has also mentioned laws and policies based on these but the implementation of these are not seen.*

- The President of the National Federation of Disabled Nepal, Province 2

*The laws and policies regarding GESI issues are adequate but for the implementation part is negligible. Most of the elected representatives are not aware of these issues.*

- FGD, CSO in Banke, Province 5

### **2.2.3 Gender-Based Violence and Laws and Policies to Prevent and Respond to Gender-Based Violence and Their Enforcement**

#### **Gender-based Violence**

Various forms of GBV in Nepal include child marriage; female infanticide; child sexual abuse and pedophilia; dowry-related violence; sexual harassment, rape; untouchability, witchcraft accusation; sex and labor trafficking; bonded slavery; corporal punishment in schools which tend to be higher for boys; school bullying; domestic violence; widow abuse; acid attacks; LGBTQI population abuse, including violence against lesbians; and violence against persons with mental and physical disabilities, and the conflict-affected persons; GBV based on cultural norms and beliefs such as *Chhaupadi*, *Jhuma*; and violence against women in politics. Some forms of

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<sup>57</sup>Ram Kumar Kamat (Nov 15, 2018). Himalayan Times. Government Not Following Inclusion Policy: Deployment of Commissions Secretaries. <https://thehimalayantimes.com/nepal/govt-not-following-inclusion-policy/> .

GBV, such as domestic violence, child marriage, sexual harassment, school bullying, violence against the LGBTQI, and trafficking, are prevalent across the nation. Others, such as *Chhaupadi*, untouchability, dowry deaths are more concentrated in some provinces, as discussed below. (See Appendix D3: Key Statistics on GBV)

For the LGBTQI community, the last couple of decades has seen extraordinary political victories for LGBTQI community, with “a Supreme Court ruling in December 2007 that promoted the human rights of LGBTQI people including anti-discrimination, same-sex marriage and the explicit recognition of transgender people.”<sup>58</sup> Despite these, they continue to face violence in various aspects of their lives, such as within the home, at work, in educational and health institutions. The Nepal Country Report: Being LGBTQI in Asia highlights, “homophobic and transphobic bullying, and the lack of an LGBTQI- friendly environment in educational settings,”<sup>59</sup> with prejudices coming from other students, teachers, and even education officials. Various safety concerns faced by LGBTQI individuals continue to challenge them such and bureaucrat officials' discriminatory behaviors towards LGBTQI individuals in getting citizenship and other formal documents in their gender identity, and arbitrary arrests and police violence. A recent report submitted by Blue Diamond society to CEDAW (2018) highlights that within the marginalized LGBTQI community, LBTs are the most marginalized and continue to remain hidden, facing multiple layers of violence.<sup>60</sup>

The CEDAW Shadow Report (2018) notes that although there are legal frameworks to address GBV cases, such as the Domestic Violence (Crime and Punishment) Act, 2006, the 2015 Constitution of the Federal Republic of Nepal and the Criminal (Penal Code) 2017, these laws are not effectively implemented.<sup>61</sup>

GBV in Nepal has undermined Nepal’s development goals across various sectors and remains a critical concern to be addressed. Concerted efforts from civil society organizations, women and human rights activists, and the government to address GBV have included research, advocacy for legal and policy reforms, and prevention and response programs. Other key response efforts include the establishment of One Stop Crisis Management Centers (OCMC) in public hospitals (currently there are 62, and the government plans to extend to 77 districts in the near future), the construction of Safe Homes and Rehabilitation Homes; the development of a GBV Clinical Protocol; training of health workers and psychosocial counselors to provide services; and setting up of a GBV Relief Fund. Nevertheless, GBV survivors are unable to access state services and mechanisms due to corruption, inadequate capacity of service providers, and their inappropriate demeanor in dealing with GBV victims.<sup>62</sup> Many survivors remain unaware of

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<sup>58</sup> USAID and UNDP, *Being LGBT in Asia: Nepal Country Report* (Bangkok, Thailand), [https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2014-blia-nepal-country-report.pdf](https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-nepal-country-report.pdf).

<sup>59</sup> Ibid

<sup>60</sup> Blue Diamond Society, *Discrimination and Violence Against Lesbian and Bisexual Women and Transgender Persons in Nepal*, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT\\_CEDAW\\_NGO\\_NPL\\_30008\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_NGO_NPL_30008_E.pdf).

<sup>61</sup> CEDAW Shadow Report 2018.

<sup>62</sup> Sahavagi, D. B. (2015) *Progress of Women in Nepal. Substantive Equality: Non-Negotiable*. Feminist Dalit Organization: Kathmandu, Nepal. Supported by UN Women.

existing services. Those who seek the services are faced with structural weaknesses, such as ineffective bureaucratic culture, lengthy procedures for filing cases, the unwillingness of police to register First Information Reports, the inability of security agencies to enforce laws, and the political protection of perpetrators that promotes their impunity. Those from marginalized groups face even greater challenges when trying to report GBV.

In an FGD with marginalized groups in Province 7, participants shared that victims, including a daughter of a widow and a poor Dalit family, encountered continued threats when attempting to seek justice for sexual abuse. FGD respondents indicated marginalized groups are vulnerable to multiple forms of threats and discrimination by the perpetrators, community members, and even service providers. Voices from the field underscored elected representatives at local levels are not free from GBV. Many continue to be discriminated based on their gender and caste, and their voices remain unheard.

### **Trafficking in Persons**

Nepal is a source, transit, and destination country for women, men, third gender, and children subjected to sex trafficking and forced labor. Historically trafficking in persons (TIP) routes were internally within Nepal and to India, but now additional destinations include other South Asian countries, the Middle East, and Africa.<sup>63</sup> In addition to sex and labor trafficking, the National Human Rights Commission cites additional forms of trafficking that are taking place for child marriage, forced marriage, fake marriage, domestic servitude, circus work, and removal of organs.

TIP is a criminal activity, but there is a dearth of data on the number of TIP cases. The only figures available are for the reported cases of survivors. The U.S. State Department's *Trafficking in Persons Report (2019)* summarizes recent cases. "The Nepal Police Women's Cells (NPWCs) conducted 313 investigations under the HTTCA during the Nepali fiscal year, compared with 227 cases in the previous fiscal year. The 313 cases involved 546 alleged traffickers, of whom 447 had been arrested, and 99 remained at large. NPWC investigated crimes in which women and girls were the primary victims; other police investigative units handled crimes involving male victims. The CIB investigated 13 transnational trafficking cases and arrested 14 suspects between April and December 2018, compared with eight transnational cases during the same period in 2017. The government-initiated prosecutions in 285 cases during the fiscal year and continued prosecution of 190 cases it had initiated in previous years, compared with initiating prosecutions in 303 cases and continuing prosecutions in 184 cases in the previous fiscal year. Officials did not disaggregate data to distinguish between sex and labor trafficking cases. At the district level, courts convicted 213 traffickers during the fiscal year, a significant decrease from 274 and 262 trafficking convictions during the previous two fiscal years. District courts

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<sup>63</sup> Trafficking in Persons National Report (2018). National Human Rights Commission.

acquitted 113 accused, compared with 233 acquittals the previous fiscal year. The government did not report sentences prescribed to convicted traffickers.”<sup>64</sup>

The GON’s *Trafficking in Persons National Report (2018)* states that in 2016/17, the highest number of reported cases (76) was in Province 3. A KII from Shakti Samuha (an NGO run by TIP survivors) also supported this by stating, “*Trafficking is more prevalent in Province 3 and much less in Province 1 and 2 (less in Madeshi community). Many girls who accompany their parents (migrate for work) become victims of sex labor.*” Additionally, more than three fourth of the trafficking cases are from the following 10 districts: Kathmandu, Rupandehi, Banke, Kanchanpur, Sunsari, Jhapa, Chitwan, Makwanpur, Bardiya, and Parsa. This national report also highlights that the Nepal Police records from FY 2012/13 to 2017/18 show that most trafficking victims are females (78 percent), but there are also male victims (22 percent). The police did not have records of TIP victims who were third gender. However, in Sunsari District, the Blue Diamond Society (an NGO run by LGBTQI) and other stakeholders reported there were third gender persons who were TIP victims. The National Human Rights Commission found that most victims do not have any education (86 percent in FY 2016/17). The FY 2017/18 data shows most TIP survivors are Janjatis (49 percent), followed by Brahman/Chhetris (29 percent), Dalit 15 percent), and Madeshi (6 percent).

The United States Department of State Annual Trafficking in Persons Report (2019) placed Nepal on the Tier 2 list. Governments on Tier 2 do not fully meet the minimum standards of the TVPA but are making significant efforts to bring themselves into compliance with those standards<sup>65</sup>. The GON has some laws and policies in place, but some like the 2007 HTTCA do not fully meet the minimum standards to eliminate trafficking. The 2007 HTTCA criminalized some forms of sex trafficking, labor trafficking, slavery, and bonded labor; however, recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor are not criminalized. On 12 March 2020, the House of Representatives passed the proposal to ratify the Palermo Protocol, i.e., Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and there is much expectation existing gaps and weaknesses will be addressed.

The 2002 Bonded Labor (Prohibition) Act and the Child Labor Act criminalized bonded labor and forced child labor, respectively, but neither have sufficiently stringent penalties. The 2007 Foreign Employment Act Act has criminalized fraudulent and deceptive labor recruitment. The GON endorsed the Children’s Act (2075) in 2018, which prohibits the use of children in several sectors, including the adult entertainment sector.

The government demonstrated increasing efforts through increased trafficking investigations, prosecutions, and convictions. Law enforcement investigated and arrested several allegedly complicit officials. With government support, non-governmental organizations (NGOs) opened two rehabilitation homes, 19 emergency shelters, and 19 community service centers for female

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<sup>64</sup> U.S. Department of State Trafficking in Persons Report 2019.

<sup>65</sup> U.S. Department of State. Trafficking in Persons Report 2018. Available at <https://www.state.gov/wp-content/uploads/2019/01/282798.pdf>.

victims of GBV, including trafficking. However, the GON's laws do not prohibit all forms of forced labor and sex trafficking, and it continued to lack standard operating procedures on victim identification and referral to rehabilitation services. Additionally, the GON has focused all protection efforts on female victims, even though many male migrant workers experience abuse abroad. The government did not report providing any services to male victims during the reporting period.<sup>66</sup>

Fieldwork for both the GESI Analysis and the Democracy, Human Rights, and Governance (DRG) Assessment indicate there is a general perception that sex trafficking is gradually decreasing but forced labor and abuse of migrant males abroad is increasing. The perception is based on the understanding that cross border trafficking of girls and women to Indian brothels for sexual exploitation has comparatively declined from the earlier decades. This also is based on the lack of awareness and understanding of existing internal trafficking and trafficking, which occurs among migrant workers. However, GON data shows there is no decline in sex trafficking. The National Human Rights Commission TIP Report (2018) cites that the Armed Police Force of India found a considerable increase in the number of girls trafficked for sexual exploitation between 2012 to 2017. The number of cases increased from 72 in 2012 to 607 in 2017.<sup>67</sup> It must be observed that these are documented cases from one location, versus the hundreds or thousands of unknown and unreported cases. One possibility for the gap between people's perception and the TIP data is that the public has been hearing about sex trafficking for years, but cases of labor trafficking of males are only now beginning to gain attention while much of women labor trafficking remains unreported. Another critical issue is internal trafficking from rural communities to urban cities such as Kathmandu and Pokhara. Anecdotal evidence from the field indicates that this trend is rising, and the age of the survivors is getting younger.

A significant challenge to combating TIP is official complicity in trafficking offenses. NGOs report that some police and political party leaders have financial interests in the adult entertainment sector and had been complicit in domestic sex trafficking. They stated that some traffickers had impunity due to their political connections or ability to bribe the police.<sup>68</sup> There was widespread agreement among media, CSOs, and some law enforcement officials across provinces 5 and 7 and in Kathmandu regarding such complicity. The GON has had fluctuating policies to restrict the migration of females in order to protect them, which has exasperated the problem and led to women using illegal routes, putting them at high risk for trafficking. Immigration officials have been known to be complicit in allowing females to migrate abroad by taking bribes from them or the traffickers. In 2017, a parliamentary committee stated immigration officials allowed females to depart from the airport without completing the necessary migrant work procedures for exiting. The committee estimated that 60 percent of

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<sup>66</sup> United States Department of State. *2018 Trafficking in Persons Report*. – Nepal. 28 June 2018. Available at: [www.refworld.org/docid/5b3e0acla.html](http://www.refworld.org/docid/5b3e0acla.html).

<sup>67</sup> Trafficking in Persons National Report (2018). National Human Rights Commission.

<sup>68</sup> U.S. Department of State Trafficking in Persons Report 2018

Nepali domestic workers employed in the Gulf states were illegal and did not have visas and safeguards.<sup>69</sup>

There are very few reported TIP cases. Those who report have little hope of justice due to the perpetrators' linkages and the political influences at play, corruption, and the resources used by perpetrators to change the case dynamics in their favor, the delays by the duty bearers (law enforcement and judiciary), and lack of compensation to the victim during cases as well as following convictions of alleged perpetrators. It is noted that unless survivors have support from CSOs, their chances of receiving justice remain slim. In the few cases where compensation is provided "courts have been relying on the economic status of offenders rather than harm caused to the victim while determining compensation<sup>70</sup>." The study highlights that the compensation amount levied depends more on the offender's capacity rather than the nature of crime and harm caused to the victim. Following the enactment of the Crime Victim Protection Act, the 2018 provision of Victim's Fund and Interim Relief has raised hopes that survivors would receive compensation. However, to date, the Guidelines are yet to be framed.

*Compensation for TIP survivors is still a big challenge. According to law, the perpetrator has to provide 2 lakhs from his wealth to the victim. The problem is the perpetrator never keeps wealth in his name. In one of the cases, the perpetrator had to compensate a victim with 2 lakhs, but instead the perpetrator agreed to serve additional days at the jail.*

– A KII with Shakti Samuha, Federal Level.

## **Sexual Harassment**

Sexual harassment is a concern which girls, women, the LGBTQI community, and those from the marginalized communities have long endured. They are prevalent within families, friends, in schools from male teachers to students and among peers, between unknown persons, as well as in workplaces. Information from the field (2, 5, and 7) revealed forms of sexual harassment could vary from emotional and verbal physical and sexual. It also was noted the trend to report sexual harassment is low, and that when sexual harassment is reported, there is little hope for justice.

The CEDAW Committee's Concluding Observations on the Sixth Periodic Report of Nepal raises three important concerns for working women. Firstly, the lack of awareness of women employed in the formal and informal sectors of their rights under the Contributions-based Social Security Act, and "the insufficient funds allocated for its implementation." Second, the poor implementation of the Sexual Harassment at the Workplace (Elimination) Act, and the underreporting of sexual harassment cases. Thirdly, the inadequate inspection of formal and

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<sup>69</sup> Ibid.

<sup>70</sup> Center for Legal Research and Resource Development.. (2019) Analytical Study of Judgements Made by Nepalese Courts in Pronouncing Compensation in Child Sexual Abuse. Kathmandu.



informal workplaces (including domestic work and entertainment establishments), which leads to weak enforcement of the working conditions described in the National Labor Act.<sup>71</sup>

### **Child Sexual Abuse**

The Human Trafficking and Transportation (Control) Act, 2007, and the Children's Act, 2018, are two laws being used when there are cases of human trafficking or when crimes are committed against children. Despite being a newly enacted law after revising previous Children's Act 1992 (B.S. 2048), definitions and activities that constitute child sexual abuse and exploitation under the Children's Act 2018 are still vague and overlapping. Furthermore, similar provisions in the Penal Code 2017 on child sexual abuse have added confusion. Sec. 66(3) provides a list of activities that constitute sexual abuse against children. Among them, activities mentioned in 66(3)(e) to 66(3)(j) are difficult to differentiate as different types of crimes in the absence of their definition. The act mentions touching, kissing, catching of sensitive organs with sexual intention, or hugging, or making to touch or catch one's or third persons sensitive organs, or making unconscious for sexual purpose or showing or making the children to show sexual organs<sup>72</sup>; use of children for sexual stimulation<sup>73</sup>; use of children for sexual satisfaction<sup>74</sup>; sexual exploitation or making others to do so<sup>75</sup>; use of children for sexual gratification<sup>76</sup>; and use of children for sexual abuse as different types of crimes; however, these crimes are difficult to differentiate from one another. The Act in Section 66(3) contains vague and overlapping provisions. These are creating challenges during convictions of perpetrators.

#### **2.2.4 Legal, Policy, and Institutional Framework on GBV**

Nepal has numerous laws to address GBV and protect the rights of women and girls. Previous GBV laws include the Human Trafficking and Transportation (Control) Act 2007, Domestic Violence (Offence and Punishment) Act 2009, the prohibition of child marriage, and setting the law on child marriage at age 20 (one of the highest in the world). Additional recent substantial legal reforms include marital rape being defined as a criminal offense (2017); Sexual Harassment at the Workplace (Elimination) Act of 2015 and the enactment of the new National Penal Code of 2017, together with the Criminal Procedure (Code) Act of 2017, the Criminal Offences (Sentencing and Execution) Act of 2017, the National Civil Code of 2017 and the Civil Procedure (Code) Act of 2017. The main challenge now is to ensure under the new federal structure that the three government tiers collaborate and ensure that these laws and policies are fully implemented at the federal, provincial, and local levels.<sup>77</sup>

Key institutions assigned to implement GBV related policies and plans include: Ministry of Women, Children and Senior Citizen, Ministry of Home Affairs, Ministry of Labor and

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71 Ibid.

72 Sec. 66(3)(e) of the Children's Act, 2018.

73 Ibid. Sec. 66(3)(f).

74 Ibid. Sec. 66(3)(g).

75 Ibid. Sec. 66(3)(h).

76 Ibid. Sec. 66(3)(i).

77 Report of the Special Rapporteur on Violence Against Women, It's Causes and Consequences.



Employment, Ministry of Health and Population, law enforcement agencies, National Women's Commission, National Human Rights Commission, and the National Planning Commission<sup>78</sup>. Positive efforts are visible in amendments to the Civil Service Act, Police Act, and Army Act have resulted in increasing women and marginalized groups' participation (NPC 2016) in the concerned institutions.<sup>79</sup> To combat all forms of violence against women, children, and senior citizens, the government has established women, children, and senior citizens service centers in a total of 240 police units across all seven provinces of the country.

Budgetary allocation to the Ministry of Women, Children and Senior Citizen, decreased from 0.35 percent of the total national budget in 2009/10 to 0.26 percent in 2015/16,<sup>80</sup> and is only 0.051 percent for the fiscal year 2019/2020. In the current federal structure, the previously allocated budget for women and the socially marginalized has been removed, with local authorities being assigned the responsibility of ensuring it. This presents a risk of GESI budgetary allocation being overshadowed as current field findings indicate many are utilizing the budget for infrastructure purposes, and there is a risk of not channeling back these resources. The government plans to expand OCMC to 77 from 62, but this may be a challenge if the budget is not yet dedicated. The GESI Analysis team's interview with the OCMC in Province 7 revealed it was not functional due to the delay in receiving the budget from the federal government.

Under the new federal structure, the local government has the authority to address GBV, and Judicial Committees at the local level are supposed to facilitate access to justice, especially for women in rural areas. The committees are chaired primarily by the Deputy Mayor or Vice-Chair (the vast majority are females) and have representation from minority groups, including Dalits and indigenous communities. Despite this impressive effort to be inclusive, the Special Rapporteur on Violence Against Women raised concerns that the committees lack legal expertise and knowledge of gender-sensitive investigation procedures among committee members. During the fieldwork, KII from a Judicial Committee raised that they tried to handle a rape case, but they found they were not well equipped to address such a sensitive and serious crime. Also, results may be limited as the relationship between the committees and court procedures is unclear, and the quasi-judicial and political nature of committees leaves them open to influence.<sup>81</sup> There are also trained mediators across the nation who can support the Judicial Committee in addressing some forms of GBV. However, the analysis team noted that very few elected leaders have knowledge about the mediators or can mobilize them. Finally, under the new federal structure, there is insufficient coordination between federal, provincial, and local structures.

Unfortunately, local governments have not prioritized issues such as GBV, and as field interviews indicated, the government representatives are more focused on infrastructure

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<sup>78</sup> Sahavagi, D. B. (2015) Progress of Women in Nepal. Substantive Equality: Non-Negotiable. Supported by UN Women. Feminist Dalit Organization, Kathmandu, Nepal.

<sup>79</sup> Government of Nepal (2018) Mid-Term Review of the 2013 Asian and Pacific Ministerial Declaration on Population and Development, 2018

<sup>80</sup> Ibid.

<sup>81</sup> Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences (2019).

development. Despite laws and policies, authorities are reluctant to register GBV cases and prosecute perpetrators. Authorities prefer to use mediation instead of going through the steps of prosecution. This is mainly due to social pressure and a patriarchal society that accepts GBV. This practice leads to a culture of impunity for perpetrators and injustice for victims.<sup>82</sup> Furthermore, it demonstrates that the interests of women and marginalized groups are not prioritized, impunity for those breaking the laws prevails, and women and marginalized groups can access but cannot yet receive justice, all of which create a lack of trust in the government and its systems. There was a widespread perception across the provinces that corruption is a significant deterrent to GBV survivors accessing justice. The judiciary system also was included in this perception.

### 2.2.5 GBV Related Issues and Trends

GBV risks are thought to be higher but under-addressed for girls and women who are: economically poor, from marginalized groups, with disabilities, sex workers, LGBTQI, and other minority groups. There is no data available on GBV encountered by spouses of male migrant workers, but anecdotal evidence of mental torture (migrant husband's constant suspicion of the wife, and threats over the phone) and sexual abuse (abuse by migrant husband's male family members) underscore the changing societal fabric brought on by the increasing external migration pattern. Sexual harassment in educational institutions by male peers and teachers and sexual harassment of working women in the workplace remain undocumented in Kathmandu, and province 2, 5, and 7.

For conflict-related sexual violence victims, after 13 years of the Comprehensive Peace Agreement, they still have not received any support or even transitional justice from the government. Conflict survivors in Province 5 reported that when the conflict commissions were made, they did not include any input from the conflict victims. They also commented that previously women were open and vocal about the sexual abuse they experienced during the civil war, but because the state has turned a blind eye to the abuse they experienced, they no longer talk about these issues. Under the leadership of the Ministry of Home Affairs, and previously the Ministry of Peace and Reconstruction, the second phase of the National Action Plan on United Nations Security Council Resolutions 1325, 1820 and Subsequent Resolutions has been drafted and submitted. The endorsement of the document is presently awaited.

Socially marginalized groups remain unaware of their rights, availability of services, and the process of seeking those services. Impunity and social protections for GBV perpetrators reduce victims' ability to seek and access justice and compensation. In addition, the statute of limitations, which allows only one year to file cases of rape and other forms of sexual violence, fosters impunity for such crimes as it does not consider the stigma that women and girls face

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<sup>82</sup> Ibid.

when reporting GBV crimes.<sup>83</sup> The GBV Tracking Study states that despite the laws and policies on addressing GBV, enforcement is inadequate, and monitoring and evaluation is weak.<sup>84</sup>

The GESI Analysis team notes that despite the numerous laws and policies and action plans, enforcement continues to remain very weak. There is inadequate commitment to eradicate GBV by political parties, and efforts by duty bearers hinder legal and policy efforts. Impunity and political patronage of perpetrator and absence of the rule of law is highly prevalent across all provinces. Corruption, social and political linkages, power imbalances further victimize GBV survivors preventing women and marginalized groups' access to justice. Survivors who proceed through the judiciary process encounter multiple challenges - lack of information, threats from perpetrator side, non-sensitivity of the judiciary, inability to access facilities provided by laws (e.g., in-camera hearing) and quality services, corruption, absence of victim and witness protection, lack of information on and access to compensation. Non-availability of timely and adequate budgetary allocation for preventing and responding to GBV (e.g., One Stop Crisis Management Centers, safe houses) further prevent their access to available services. Conditions are worse for marginalized groups facing multiple layers of intersectionality.

### 2.2.6 Conclusion

The GESI Analysis team notes that a more nuanced understanding of the caste and gender resistance by people in power is critical in understanding the implementation challenges. While there is inadequate knowledge amongst the general populace regarding laws, policies, regulations, and existing institutional mechanisms, underlying structural and institutional barriers are created by the inadequate interpretation of the rights of marginalized groups enshrined in the constitution. Challenges in systemic transformations are perpetuated by the mindsets of “dominant” groups within these structures - the inadequacy of resources, and weak implementation is influenced by the resistance from those in positions of authority, primarily men from the privileged classes who are conditioned by patriarchal norms and values. The absence of oversight of governments and institutional practitioners further prevents transformation. The “readiness,” willingness, commitments, and efforts of policymakers and duty bearers across sectors, to translate regulations and practices to reach marginalized and change the playing fields remain unknown.

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<sup>83</sup> CEDAW Shadow Report, 2018

<sup>84</sup> Centre for Research on Environment, Health and Population Activities and University College London (2013) *Tracking Cases of Gender-based Violence in Nepal: individual, institutional, legal and policy analyses*. Kathmandu, Nepal.

## 2.1 Domain 2: Cultural Norms and Beliefs

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### 2.3.1 Beliefs and Perceptions Shaping Gender and Caste Identities and Social Norms

Nepal has laws against harmful traditional practice. However, many of these practices continue under the veil of religion, tradition, and ethnicity. The CEDAW report notes some of the harmful cultural practices that continue are: *chhaupadi* (isolating menstruating women and girls), child marriage, dowry, son preference, polygamy, discrimination against widows, accusations of witchcraft against women, discrimination against Dalit and indigenous women and girls, *jhuma* (offering young girls to Buddhist monasteries to perform religious functions), *deuki* (offering girls to deities to fulfill religious obligations) and *dhan-khaane* (parents receiving money for the solemnization of the marriage of their children).<sup>85</sup>

Although sons and daughters are considered equal under the constitution, the mindset of son preference continues to exist. Due to the patriarchal structure of society, daughters are less valued by society. The practice of son preference leads to female feticide, and in some parts of the country, child marriage of daughters is still practiced.<sup>86</sup> Social and cultural values tend to override educational provisions of universal access for all. Some factors preventing adolescent girls and young women from accessing education are child marriage and early pregnancy, gender-based violence, and the lack of knowledge or provision of proper hygiene at school facilities.

The GESI Analysis team notes religious and cultural practices are reinforcing views of girls and women as untouchable during menstruation and the post-partum period, and acceptance of domestic violence amongst women. This is noted across provinces 5 and 7. A cultural and social belief young people need to wed and procreate early is closely interlinked to dowry, and fear of inter-caste marriage among parents. The LGBTQI population and those with a physical disability and mental ill-health are perceived as social outcasts. Such discriminations are leading to a low level of confidence and self-esteem among girls/women and marginalized groups, while intersectionality of women and marginalized groups are denying them access to resources and opportunities.

‘Dominant’ groups possessing higher status, agency, voice, authority, control over resources and greater influence over laws and policies and state mechanisms – intentionally and unintentionally – practice discriminatory values, beliefs, and norms. Practices of untouchability discriminate against the marginalized (e.g., Dalits) as unequal and subordinate, making them unable to access markets, sell products, use common water resources, and enter temples. Caste-based discrimination is also preventing a change in power equations, which was visible among newly elected local representatives and across the value chain in the labor force. The

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<sup>85</sup> U.N. Committee On the Elimination of Discrimination against Women. Concluding Observations on the Sixth Periodic Report of Nepal (2018).

<sup>86</sup> CEDAW Shadow Report 2018.

concept of intersectionality further discriminates marginalized women, and the most marginalized within the marginalized who remain voiceless.

Cultural norms and beliefs issues that were raised in the three provinces are listed below.

- Child marriage (Provinces 2, 5, and 7).
- GBV (Provinces 2, 5, and 7).
- Untouchability (Provinces 2 and 7).
- Son preference (Province 2, 5, and 7).
- Triple talaq (Say “I divorce you” 3 times to divorce your wife) practiced in the Muslim community (Province 5).
- Chhaupadi (Province 7).
- Dowry (Province 2, 5 and 7).
- High use of drugs and alcohol among young men leads to high incidence GBV (Provinces 2,5, and 7).

### Child Marriage

Although child marriage has been illegal in Nepal since 1963, the practice continues in some parts of the country. This is mainly due to cultural and social norms to have young people wed and procreate early. Parents arrange most early marriages, but increasingly teenagers are choosing their own partners, and some are choosing to elope. Social media was identified as playing a vital role in early marriage and elopement. In some cases, this is so they can avoid arranged marriages, to escape from hardship at home, or not pay dowry. According to UNICEF, Nepal has the third-highest rates of child marriage in Asia and the 17th highest prevalence rate of child marriage in the world. Although the legal age of unions for males and females is 20, SOSIN Survey, 2018 found that 7.6 percent of women aged 15-49 were married before age 15, and 42.7 percent of women aged 20-49 were married before age 18. This is even higher among most marginalized groups, with 72.3 percent of Madheshi Dalit women, 68.7 percent of Madheshi Other Caste women, and 58.5 percent of Muslim women married before age 18. Eliminating child marriage can help Nepal reach some of its development goals, particularly in the sectors of education, health access, and reduced fertility. A 2017 study by the World Bank and the International Center for Research on Women, estimates that ending child marriage in Nepal could result in a 12.7 percent rise in earnings and productivity.<sup>87</sup> The analysis suggests that by 2030, gains in annual welfare globally from lower population growth could reach \$566 billion annually. The benefit of reduced fertility in Nepal would be almost \$1 billion.

*Destroying Chau ghar is not enough. You need to work on changing the mindsets of people and the community to bring change in the century's long malpractice.*  
- A KII respondent, Province 7, Sahajpur

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<sup>87</sup> Wodon, Q., C. Male, A. Nayihouba, A. Onagoruwa, A. Savadogo, A. Yedan, J. Edmeades, A. Kes, N. John, L. Murithi, M. Steinhaus and S. Petroni (2017). *Economic Impacts of Child Marriage: Global Synthesis Report*, Washington, DC: The World Bank and International Center for Research on Women.

Child marriage was highlighted as an issue by respondents in all three provinces. It is most prevalent within the Madheshi and Muslim communities. Parents also fear elopement, and at times decide to marry off their children at a younger age to avoid elopement. The fieldwork showed that government officials and communities in the three provinces are making efforts to address the harmful traditional practices impacting their communities. For example, in Province 2, where son preference is high, there are government programs to prevent early marriage, promote the education of girls, and prevent infanticide. The *Save Daughter, Educate Daughter* campaign encourages parents to educate their daughters. As part of the campaign, the government provides bicycles to girls when they are enrolled in grade 8. However, there is no good monitoring and evaluation system to ensure that it is the girls who benefit from bicycles. As a part of the campaign, the Province also has a girl's insurance program. The insurance program creates a bank account for each new baby girl, and money is deposited every month. If a girl is not married by the age of 20, she is eligible to receive 125,000 NPR. KII and FGD respondents shared that due to open borders with India, child marriage is still prevalent in Provinces 2, 5, and 7 because the law in India permits marriage at 18, so people go to India to get married and they stay there for a month or so and come back. The use and effectiveness of this program are unknown. Regular monitoring would be necessary for the program to be effective.

### **Chhaupadi**

Chhaupadi is a practice of untouchability and isolating a girl or woman during her menstrual period, usually to a tiny outside hut or among the animals in the barn. This is mainly practiced in Hindu households, especially in the mid-and far-west region, and is not common among Janajatis or in the Terai (although with migration, people have brought the practice with them). Those practicing Chhaupadi believe that females are impure during the time they have their periods. In some extremely conservative communities, they also isolate a postnatal woman and her baby, which can result in very dangerous health conditions, potentially including death for both mother and child. From an early age, children are taught not to interact with a female who has her period because it is thought it will lead to bad luck. Women and girls have died in these huts due to exposure to the cold, smoke inhalation while trying to keep warm, or attacks by animals. Another issue that women face in the huts is rape.

As a result, the GON outlawed the practice of banishing a woman from home during menstruation and made it a crime punishable by up to three months in jail and/or a fine of 3,000 rupees for anyone forcing a woman to follow the custom. Advocates campaigned to end this practice, and some NGOs have even worked to destroy the sheds. However, community members shared that the practice is still ongoing. For example, on December 2, 2019, a young woman died in a shed due to smoke inhalation, and for the first time, pressure from rights advocates led to an arrest. A provincial-level KII respondent in Province 7 lamented that, even though so much work had been done to discourage chhaupadi, it still exists in that area. Chhaupadi is practiced even in urban areas, like Kathmandu. In urban and educated households, some families rent separate rooms for females to use during their menstrual cycle. Other families may allow the girl or woman to remain in the household, but she cannot enter the kitchen, touch others' food, religious idols, and communal water. The field team in Province 7

found the issue of *Chhaupadi* was still prevalent in that area. Kills and FGDs with stakeholders revealed the deep-rooted practice, which has gone on for hundreds of years, cannot be simply stopped due to creating laws.

## Domestic Violence

The Nepal Demographic and Health Survey (NDHS) 2016 captures the attitudes and prevalence of domestic violence. Surprisingly, more women (29 percent) than men (23 percent) believed that the husband is justified in beating his wife under specific circumstances. This reflects the patriarchy and the economic dependence of women. It also demonstrates that internal attitudinal changes in people's beliefs, perceptions and practices – among both women and marginalized groups, and 'dominant' groups – have yet to take place among a quarter of the population. In Nepal, women were most likely to experience violence from their husbands (84 percent). The survey also showed that the percentage of women who had experienced physical violence remained unchanged at 22 percent (NDHS 2011 and 2016). Women's experience of physical violence varies greatly from 12 percent in Province 4 to as high as 34 percent in Province 2. Also, divorced/separated or widowed women (46 percent) were the most likely to have experienced physical violence compared to never-married women (6 percent). In Province 2, a CSO representative in the Urban Municipality highlighted an aspect of the interlinked problem of son preference and domestic violence. He stated, "Women are physically and mentally tortured by their family members if she doesn't give birth to a son. Society still blames women for not giving birth to a son." In Province 5, information from Kills suggests that domestic violence was higher among the Madheshi and Muslim communities and, in general, higher among those from lower economic backgrounds. However, women with lower incomes in these communities may report domestic violence cases more than women from wealthier backgrounds. The wealthier women may fear being stigmatized, tarnishing the family name, and losing their high social status standing.

## Dowry

Dowry is the practice of giving cash, jewels, motorbikes, furniture, or other goods from the bride's family to the bridegroom or his family. The Country Penal (Code) Act, 2017 (2074) prohibits the transaction of property in marriage, but there is no enforcement to prevent the practice. In Nepal, the practice is dominant in the Terai Madheshi region but is being practiced in other parts of the country as well by greed, social pressure, prestige, and affluence. This practice is a way to compensate for the groom's family for taking in a bride to live with them. Although in many families, the bride will contribute greatly to the household work, evidence indicates her services generally remain unrecognized and unpaid. There are many news stories about brides who are abandoned, tortured (verbally and physically), some murdered after being beaten, or burned and set alight by kerosene, or acid attacks because the girls' families did not pay sufficient dowry. The groom's family often denies the crime and claims it was an accident or a suicide. The crimes are often not investigated, or the groom's family is able to influence the investigators or prosecutors.

The GESI Analysis team found evidence that the practice of giving dowries was high in Province 2 and Province 5 among the Madheshi and Muslim communities. Kills noted that dowries are



often higher among financially capable groups. Many families in Province 2 save up to send their sons to boarding school or to Kathmandu and other towns. But daughters are sent to local community schools, and one reason is that the practice of dowry discourages investing in a girl's education. Findings from Province 2 indicate parents prefer to marry their daughter at a young age to avoid paying higher dowry. This is because the later the girl is married, the more likely the boy is more highly educated, and the more educated the boy is, the higher the expected dowry will need to be because of the investment in his education. Once married, the girls' education is generally not continued.

### **Caste-based Discrimination**

According to the GON 2011 census, Dalits comprise 13.2 percent of the total population of Nepal.<sup>88</sup> There are 26 castes under Dalit, including 7 Hill Dalit castes and 19 Terai/Madheshi Dalit castes.<sup>89</sup> Although the GON declared Nepal an untouchability free nation in 2006, in practice, Dalits still face constraints making them unequal members of society. For example, some Dalits are unable to access markets, sell products, use the same water sources as other groups, and enter religious temples. The SOSIN 2018 data shows that although access to different places has improved for many Nepalis, there are certain castes that still face discrimination. The data reveals that the highest incidence of discrimination they encounter is while trying to enter one's own religious place – they are stopped by some 'dominant' groups. The data was similar for males and females facing this challenge, and the three castes that encountered the most problems in entering religious places were Kami (52 percent males; 52.5 percent females), Sarki (66.2 percent males, 66.3 percent females) and Halkhor (70.5 percent males, 71 percent females).

The GON has encouraged inter-caste marriages using monetary incentives (NPR 100,000 per couple), since 2009, as a good way to promote assimilation and reduce caste-based discrimination. However, the incentives are not decentralized and accessible to the community level; those who choose inter-caste marriages face discrimination and abuse, are regarded as outcasts, and, in some extreme cases, are killed.<sup>90</sup> Those who seek justice face barriers, including maltreatment by government officials and police; pressure to negotiate in the name of social harmony; threats to the victims or witnesses; difficulty in collecting tangible evidence; and lack of support from non-Dalits. Even within the Dalit community, there are groups that are more discriminated against. For example, the Musahar and Dom in the Terai/Madheshi, and the Badi are more excluded than others. Terai/Madheshi Dalits are at the bottom of all human development indicators. They face issues in land ownership and citizenship, which are intertwined. As a result of not having citizenship, Terai/Madheshi Dalit cannot vote or participate in political life and decision-making bodies.

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<sup>88</sup> Note: Civil society organizations say Dalits comprise 20 percent of the population.

<sup>89</sup> Mohan Sunar, Bishokarma K, Poudel S, Nepali P, B.K. S, Manabi A (2015). Human Rights Situation of Dalit Communities in Nepal. <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>

<sup>90</sup> Ibid.



The concept of intersectionality – where each individual’s identity has many layers, and each layer may present an opportunity or denial to access resources and power within a society – can really be understood by looking at a Madheshi Dalit woman. Madheshi Dalit women face triple discrimination for being Dalit, a woman, and from the Terai. These Dalit women are at the bottom of all social structures and indicators. They face many forms of discrimination and cruelty. Dalit and single widows are more prone to be stigmatized as *Boksis* (practicing witchcraft), abused through the dowry system, sexually exploited, and experience untouchability and domestic violence.

Efforts to overcome such discriminations and exploitations are met with resistance within households and communities of both “marginalized” and “dominant” groups. This is reflected in institutional behavior and practices in the process of accessing assets, resources, and services. The analysis team found that even elected women and marginalized group leaders are not spared from caste-based discriminatory beliefs and practices. Newly elected leaders are facing challenges in ensuring meaningful participation and having their voices heard during decision-making processes.

### **LGBTQI Populations**

In Hinduism’s history, a “third gender” has been acknowledged. There are also transgender deities in Hinduism, such as Ardhanarisawar, “the androgynous, merged form of Lord Shiva and the goddess Parvati.” Despite this historical and religious background and progressive policy initiatives, social acceptance of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) persons in Nepal remains a challenge. Transgender people, especially metis (transgender women), are more likely to be found and tolerated in Terai communities as they have a historical presence, visibility in that region and share many similarities with *hijra* (intersex) cities in neighboring India.<sup>91</sup> Interestingly, in Province 2, during a KII, a government official stated that LGBTQI do not exist because the government has no data on them. However, the Blue Diamond Society (an LGBTQI organization) has over 6,000 members there.

Many Nepalis do not distinguish among the diverse sub-groups within the LGBTQI community. The most common misconception is that LGBTQI people are all transgender women who crossdress and engage in sex work. There is little information on lesbian women and their population. LGBTQI community members in Province 2 highlighted that the major challenges they face include rejection by family and society, housing and employment discrimination, and access to citizenship. Due to discrimination, many LGBTQI people, especially transgender women, have difficulty finding jobs that meet their expectations and competencies. Gay men and lesbians that are willing to hide their sexual orientation do not face the same employment challenges.<sup>92</sup> Some members of the community, such as transwomen and third gender, often have no employment options, so they resort to dancing in festivals in Nepal and India and sex work. The GESI Analysis team could not find data on bisexual people and their population.

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<sup>91</sup> Ibid.

<sup>92</sup> UNDP, USAID (2014). Being LGBT in Asia: Nepal Country Report. Bangkok.

The LGBTQI population also faces GBV in the forms of rejection by family and society, the pressure to conform to the gender binary system, family and social pressure to marry, and violence and discriminations from state institutions such as police personnel, which are abusive towards them. Another practice that the CEDAW Concluding Observations on the Sixth Periodic Report highlights is how intersex children are treated in Nepal. Intersex individuals in Nepal face abuse, infanticide, and forced marriage. Some families have medical procedures performed on intersex infants and children before they reach an age where they can give informed consent.<sup>93</sup>

### **Mental ill-Health**

Mental ill-health in Nepali society is commonly believed to be synonymous with “insanity” and often linked to “sins perpetrated in the past life.” This stigmatization prevents people from discussing mental health problems and seeking appropriate treatment. Efforts to ensure their access to and control over state facilities are nominal. For those from marginalized groups, the layers of intersectionality further increase discrimination against them.

It is thought that mental health issues are on the rise in Nepal due to incidents such as the 2015 earthquake, which saw the loss of lives and destruction of neighborhoods and also from experiences such as migration. A scoping review on child and adolescent mental health published in the *International Journal of Mental Health Systems* found two papers that showed earthquake-affected children and adolescents in the Kathmandu district had a prevalence of Post-Traumatic Stress Symptoms from 10.7 percent to 51 percent.<sup>94</sup> An opinion piece in the Himalayan Times by Samaj Adhikari, a medical doctor, states that it is, “estimated that one in every three individuals are suffering from a psychiatric problem.”<sup>95</sup> Adhikari says this could be due to an “increase in labor migration, domestic violence, unemployment, dropping out of school, child marriage, and alcoholism.”<sup>96</sup> He highlights that in rural areas due to the out-migration of men, many women experience mental illnesses that are not diagnosed or treated. The article further highlights that the GON spends just one percent of the total healthcare budget on mental health. This means that for 100,000 people, there are only 0.22 psychiatrists and 0.06 psychologists. There is a major shortage of experts with real experience in serving patients with mental illnesses, especially in rural or peripheral health institutions.<sup>97</sup>

### **Disability**

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<sup>93</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding Observations on the Sixth Periodic Report of Nepal (2018).

<sup>94</sup> Chaulagain, A., Kunwar, A. Watts, S., Guerrero, & Skokauskas. 2019). *Child and adolescent mental health problems in Nepal: a scoping review*. *International Journal of Mental Health Systems*, volume 13, Article number: 53

<sup>95</sup> Adhikari, S. Experiences from Rural Nepal. *The Kathmandu Post* (April 3, 2018). <https://kathmandupost.com/opinion/2018/04/03/experiences-from-rural-nepal>.

<sup>96</sup> Ibid

<sup>97</sup> Ibid

Focus group discussion and KIIs with persons with disabilities in provinces 2, 5, and 7 and the federal level noted that discrimination of persons with disabilities, mental and physical, begins at home and continues in other institutions. For instance, government representatives in Province 2 stated that some families use government funds that are intended for children with disabilities for other purposes, such as general household goods. They shared that society is not accepting and does not allow the integration of persons with disabilities. Some families even try to hide their children with disabilities to protect them from outsiders' glares and talk. Mental and physical disability in the family also is perceived as negatively impacting family honor. The GESI Analysis team did not come across the trafficking of persons with disabilities.

In Province 2 and 7, FGD participants noted that the government is currently very focused on infrastructure development. However, the access needs of persons with disabilities are not being considered in the design of these projects, whether it is in the construction of government buildings, roads, and even in schools. In Province 7, participants with disabilities stated the earlier government system was better because there were funds set aside to assist them. The current system seems hard to access, and they said they are required to have matching funds to receive assistance. Similarly, in Province 2, the President of the National Federation of Disabled Nepal underscored the challenges persons with disabilities face under federalism, "Before federalism, it was easy to receive the disability card at the district. Now, it is a hassle. When it can be easily distributed by the local level, why do we have to go to the zonal hospital? It is specifically mentioned in the constitution that either a committee or a doctor has to certify the category of disability. To receive a medical certificate, a person has to go to a zonal hospital, which is, at times, difficult for disabled as well as their care-taker."

This is an example of a misunderstanding of the new system and possibly miscommunication between local level representatives and community members. The Human Rights for Persons with Disabilities Act, 2074 (2017), states that the local level can issue the disability identity card if the disability is apparent. If it is not clear, the local level will pass on the application to a coordination committee to make the decision. The coordination committee can evaluate and decide or, if necessary, have a medical checkup at a government hospital of the person applying at the expense of the local level.

A KII with a person with a disability underscored the issue of intersectionality in Nepal by noting that females, Dalits, and marginalized community members with disabilities have greater challenges. A KII participant from the Nepal Blind Association representing the blind in Province 7 stated, "The female, Dalits and the marginalized communities living with the disability have more challenges. Females living with a disability are even abused sexually."

### **2.3.2 Beliefs and Perceptions Facilitating or Constraining Women and Marginalized Groups and Affecting their Capacities**

Beliefs and perceptions that shape gender and caste identities and social norms are resulting in low self-confidence and self-esteem, as well as the inability of women and marginalized groups to voice opinions. This has fostered a dependency on male members within families and "dominant" groups in communities. These beliefs have increased women and marginalized groups' vulnerability to violence from an early age and promoted loss of childhood. It also has

reduced education and economic opportunities and perpetuated acceptance and tolerance of violence at the family, society, and state levels.

Discriminatory beliefs and practices are reinforcing the objectification of girls and women, reducing their ability to challenge mindsets of subordination, and leading to low self-esteem and an inability to assert themselves. Non-acceptance of the LGBTQI community limits their ability to find employment, leading to exploitative jobs, while neglecting persons with disabilities results in further segregation. Women and marginalized groups are further constrained by a lack of knowledge about existing resources and services for their human development and/or inability to access them. Lack of opportunities among young women and marginalized groups and discriminatory practices are leading to the early marriage of their own choice or resulting in their being lured into internal and external trafficking, alcohol and drug abuse, and economic and sexual exploitation.

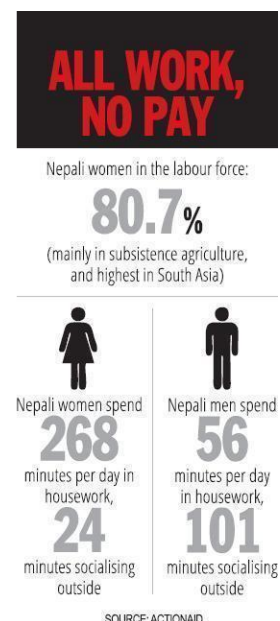
Institutional practices and practitioners conditioned by such beliefs and perceptions result in a lack of budgetary allocation to promote the rights of women and marginalized groups. These groups are unable to hold duty bearers to account for ensuring quality services from institutions. One prominent example is the inability to obtain citizenship, as discussed in the earlier sections. Women and marginalized groups facing multiple layers of discrimination and also are more susceptible to a higher level of socio-economic and verbal, physical, and sexual exploitation and abuse. The inability to access justice and the impunity enjoyed by perpetrators from generally more affluent and “dominant” groups diminishes the capacity of women and marginalized to enjoy their rights. For women and marginalized groups’ representatives who have struggled and succeeded in reaching decision making positions, many are prevented from ensuring meaningful participation and voice either due to social conditioning that inhibits them from speaking up, or those from ‘dominant’ groups who prevent them from doing so.

## 2.4 Domain 3: Gender and Social Roles, Responsibilities, and Time Use

In Nepal, like other South Asian societies, men dominate every aspect of public life (e.g., politics, media, higher education, government bureaucracy, and the private sector). Women and girls shoulder most unpaid domestic duties, and family and domestic obligations disproportionately limit women’s time and availability.

### 2.4.1 Gender Roles, Responsibilities, and Time Use and Their Impact on Girls and Boys and Men and Women of Different Social Groups

USAID/Nepal’s 2017 Adolescent Girls’ Empowerment Assessment observes that girls are trained from a young age to undertake household chores, often at the expense of their education or leisure time. The report states, “The most serious barriers girls face are



heavy burdens of household chores, arranged and early marriage, menstruation, and parents' unequal treatment of daughters compared to sons and failure to value their education."<sup>98</sup>

Respondents from the GESI Analysis fieldwork confirmed that women often are relegated to domestic household work, while men work outside, and men dominate community and government spheres. A study on gender roles and time used by Action Aid in 2013 found that women, on average, spend 268 minutes per day on housework compared to 56 minutes per day by men. While men spend 101 minutes per day in social/cultural activities, women only spend 24 minutes per day. This difference in time use gives men the opportunity to socialize and network in the public sphere, while women are tied down to household activities. This is just one study available on time use in Nepal. Broadly, there is a dearth of data on women's time use and the socioeconomic impact it has.

In general, in Nepal, there is a preference for a son, and from a young age, girls and boys are conditioned to think that household chores are the girls' or women's responsibilities. Sons are thought to be the ones who will take care of the parents when they get older, while girls are groomed to learn how to handle household work and will be married off to join another family. Therefore, as discussed in section 2.3.1, many families do not see the value in investing in a girl's education, as she will become "someone else's property." In Province 2, a rural youth who was asked about gender roles and time use casually described that the daughter handles household chores and additional tasks such as tailoring and cattle rearing while the son plays cricket, roams around, and uses the internet on his phone. This youth felt this division of labor was very normal and did not seem to think there was any discrimination between sons and daughters. Other KIs from the field noted there are slight variations in gender roles and time use by region and community. They shared men in indigenous communities are more supportive of household work, while men from Brahmin-Chettri caste and Muslims in the Terai observe more traditional roles, where men do not participate in household chores. In Province 2, the FGD with social and religious leaders at a rural municipality highlighted the problems Muslim and Madheshi girls face. Participants noted that these girls must stay under the veil even in their own homes, and they have problems in accessing education.

Field-level findings reveal urban working women continue to be burdened by multiple responsibilities. Division of roles and redistribution of responsibilities between women and men remain limited as disclosed during field-level interviews. The time burden of rural women is even greater due to weak rural infrastructure (roads, transport, water, electricity, and sanitation), which further reduces the time they can devote to work outside the home. In addition to having to complete household work, many women now also work outside and inside the home. On top of their regular household roles and responsibilities, women are undertaking home-

*They face a lot of problem in access to education, have to stay under veil even in their own homes. There are no employment opportunities for her in the community. Families do not want to educate their daughters let alone send them for work in other cities.*

– FGD with Social and Religious Leaders, Rural Municipality, Province 2

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<sup>98</sup> CAMRIS (2017). Nepal Adolescent Girls' Empowerment Assessment.

based work to earn extra income. Such home-based workers are generating support to the family but remain invisible and unrecognized, both within families and by the government. In low socio-economic groups, both men and women work outside the home. KIIs from Provinces 5 and 7 noted women and marginalized group members are also vulnerable to security threats such as economic, physical, and sexual exploitation. But many are compelled to stay silent for fear of losing their job. The team was unable to uncover any data related to the LGBTQI community.

In Nepal, and globally, women's unpaid work goes unaccounted for even though their contribution to the family is critical. In Nepal, women bear most of the unpaid household work, which leads to great time poverty for them. This time poverty severely limits women's ability to get an income-generating job. Their contribution is hardly recognized by the family, the community, and the state. Although Dr. Meena Acharya and Lynn Bennett<sup>99</sup> raised the issue of Nepali women's unpaid and heavy load of domestic duties back in the 1980s, it is only now that the topic is gaining some attention in Nepal. Globally, the discourse among women's empowerment advocates and economists is picking up about the need to recognize women's unpaid contributions.

Migration has further burdened rural women and children, especially girls. A parent's migration means greater burdens of household chores for girls, more farm labor burdens on boys, and less time for parental engagement with children.<sup>100</sup> The migration of men is also increasing women's burden, leading to insufficient time for themselves and the family. The economic burden of male migration on women (increased household, reproductive burden, pressure to repay loans) is further reducing their participation and opportunities for leadership positions. Nepal is experiencing a feminization of agriculture, as men migrate out of rural communities, and women are taking over the farming. This feminization of agriculture further increases women's time poverty and being further overburdened by household duties and agricultural work. Women are also limited to labor roles in agriculture and remain at the lowest level of the value chain, while men remain the primary actors in the value chain.<sup>101</sup> Historically, caste-based occupations included stitching and repairing clothes, making or repairing household items or farm tools, playing traditional musical instruments during important festivals and ceremonies (including marriages and religious rituals), and were considered 'lower' castes. Dalits were required to undertake traditional roles such as caring for deceased cattle, cleaning sewage, and playing drums during religious festivals. However, many Dalits over the years have tried getting a better education and move away from these traditional professions and roles.

#### **2.4.2 Effect on Leadership and Participation in Social, Economic, and Political Activities**

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<sup>99</sup> An economist and anthropologist, respectively, who have worked extensively on GESI issues in Nepal.

<sup>100</sup> CAMRIS (2017). Nepal Adolescent Girls' Empowerment Assessment

<sup>101</sup> KISAN II (2016) Gender Equality and Social Inclusion Analysis. Knowledge Based Integrated Sustainable Agriculture in Nepal.



Unbalanced gender roles and disproportionate responsibilities for women and girls affect them socially. Lack of time and opportunities results in inadequate knowledge, skill, agency, power, and resources to claim their rights and justice. It also is perpetuating the non-questioning of discriminatory and exclusionary values and practices. There is tolerance of violence within and outside homes (mental, verbal, physical, sexual), which extends beyond the household to situations where participation and engagement in discussions take place. Conditioned to believe, practice, and support discriminatory and exclusionary practices as “natural,” men and the “dominant” groups are reinforcing their sense of superiority. They dominate various aspects of life – politics, media, higher education, bureaucracy, and others. Women and marginalized groups are continuously challenged by a lack of decision-making authority and autonomy.

Economically, girls’ and women’s contributions within and outside households remain invisible. Marginalized groups’ contributions in society remain unrecognized, while, within households, marginalized women and the non-binary face multiple layers of discrimination. Low levels of education or illiteracy result in women and marginalized groups falling victim to exploitative jobs and lured into internal and external trafficking. They are unable to understand the value of their contributions or assert themselves, hence remain at the lower rung of organizations and in the value chain across agricultural and other economic spaces. The low employment rate of women and wage discriminations persist.

Generations of discriminatory roles and responsibilities reinforced by lack of time have brought about low self-esteem that prevents women and marginalized groups from taking leadership positions. Provincial and municipality level KILs with female, male, and marginalized group elected leaders across Provinces 2, 5, and 7 indicated that women and marginalized leaders’ voices are often not heard. At times they come to know decisions only after the decisions have been made. For those who have been working towards or have reached a leadership position in the political field, a non-conducive political environment that fosters character assassination of potential and incumbent women political leaders, prevent their meaningful participation. Those from marginalized groups or women in decision-making positions are prevented from active participation, and their decisions are constantly challenged and dismissed.

### **2.4.3 Specific Gender Barriers Affect Participation in all Levels of Private Sector Activities and Access to Markets**

The GESI Analysis found women, youth, and marginalized groups’ efforts to engage in the private sector is a major challenge. Private sector engagement demands resources, which is generally beyond their reach. The Nepal Adolescent Girls’ Empowerment Assessment (2017) highlights that for many young women, there is little information on private sector opportunities. They are also challenged by lack of trust from household members, lack of resources to initiate an enterprise, and the absence of a conducive environment within households and in the markets. FGD participants, including women, marginalized, and youth participants, suggest efforts to collect required resources is another challenge. While the family may not be able or willing to support, banks’ requirements for collateral, or citizenship identity card becomes another obstacle. The discriminatory behavior of service providers creates another barrier. While the baseline data collected for KISAN-II indicates women seemed to have equal access to finance with respect to the ability to receive loans, women received only a

third the value of loans of men.<sup>102</sup> The KII respondent from FWEAN at federal level further shared those women and youth who try to access loans and credit have no knowledge of government facilities, while banks are also not keen to provide it without collateral.

For women, youth, and marginalized individuals who muster the confidence to engage in the private sector, other gender barriers such as sexual harassment, wage disparities, lack of reporting mechanisms, an inability to raise voice against these problems, and impunity of perpetrators, further inhibits their ability to engage and participate to the optimum. An example of efforts to engage women in the private sector was shared during a KII with a district chapter of the Federation of Nepalese Chambers of Commerce and Industry in Province 7, which typifies responses encountered. Despite their efforts to push women in towards entrepreneurship, retention remained low. The respondent noted that aspiring women entrepreneurs faced challenges at the household level. They were also economically exploited at the markets due to limited knowledge about markets, inability to negotiate, and lack of authority to claim for their rights. When asked about efforts to reach marginalized women, the respondent stated no effort had been made to specifically reach women from marginalized groups.

For many marginalized groups entering the private sector, access to markets means discriminations against them individually and considering certain castes and their products as untouchable. For women who do enter the private sector, sustainability becomes a challenge in trying to balance care work and enterprise related work. Without a redistribution of roles within the household, the challenges of sustaining an enterprise increase.

#### **2.4.4 Conclusion**

The GESI Analysis notes enhanced and equitable distribution of roles and responsibilities provide space and opportunity for women, youth, and marginalized groups to build their agency and decision-making power. Change in mindsets and support from family and society are essential if such re-distribution is to take place. Various government and non-government interventions across different sectors are contributing to empowering women and the marginalized, but without strategic and appropriate efforts to shift mindsets of stakeholders, women or men, marginalized or “dominant” groups these efforts may be in vain.

The analysis concludes GESI disaggregated data in national census demonstrating women and marginalized groups’ economic contributions – household to national levels, across sectors, is critical to realize transformation. The GESI team also notes the federal structure provides a window of opportunity for provincial governments to leverage such data, when available, and addresses contextual GESI barriers and gaps to reach women and marginalized. Such efforts can begin with targeting school children and youth and in different sectors.

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<sup>102</sup> Baseline Survey Report for the Knowledge-Based Integrated Sustainable Agriculture in Nepal II (KISAN-II) Project (2019). CAMRIS International, p26.



The GESI Analysis also notes efforts to enhance engagement of women, youth, and marginalized in the private sector will contribute to their economic empowerment and can also help overcome discriminatory practices. Field level findings indicate efforts to target women, youth, and marginalized in private is limited, even though at provincial levels KIs with senior elected leaders claimed their focus was to provide economic opportunities for the women and youth. Given the opportunities that may arise, the need to identify and eliminate gender and social barriers that obstruct them at different stages of economic is fundamental.

## 2.5 Domain 4: Access to and Control Over Assets and Resources

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Nepal has made significant progress in several critical social development areas. It has more than halved the proportion of people living in absolute material poverty over the last two decades, from 49 percent in 1992 to 23 percent in 2015.<sup>103</sup> Nepal has also narrowed the gender gap in education, health, and participation in the political decision-making process.

Despite this progress, there are stark gaps and inequalities in access to resources when looking at different sub-groups and regions. The CEDAW Concluding Observations on the Sixth Periodic Report of Nepal 2018 notes, “the State party’s economic development and poverty indicators illustrate persistent inequalities in terms of poor outcomes for indigenous, Dalit, Madheshi and Tharu women, women of “oppressed classes”, widows in the Hindu community and rural women and that the earthquake in 2015 exacerbated food insecurity and the lack of access to natural resources, housing, safe water and credit facilities for women belonging to those groups.”

### 2.5.1 Assets and Resources for Women and Men of Different Social Groups: Access and Control

The constitution of Nepal provides fundamental rights: the right to life with dignity, freedom, equality, food security, education, health, social justice, information, employment, and labor opportunities, rights of women, children and senior citizens, right of Dalits, religion, and others. The GESI Analysis team notes that for women and some marginalized groups, these rights have become privileges they cannot access or control. There is inadequate investment in women, marginalized, and youth to ensure their accessibility to available resources and opportunities. Furthermore, unequal power dynamics, discrimination, non-accountability of duty bearers, and corruption have resulted in inequitable resource distribution and opportunities across sectors.

Differential power relations, norms, and practices within households and communities, and within and among social groups are affecting women, marginalized groups, and youth’s agency and ability to access and control resources. KIs and focus group discussions at provincial and local levels, with conflict-affected individuals, persons with a disability, and LGBTQI individuals highlight that they have limited knowledge about policies and programs available to them. In province 2, themes that came up repeatedly were women’s lack of control over land/housing,

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<sup>103</sup> Nepal Sustainable Development Goals Status and Roadmap 2016 – 2030.

educational decisions, agricultural and economic opportunities, and challenges in obtaining citizenship for women and marginalized groups. Limited access to economic and employment opportunities and the need to migrate for marginalized groups, youth, and women were recurrently voiced across provinces 2, 5, and 7. For those engaged in agriculture and financial institutions, women and marginalized groups tend to find opportunities at the bottom of the value chain.

The GESI Analysis team finds there is no GESI disaggregated data demonstrating opportunity cost (e.g., cost to national economy) resulting from unequal access and control over diverse resources at the national level, provincial, and local levels. Despite governmental efforts, there is an absence of long term programs aimed at building agency and the social capital of women, the marginalized, and youth. Programs and interventions that are implemented are working in silos, with little sharing of best practices and little monitoring and evaluation of their impacts. This, in turn, has prevented women, youth, and marginalized groups' access and control over resources. Inadequate and/or absence of regular monitoring of international commitments, national laws, policies, and action plans aimed at the redistribution of access and control over resources have undermined those efforts undertaken.

### **2.5.2 Extent of Access to and Control Over Assets and Resources**

Within households, women, youth, and marginalized group members such as LGBTQI, persons with disabilities, Dalit, and daughters and daughters-in-law are discriminated against and have little say or choice in access to and control over mobility, property, and economic rights. Stakeholders indicated that an inability to change power dynamics within households was perpetuating such discrimination. For example, Youth Club participants from province 2 said that, at the community level, lack of knowledge, information, and low levels of confidence and self-esteem among women, youth and marginalized groups undermined their ability to utilize community resources available. They also stated that they are prevented from taking up leadership positions.

Women and marginalized groups throughout the fieldwork said indicated they face financial discriminations such as unequal/ unpaid/ undervalued work and lack of property rights. Women, youth, and marginalized groups in remote areas are even more challenged by distance to infrastructure, organizations, market, and lack of knowledge about how to access and control existing resources. Female FGD participants from provinces 2, 5, and 7 all said they have difficulty obtaining loans from banks because they do not have assets, and it was difficult to access it through cooperatives also. They highlighted the need for governments to facilitate access to loans so they can startup businesses. Women, youth, and marginalized groups in disaster-prone areas possess inadequate knowledge about measures of managing risks and vulnerabilities. Fourteen years post the Comprehensive Peace Agreement, survivors of conflict-related sexual violence are yet to receive any support from the government.

### **2.5.3 Changing Federal-level Actions and Patterns**

Political processes and enactment of legal and regulatory provisions are one approach to increase women's, marginalized groups' and youths' access to resources. GON efforts over the

last five years have increased the political representation of women and marginalized groups through the establishment of a proportional representation system. More women and marginalized groups' representatives are present at decision making positions. Positive endeavors include the reservation and quota system to address GESI gaps in government employment, party lists of candidates, and representation in political systems. (See Domain I: Sub-Section 2.2.1.1). Yet many elected women and marginalized group representatives indicate they remain unable to meaningfully participate due to a non-conducive and patriarchal environment, and limited opportunities to voice opinions, and the need to build their own capacities and knowledge. During KIIs and FGDs at both provincial and federal levels, many respondents shared that aspiring female politicians continue to face challenges and are not supported by their family members who believe they will surely lose during elections. Such lack of confidence is present among the general public who still hesitate to trust women's capacities as politicians. Political parties also hesitate to give women prominent places on leadership tickets believing people will not vote for women.

The adoption of the National Labor Act provides for equal pay for work of equal value, prohibits discrimination based on sex, and provides minimum remuneration and public and weekly holidays for domestic workers. The introduction of the Sexual Harassment at the Workplace (Elimination) Act, 2015, also has been welcomed by stakeholders. However, KIIs at both the federal and provincial levels indicate there is inadequate knowledge among the general public and little effort on the part of GON to enforce and monitor these acts.

Education represents a long-term vector for increasing assets and improving access to resources. The Constitution allows for primary and secondary students to learn in their mother tongue, and GON also launched the School Sector Development Plan (2016/17-2022/23) to provide equitable rights to quality education for all. The GoN enacted the Human Rights for Persons with Disabilities Act (2074), which states that people with disabilities should have the right to obtain education or training to prepare them for employment opportunities, and necessary infrastructure for their support. The GESI Analysis team was informed by the Raji community participants (marginalized community) that their children have problems understanding in school due to the use of the Nepali language, and there are insufficient teaching materials and instructors to teach in languages aside from Nepali and English.

Health and nutrition also serve as important resources for Nepalese. The introduction of the Agriculture Development Strategy (2015-2035) addresses food and nutrition security for disadvantaged populations, including lactating and pregnant women, indigenous and excluded communities, and people in disadvantaged regions. The National Health Policy of 2014 also aims to reduce maternal mortality and morbidity, but women and marginalized groups continue to face a challenge in accessing services. Focus group discussions across provinces 2, 5, and 7 indicate as challenges in receiving quality health services (e.g., lack of cleanliness of infrastructure, absence of necessary medicine and equipment, etc.) inadequately skilled human resources and infrastructure, discriminatory behavior of service providers, and corruption of service providers.

The constitution of Nepal provides for the establishment of Commissions for various marginalized and affected groups. As shared by a KII participant of the National Human Rights

Commission (NHRC) in Province 7, “various networks such as WOREC [Women’s Rehabilitation Center] and the Conflict Victims Common Platform are working with NHRC to promote access to justice for women and marginalized communities.” The GESI team notes that the Commission’s limited financial and human resources prevent their effective functioning. This is reflective of the political leaders’ level of prioritization for GESI considerations. Efforts to ensure justice at local levels has led to the introduction of judicial committees, yet consolidated impacts of their efforts remain to be seen. The National Action Plan on UNSCRs 1325, 1820, and Subsequent Resolutions – Phase II has also been recently forwarded to the cabinet to address the needs of the survivors of conflict-related sexual violence. The endorsement is yet to occur.

#### **2.5.4 Violence as a Form of Control Over Assets and Resources**

Civil society advocates and participants of FGD with marginalized groups said that within households, verbal, physical, mental and psychological violence is used to control mobility, information, services, property rights, access to citizenship, education opportunities, as well as economic and livelihood opportunities of women, marginalized groups and youth. Discriminatory norms and practices are also promoting untouchability, discriminatory nutrition practices, child marriage, and displacement both within and outside households. There was a general perception regarding inadequate support from family, community, social and political leaders, and duty bearers to prevent social, economic, political violence. Voices shared by CSOs and media FGD participants in provinces 5 and 7 underscored people’s lack of trust in the justice system, and that “for victims of violence, especially women and the marginalized communities, there is little faith justice will prevail.”

Other forms of violence such as sexual exploitation in schools (by teachers and peers), and in workplaces and public spaces were also identified by FGD participants of youth groups, as measures preventing an individual’s access to education, equal pay, and justice. A federal-level civil society advocate also mentioned the demand for sexual favors being used as a means to withhold support to disaster victims in some circumstances. Focus group discussions with marginalized groups suggest, “corruption, connections and political linkages are exercised to influence authority and power over women and marginalized and to control assets and resources available.”

The below section categorizes the major resources where discrimination was identified by various stakeholders in six categories, land and housing, employment, ad hoc budget and planning, political participation, access to justice, and human rights, as discussed below.

#### **Land/Housing**

Land ownership is a significant symbol and element of wealth, power, political, and social security in Nepal. Access and control to land help determine one’s status in Nepali society. However, there is great inequality in the distribution of land among different social groups and

between men and women.<sup>104</sup> According to the 2011 Census, only 19.71 percent of households reported the ownership of land or house was in the name of the female member of the household. This figure of female-ownership of fixed assets was higher in urban areas at 26.8 percent compared to rural areas at 18.0 percent. A Nepal Bar Association KII respondent, Province 2, also highlighted this saying, ‘when it comes to property cases, people still deny giving property to women. Women, even when they have no male siblings, face difficulties in getting property. A patriarchal mindset hinders women from their property rights. (See Appendix D4: Households with female ownership of fixed assets in Nepal.) Marginalized groups, such as Dalits, also face major obstacles to land ownership. For example, of Terai and Hill Dalits, 41.4 percent and 36.7 percent, respectively, are landless.

To address the economic and social status challenges that women and marginalized groups face, the GON introduced several policies to encourage ownership of land by females and selected disadvantaged groups. In 2007, a directive waived land registration fees for land registered in women’s names. Following this directive, land registration in women’s names more than doubled. In 2011, the GON began a joint titling policy for a minimum fee of \$1. In 2015, the government included several provisions in the Financial Bill to improve women’s land ownership. This included a 25-50 percent tax exemption (depending on circumstance and locations) during land registration provided the land is not sold in three years. The provision also provides that a widow can receive a 35 percent tax exemption. A 50 percent tax exemption is granted for land transferred within three generations to a daughter or granddaughter. Dependent family members of martyrs who passed away during the People’s Movement (I and II)<sup>105</sup> and the Madheshi Movement<sup>106</sup> do not need to pay tax for land registration. Finally, landless freed bonded agricultural laborers (Haliya and Kamaiya) who purchase land through bank loans do not need to pay tax, service fees, or restriction fees.<sup>107</sup> These policies are a big step forward in promoting land rights for women and disadvantaged groups. However, due to social and cultural barriers, these groups continue to face obstacles.<sup>108</sup>

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<sup>104</sup> Oxfam. Nepal: Campaigning for Women’s Land Rights.

[https://nepal.oxfam.org/sites/nepal.oxfam.org/files/file\\_attachments/WIN%20in%20ASIA%20Nepal%20land%20rights.pdf](https://nepal.oxfam.org/sites/nepal.oxfam.org/files/file_attachments/WIN%20in%20ASIA%20Nepal%20land%20rights.pdf).

<sup>105</sup> People’s movement I: Abolished absolute monarchy and paved way for multi-party parliament; People’s Movement II: Jointly launched by the democratic parties, it was mostly focused in Kathmandu . Eventually, King Gyanendra relinquished his power and reinstated the Parliament. (<https://mofa.gov.np/about-nepal/history-of-nepal/>)

<sup>106</sup> Madheshi Movement - Madheshis were involved in three phases of revolt. First Madheshi Movement erupted in 2007, the second Madheshi Movement in 2008 and the third Madheshi Movement in 2015. The demands were for electoral constituencies based on population, ensuring proportional representation and federalism, <https://kathmandupost.com/national/2019/01/20/12-years-after-madhes-movement-gains-are-yet-to-be-institutionalised>.

<sup>107</sup> USAID. Property Rights and Resource Governance. [https://www.land-links.org/wp-content/uploads/2010/09/USAID\\_Land\\_Tenure\\_Nepal\\_Profile.pdf](https://www.land-links.org/wp-content/uploads/2010/09/USAID_Land_Tenure_Nepal_Profile.pdf).

<sup>108</sup> Oxfam. Nepal: Campaigning for Women’s Land Rights.

[https://nepal.oxfam.org/sites/nepal.oxfam.org/files/file\\_attachments/WIN%20in%20ASIA%20Nepal%20land%20rights.pdf](https://nepal.oxfam.org/sites/nepal.oxfam.org/files/file_attachments/WIN%20in%20ASIA%20Nepal%20land%20rights.pdf).

## Employment

Globally, there continues to be gaps in wage equality between men and women for similar work. Nepal's wage gap is higher than the global average of 20 percent. In Nepal, women earn 29.5 percent less than men.<sup>109</sup> The female labor force participation rate of 26.3 percent is significantly lower than the male rate of 53.8 percent.<sup>110</sup> In order to empower women and improve their pay and work conditions, the government adopted the National Labor Act, which introduced legislative provisions to ensure equal pay for work of equal value, prohibited discrimination on the basis of sex and provided for minimum remuneration and for public and weekly holidays for domestic workers.<sup>111</sup>

*There is difference in wage of male and female even though they do same kind of work.*

*-An FNCCI official*

The recent NLFS III (2017/2018) indicates that the female labor force participation rate (26.3 percent) is just under half that of the male rate (53.8 percent).<sup>112</sup> Agriculture remains the largest employing industry, engaging one in every five persons who had jobs in Nepal, followed by trade, and construction. Gender differences are also evident with much higher male employment in construction, manufacturing and transport industries, while female employment was higher than males in agriculture, forestry and fishing, wholesale and retail trade and education industries.<sup>113</sup> Data disaggregation according to caste was not available. The survey found there are approximately 20.7 million Nepalis who are of working age (15 years and above), and about 7.1 million were employed and 908 thousand were unemployed. From the total unemployment rate of 11.4 percent, women had a higher unemployment rate of 13.1 percent, while men had an unemployment rate of 10.3 percent. There were also geographic differences, with Province 3 reporting the lowest unemployment rate of 7 percent, and Province 2 had the highest unemployment rate of 20.1 percent, which was 8.7 percentage points higher than the national average. The difference between urban and rural was minor (10.9 percent and 11.6 percent).<sup>114</sup>

*There are very few employment opportunities for the disabled ones even though they are qualified.*

*-The Nepal Blind Association, Province 7*

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<sup>109</sup> Dhungana, S. CBS Report Bring to Fore Huge Gender Pay Gap. The Himalayan Times (June 19, 2019).

<https://thehimalayantimes.com/nepal/central-bureau-of-statistics-report-brings-to-fore-huge-gender-pay-gap/>

<sup>110</sup> Central Bureau of Statistics. (2017/18). Report on the Nepal Labor Force Survey.

[https://nepalindata.com/media/resources/items/20/bNLFS-III\\_Final-Report.pdf](https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf)

<sup>111</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding Observations on the Sixth Periodic Report of Nepal (2018).

<sup>112</sup> The Nepal Labor Force Survey (NLFS) III revised the definition of labor force participation for the 2017/18 report. Therefore, previous years' data cannot be compared. The previous NLFS showed a high percentage (81.67 percent) of women in Nepal's labor force participation because it used a different definition.

<sup>113</sup> Central Bureau of Statistics. (2017/18). Report on the Nepal Labor Force Survey.

[https://nepalindata.com/media/resources/items/20/bNLFS-III\\_Final-Report.pdf](https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf)

<sup>114</sup> Ibid.

## Ad-hoc Budget and Planning

The GON adopted a Gender Responsive Budgeting (GRB) process since 2007-2008, but even officials at the federal level ministries were unclear about the GRB process. Presently, there is a power struggle among the three tiers of government. Therefore, issues such as GRB are not getting full attention. All fieldwork (and the pre-test) revealed that government officials are focused on infrastructure development and not on social programs, including those discussed previously designed to help reduce disparities. FGD participants noted that political links at the local level mattered in order to get services. Amongst social groups, Hill populations usually have more access to the government than other communities. Among the Madheshi community High/Upper caste, Madheshi have more access. Among these, men were reported to receive greater access than women. Many in the public are not aware of the governmental process to allocate funds and services, and therefore they do not make any demands. Those who indicated they were able to approach their local elected leaders if they were from the same political parties, were able to obtain services. This leads to an *ad hoc* process of planning where government representatives are providing services to those who make requests, and mostly through political influencing. There is currently no mechanism to inform the public about what funds are available. Additionally, the earlier minimum condition and performance measure, which ensured budgetary allocation for the socially marginalized, has been removed with local authorities being assigned the responsibility of ensuring it. This poses a risk of GESI budgetary allocation being overshadowed.

## Political Participation

The 2015 constitution strengthened GESI by protecting the equal rights of women, the poor, GBV survivors, and other vulnerable and marginalized groups. It set quotas for women and disadvantaged groups to hold elected office positions. Thirty-three percent of federal- and provincial-level parliamentarians are supposed by law to be women. The federal-level quota for marginalized groups is 13.8 percent for Dalits, 15.3 percent for Madheshi, 6.6 percent for Tharu, 4.4 percent for Muslims. However, there is inadequate enforcement of electoral quotas and of the constitutional provisions on proportional inclusion, in particular for Dalit women.<sup>115</sup> These provisions do not guarantee equal standing, as current statistics indicate that women are automatically categorized in lower positions, such as vice-speaker at the federal level and deputy mayor or vice-president at the local level. “Of the 275 House of Representative members, 90 are women (32.7 percent), and of the 59 National Assembly (NA) members, 22 are women (37.3 percent). However, women are not in leadership positions. Both the speakers are male, whereas the deputy speakers are female. In the provincial assemblies, all deputy speakers are women. This clearly shows women’s secondary role and position—from the center, down to the grassroots.”<sup>116</sup>

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<sup>115</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding observations on the sixth periodic report of Nepal (2018).

<sup>116</sup> Kamal Dev Bhattari, “The Woeful Presence of Nepali Women in Politics and Government,” The Annapurna Express, <https://theannapurnaexpress.com/news/the-woeful-presence-of-nepali-women-in-politics-and-government-1265>.



## Key Statistics on Political Participation

- Women won 34 percent of seats at both the federal and provincial levels and 41 percent of all elected positions, while Dalits and other minorities won 18 percent of them.<sup>117</sup>
- Elections were held in 753 local units: six metropolises, 11 sub metropolises, 276 municipalities, and 460 rural municipalities. From the 35,041 local elected representatives, 14,352 (41 percent) were women.
- Dalits comprise 13.8 percent of the total population; Dalit women received 19.2 percent of seats at the local level (as mandated by the quota system). However, outside the quota, Dalit representation in the local bodies is only 3.3 percent. Dalits comprise 7 percent of seats in the federal parliament and 8 percent of seats in the provincial parliaments.<sup>118</sup>

## Access to Justice

Access to justice continues to be a challenge for women, Dalit, and marginalized communities. The fieldwork showed that women and marginalized communities lack information about the whole judicial process. They may know where to lodge a complaint, but they are not sure about their rights and how to continue following the case through completion. Filing a case is a lengthy and costly process, and for those in the rural areas, distance is also a challenge. Language also poses as a barrier for those that are not fluent in Nepali, as this is the official language of the court system. Perpetrators (e.g., of GBV or untouchability) often have political influence and are often able to hinder access to justice for the victims. In these types of cases, local level judicial and police officers hinder registration of cases. For sexual violence cases, the statute of limitations is only one year. During this time, many victims are still dealing with the trauma and may not want to come forward. They may actually have complex trauma - trauma unrelated to the actual GBV event but layered by previous traumas, or inter-generational trauma, or previous experiences of GBV. Finally, women and marginalized groups may not feel they have allies or people that understand them, as the representation of women, Dalit, and other marginalized groups is limited in the judicial system. In 2017/18, there were only 14 women judges out of 394; two Dalits; and none from Madheshi Dalit, Muslim, and Tharu groups.<sup>119</sup>

*Women members of the executive body are also not part of the planning process. There is minimum understanding of their roles as they have very limited access to information and resource.*

*-An executive member, Province 7*

In addition, the judiciary is not impartial or independent of the government, according to legal professionals. Freedom House found that “judicial independence is compromised by endemic corruption in most courts.”<sup>120</sup> The DRG Assessment (2018) confirms this viewpoint stating, “Lawyers said the government uses its influence to affect the outcome of major cases, and the integrity of judges is low. The Supreme Court and the judiciary at all levels are accused of corruption. The judiciary is one of the most important branches of the state for maintaining

<sup>117</sup> International Foundation for Electoral Systems.

<sup>118</sup> The recordnepal.com.

<sup>119</sup> Freedom House, (2019). Freedom in the World 2019. <https://freedomhouse.org/country/nepal/freedom-world/2019>

<sup>120</sup> Ibid.



check and balance of powers and authorities; however, legal professionals, former justices of the Supreme Court, and members of civil society expressed the view that the judiciary is under the influence of government and/or business houses.”<sup>121</sup>

## **Human Rights**

A major human rights concern in Nepal has been trafficking in persons. Historically, the most acute problem related to trafficking in persons has been the trafficking of women and girls for sex work within Nepal, to India, or to other countries. Forced marriage to Chinese men, or fake marriages to South Korean men is also reported. There is a perception that human trafficking is moving away from sex trafficking toward trafficking in laborers – although, as noted in section 2.2.3 on trafficking in persons, the data does not support this perception in the decline of sex trafficking.

Victims of the conflict from 1996 to 2006 have been critical of the transitional justice process. Two bodies were established to address human rights violations during this period: the Commission of Investigation on Enforced Disappeared Persons and the Truth and Reconciliation Commission. After it was established in 2015, the Truth and Reconciliation Commission received more than 63,000 complaints of human rights violations, and the Commission on the Investigation of Disappeared Persons received more than 3,000 complaints.<sup>122</sup> The Special Rapporteur on Violence against Women writes, “Of these, approximately 300 are reports of conflict-related sexual violence, indicating that many victims and survivors have not been able to register complaints, and they are often afraid to do so for fear of repercussions.” Only the relatives of individuals killed or forcibly disappeared, and those injured or disabled as a result of the armed conflict were granted interim relief measures and monetary assistance. Women and girls who were victims of torture, including rape and other forms of sexual violence, were not entitled to interim relief packages, compensation, reparations, or other support services (including medical or psychosocial support). Many of the sexual violence victims were girls at the time, and the violence had a significant impact on their lives. As a result of their ordeal, many experienced significant health problems, both physical and psychological. No information on male and non-binary victims of rape sexual violence during the conflict period was uncovered during the fieldwork.

## **2.5.5 Conclusions**

The analysis team found through its fieldwork that most people do not fully understand the concept of GESI. When the term GESI was used, people understood it meant issues affecting or impacting “women.” The issue of social inclusion was not broadly understood and became forgotten or a secondary agenda. There is also a perception among people that GESI is a western agenda that is yet to be internalized. Given this understanding, the intersectionalities

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<sup>121</sup> USAID/Nepal DRG Assessment.

<sup>122</sup> Report of the Special Rapporteur on Violence Against Women, It's Causes and Consequences.

within GESI concerns remain un-addressed to facilitate equitable distribution of assets and resources.

The evidence indicates unequal power dynamics, poor or non-implementation of policies and programs, and non-accountability of duty bearers are preventing equitable distributions of opportunities and resources. The political and judicial systems do not appear sensitive to GESI issues. There is also inadequate investment in women, marginalized groups, and youth for ensuring their access to available resources and opportunities.

Given the new federalism structure, the GESI funding process is unclear or non-existent at the local level, with *ad hoc* budgeting and planning focused on infrastructure dominating over GESI-related priorities. Opportunities could be leveraged better to bring about socio-economic transformation by investing in women, marginalized groups, and youth.

## 2.6 Domain 5: Patterns of Power and Decision Making

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### 2.6.1 Men Continue to Hold Power at the Household and Community Level

Nepal is a patriarchal society, and men still make the major household decisions. Economic empowerment is a major factor in power and decision-making. The NDHS 2016 reveals that very few women have an independent say on matters like choosing their own health care (23 percent), visiting family or relatives (27 percent), and making major household purchases (35 percent), though they have somewhat higher control over deciding independently on how their earnings are used (52 percent).<sup>123</sup> The fieldwork also shows that women are not economically empowered in all three provinces (Province 2, 5, and 7). Female stakeholders indicate they do not have the authority to make major decisions in the household. Apart from female-headed households there seem to be two exceptions for when women are decision-makers, where the husband has migrated or where a man is suffering mental illness and unable to make decisions, where the wife makes day-to-day decisions for the household and usually consults her husband for major decisions.

At the community level, men continue to dominate, and women and marginalized groups. The youth also, despite their contributions, have limited space at the decision-making level. Despite the progress made over the years in Nepal, there is still much more work that needs to be done to achieve gender equality and social inclusion in terms of power and decision making.

*If they [women] have to buy salt, they can make their own decision. If they have to buy gold, they cannot make a decision.*

– An elected representative, Rural Municipality, Province 2.

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<sup>123</sup> Ministry of Health, Nepal; New ERA; and ICF. 2017. Nepal Demographic and Health Survey (2016). Kathmandu, Nepal: Ministry of Health, Nepal.

*Women are given property, but no decision-making power. For example, my wife is an engineer, but asks me for small decisions. But I never ask her while making decisions.*

– KII, Ministry of Law, Justice and Parliamentary Affairs, Federal.

*Despite women being in leadership positions, they don't have decision-making power, and men don't accept their presence.*

– A KII, Women and Social Committee, Federal Level

*Women are still not in the decision-making process. However, empowerment trainings have been given to women, and now women have started to speak up more than before. Leadership skills have been developed among women.*

– A KII, Ministry of Forest and Environment, Federal Level

Women are still not in the decision-making process. However, empowerment training sessions have been provided to women, and now women have started to speak up more than before. Leadership skills have been developed among women. – A KII, Ministry of Forest and Environment, Federal Level

### **2.6.2 Women and Marginalized Groups' Influence in Decisions made by Public and Private sectors and CSOs**

Leadership positions in governmental bodies continue to be dominated by men, mostly from 'dominant' groups. Women and marginalized groups continue to remain in subordinate positions and have little or no say, as is true with youth. Civil society organizations are working to bring about women and marginalized group leadership, but traditionally established subordinate positions are preventing their control over resources in public and private and CSOs. In both the formal and informal private sector, women continue to lag in leadership positions due to family and social responsibilities and non-conducive work environments. Various forms of GBV, such as non-acceptance by male and dominant group colleagues, lack of trust in their capacities, and limited social networking, are some elements that de-value women and marginalized groups' contributions and prevent them from accessing leadership positions. Complacency and complicity by the privileged men and the "dominant group" foster such dominance.

### 2.6.3 Extent of Male, Female, and Different Social Groups' Representation and Voice in Senior-level Decision Making

As discussed earlier, at the national level, there is significant progress in including women and marginalized groups due to the constitutional mandate for a quota system. Within CSOs, women and marginalized group representatives are generally present at decision-making levels within women, and marginalized groups focused organizations, respectively. Their voice and presence at the decision-making level are less visible in other organizations. Inadequate influence of women and marginalized group representatives at the national decision-making level, and within political parties were also evidenced during the GESI Analysis. Youth generally also are not included.

For the first time in 20 years, Nepal held local elections in 2017, and nearly 40,000 officials were elected to local, provincial and federal parliaments. During this election, a proportional representation quota system was established to have a more socially inclusive government. The constitution mandates that women make up one-third of the total number of representatives from each party in both houses of the Federal Parliament and the State Assemblies. Both the House of Representatives and State Assemblies Election Acts aim to achieve the required quota by stating that women make up at least 50 percent of each proportional representation list submitted by a party. The quota system has resulted in significant progress in women's representation in the political process. Nearly 41 percent (14,352) of elected local government officials are women. In the state and federal assemblies, women make up 33 percent of the officials, which is higher than the 24 percent global average of women's representation in parliaments.<sup>124</sup> However, there is no seat reservation for women within the first-past-the-post (FPTP) seats<sup>125</sup>. Thus, while women make up 56 percent of all proportional representation candidates, they were only 7.5 percent of all FPTP candidates.

The representation of marginalized groups also increased in the 2017 federal and provincial elections. The House of Representatives and State Assemblies Election Acts specify the percentage of candidates on each list that should come from six "inclusion" groups specified in the constitution: Dalit, Adivasi Janajati, Khas Arya, Madheshi, Tharu, and Muslim<sup>126</sup> (See Appendix D5 A, B, C.) The Acts also indicate prescribed quotas of candidates from minorities and backward regions (4.3 percent). At least one person with a disability is to be included on their list by the parties. The House of Representatives Proportional Directive states that within each inclusion group, 50 percent of the elected representatives/candidates must be women. This is to overcome the possibility of high numbers of women nominated from only particular inclusion groups alone. The quota system facilitated Dalit representation in the House of Representatives to increase to 7.3 percent, a significant improvement from 1991 when Dalit elected officials were only 0.5 percent. Although Dalit representation increased, it is still not in proportion to the Dalits percentage of the population (13.6 percent, according to the Central

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<sup>124</sup> Inter-Parliamentary Union. 2017. *Women in National Parliaments, 2017*. <http://archive.ipu.org/wmn-e/world.htm>.

<sup>125</sup> First-Past-the-Post (FPTP) system is based on plurality of votes. A candidate is elected by securing the highest number of votes against the other contestants. (Source : <https://thehimalayantimes.com/opinion/elections-in-nepal-mixed-system-needed/>).

<sup>126</sup> IFES (2017) Elections in Nepal: 2017 House of Representatives and State Assembly Elections: IFES.

Bureau of Statistics 2011). Madheshis and Janajatis have made significant gains in the first-ever provincial elections held in 2017, winning seats above or almost at par with their national population shares.<sup>127</sup>

When analyzing the parliamentary system, it is evident that women and marginalized groups would have been left out of the process had it not been for the proportional representation system. For example, of the 275 seats in the House of Representatives, there is a legal provision to have 60 percent (165) of seats directly elected and 40 percent (110) allotted proportionally. Only six women out of 165 members of the federal parliament were directly elected into the House of Representatives. Among the six, there were no Madheshi or Dalit women. In contrast, 159 men were directly elected out of a total of 184 members.

The GESI team found that a general perception among interviewed elected women representatives at federal and provincial levels was that substantive change would be difficult without changes in all political party structures. One reason that few women and Dalits were directly elected is that men in their parties do not have confidence in them and, therefore, they were not able to get direct tickets for election through their own political parties. It is also reflective of their inadequate influence within their own party structures. KIIs at provincial and local levels further reveal that the elected representatives feel more legitimate and, therefore, are more powerful than representatives from the proportional representation system. As a result, the voice of women and marginalized groups are discounted by the established political players. Change in senior decision-making levels in other government and non-government organizations will be difficult when political leaders themselves resist and hinder changes at decision-making levels.

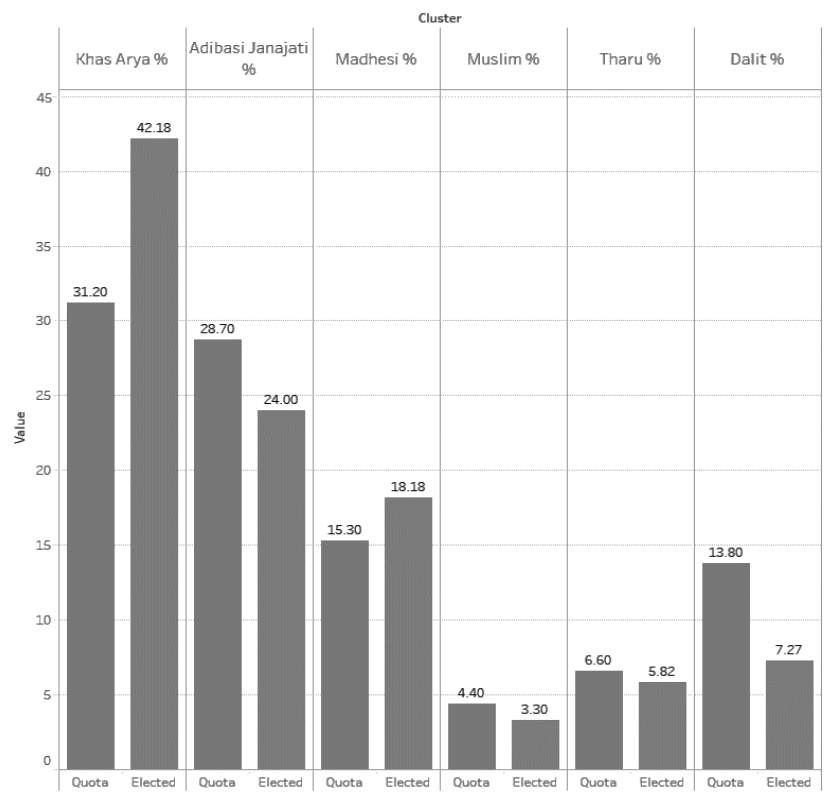
As can be seen in Figure 2, some groups have considerably more people elected than their allotted quota. The Khas Arya, who have dominated politics for generations, at 42 percent have 11 percent more than their share of the population, 31 percent. Madheshis are also represented slightly more than their share of the population by 3 percent, possibly due to the Madheshi Movement, which sought greater representation of Madheshis in government. However, Dalits continue to have poor representation. In the House of Representatives, Dalits have only 7.3 percent representation, which is half of their population and allotted quota of 13.8 percent.

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<sup>127</sup> Governance Facility, Nepal and LAHURNIP. 2018. Federal-Nepal-The-Provinces-Socio-Cultural-Profiles-Of-The-Seven-Provinces.

**Figure 2: House of Representatives Quota vs. Elected Per Cluster**

HoR quota vs elected per cluster



Source: Paswan, B. The Record<sup>128</sup>

The increase of women and marginalized groups in federal and provincial parliaments is laudable, but the most powerful executive positions continue to be held by men from advantaged social groups. Almost all the women were elected to the deputy positions. In the local governments, 98 percent of the elected women are deputy mayors or vice-chairs. Ward chairs and members are also 99 percent and 98 percent men (excluding the seats reserved for women). Excluding Dalit women ward members appointed by quota,<sup>129</sup> Dalits make up only 3.3 percent of local representatives.<sup>130</sup> However, many of the women at the local level do not yet have decision-making experience and, thus, lack confidence and capacity at this point. Several respondents commented that women leaders are controlled by their husbands. Some even referred to the term, “Husband Deputy Mayor,” which highlights the perception that husbands or men are making the decisions and not the women in elected office. Others elected women, and marginalized group leaders shared their voices and decisions are either not heard, or

<sup>128</sup> Paswan, B. The Record (March 3, 2018). Dalits and Women the most underrepresented in Parliament <https://www.recordnepal.com/data/dalits-and-women-the-most-under-represented-in-parliament/>.

<sup>129</sup> Even within the Dalit women reserved seats, hill Dalit were 77 percent and Madhesi Dalit only 23 percent, even though their population is higher nationally.

<sup>130</sup> Bhola Pawan, “Dalits and Women the Most Unrepresented in Parliament,” The Record, <https://www.recordnepal.com/data/dalits-and-women-the-most-under-represented-in-parliament/>.

decisions are made without their knowledge. The tendency to conceal information from women and marginalized group leaders also was voiced by interviewees, and this was mostly in the area of financial resources. The GESI Analysis team found that training is being provided by the government and non-government bodies to build the capacity of women and marginalized groups' leaders. But at the provincial and municipality level, these are mostly focusing on the Mayors and Deputy Mayors. Ward level elected women and marginalized group leaders receive very little opportunities.

#### **2.6.4 Conclusion**

The progressive measures adopted by the constitution are noteworthy. They have led to an increase of women and marginalized groups' participation and representation at the national decision-making level. However, transformations are to be perceived with caution. Values enshrined in the constitution are yet to be translated into practice. Women and marginalized leaders elected directly and through proportional representation at federal and provincial assemblies largely are not receiving support from male and 'dominant' group colleagues nor accepted as decision-makers. Conditions are worse for those elected through proportional representation, who are viewed as subordinate to the directly elected. Three years since elections, while training and capacity building opportunities have been provided to women and marginalized group elected leaders, a conducive environment to promote their voices and decisions is still to become widespread. KILs with elected leaders across the provincial and municipal levels noted the quota system has provided them space for influence, but the need for widespread learning in the new federal system along with resistance from male colleagues and dominant groups are delaying transformation. Respondents have expressed this along with negative portraits of inexperienced female leaders could threaten the hard-fought space for women and marginalized groups in future elections. Female leaders further noted that there is little talk in the media of the shortcomings of male counterparts, underlining the discrepancy in their portrayal in the media.

The absence of a political environment supporting women, youth, and marginalized groups' leadership is highly prevalent across the public sector but also found in the private sector. Years of advocacy efforts have helped realize change at constitutional and policy levels. The federal system presents both opportunities and challenges to diverse stakeholders, including political parties, government, non-government, private sectors, and development partners, to forge partnerships and realize constitutionally envisioned transformations. The consensus across sectors on approaches to promote and empower women and marginalized group leadership would help realize groundbreaking leadership changes across sectors.

## 3 Sector-wise Findings, Conclusions, and Potential Strategic Opportunities

### 3.1 Economic Growth

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#### 3.1.1. Sector Overview

In FY 2019, Nepal's gross domestic product (GDP) was estimated at 7.1 percent, driven mainly by the service and agriculture sectors. The World Bank estimated in 2020 that the service sector would likely grow by 7.5 percent from tourism via the retail, hotel, and restaurant subsectors, as well as from remittances. Remittances are thought to have contributed greatly to the country's poverty reduction. Twenty-eight percent of Nepal's GDP in 2018 came from remittances.<sup>131</sup>

As quoted in the Mission's Private Sector Engagement Assessment (2020), "The country's weak trade sector created limited market opportunities to incentivize private fixed capital formation, which hampers growth. Nepal's exports are concentrated on a narrow and low-value product base that relies on a limited number of exports and trading partners, India being the largest export destination."<sup>132</sup> Trade decreased from the 1990s, when the export to GDP ratio peaked at 26 percent, to below 10 percent, and the contribution of the manufacturing sector to GDP decreased from approximately 10 percent in 1995 to 5 percent in 2018.<sup>133</sup> These sectors traditionally have been dominated by male employers and employees.

The number of people living below the national poverty line decreased steadily between 1992 (49 percent) to 2015 (23 percent), which allowed Nepal to meet the Millennium Development Goal target of halving its income poverty by 2015.<sup>134</sup> This is remarkable given that the country had gone through a period of conflict and was able to meet most of its Millennium Development Goals in a post-conflict transitional context. By 2022, Nepal aims to graduate from a least developed country to developing country status. The GON is targeting to reduce poverty from 23.8 percent (in 2015) to 5 percent by 2030 by becoming an enterprise-friendly middle-income country.<sup>135</sup> In order to achieve this goal, it needs to work intensely on raising the economic power of women, youth and marginalized groups.

Despite this impressive reduction in poverty, the GON's Sustainable Development Goals 2016-2030 report notes this disparity in economic growth. "There are large disparities in regional,

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<sup>131</sup> World Bank 2018 data on personal remittances  
<https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=NP>

<sup>132</sup> World Bank 2018 data on personal remittances  
<https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=NP>

<sup>133</sup> World Bank (2019). *World Development Indicators 2019*. Washington, DC: World Bank Group.

<sup>134</sup> National Planning Commission. *Nepal Sustainable Development Goals Status and Roadmap 2016 – 2030* (2017).

<sup>135</sup> National Planning Commission. *Nepal Sustainable Development Goals Status and Roadmap 2016 – 2030*



caste/ethnicity, gender, and geographical outcomes. Certain social groups and geographical areas are far below the national average. Using a more encompassing poverty definition (the Multidimensional Poverty Index, MPI), 44.2 percent of the population were in absolute poverty in 2011 (OPHI, 2015). The MPI also showed a large regional disparity in poverty outcomes, as poverty in the Far Western region in 2011 stood at 59.1 percent against 33.4 percent in the Western region.” Per the National Planning Commission, data from 2017 shows that more than 8.1 million people are living in poverty, and 28.6 percent face multidimensional poverty – which means they do not have access to essential services. The region of Karnali is known to have the highest multidimensional poverty rate (51.2 percent).<sup>136</sup>

Regarding gender, women in Nepal, like in many other countries, are most likely to be the poorest. For example, and as discussed in the section on Agriculture, as a result of the migration of men, women work long hours in agriculture where they work predominantly in labor-intensive roles at the lower end of the value chain. Often, these female farmers do not have the same access to resources as men making their work even more challenging. Eighty-one percent of these women are landless.<sup>137</sup> During its fieldwork, the GESI Analysis team found provincial stakeholders are recognizing the need for the holistic economic development of women and marginalized groups. The Deputy Speaker of Province 7 noted, the “economic development and empowerment program should go hand in hand” to achieve intended goals. Furthermore, disasters such as floods and the earthquake of 2015, led to food insecurity, loss of shelter and other hardships. Usually the poorest communities are hit the hardest, and they struggle to make a living and remain in poverty.

Inequality in Nepal is high. In terms of economic inequality, Nepal ranks 81<sup>st</sup> out of 152 countries (M. Lawson and M. Martin).<sup>138</sup> A report by Oxfam states, “This level of inequality is a barrier to poverty reduction, and is preventing the poorest and most marginalized groups from sharing in the country’s progress.”<sup>139</sup>

There are disparities by geography, especially between rural and urban areas. The mountain and hill areas have a higher percentage of poor people than the Terai region.<sup>140</sup> Additionally, given Nepal’s highly hierarchical caste system, there are disparities between different groups and within groups as well. Tribhuvan University developed an index to measure economic access by looking at the average landholding and non-agricultural employment of groups. This report shows for economic access “The top ten groups in rank order (starting with the highest score) are Rajput, Yadav, Tarai Brahman, Gangai, Teli, Kurmi, Kalwar, Punjabi/Sikh, Kamar, and Kayastha. The bottom ten groups have almost no economic access. These include Kami, Thami, Raji, Dushad, Brahm, Kisan, Khatwe, Bing/Banda, Chamar/Harijan/Ram, and Mushar.”<sup>141</sup>

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<sup>136</sup> Oxfam International and HAMI (2019). Fighting Inequality in Nepal: The Road to Prosperity.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> UN Committee for Development Policy 20<sup>th</sup> Plenary Session (2018). Vulnerability Profile of Nepal

<sup>141</sup> Tribhuvan University, Central Department of Sociology/Anthropology (2014). Nepal Multidimensional Social Inclusion Index

### 3.1.2. Legal, Policy, and Institutional Framework for Economic Growth

Nepal has several economic growth laws and policies in place to advance women and marginalized groups. These are progressive and aimed at addressing challenges women and marginalized groups encounter in the process of economic empowerment. Some are highlighted in Table 2.

**Table 2: GESI Related Economic Growth Laws and Policies**

Law/Policy	Implication(s)
Maternity leave for women employees (2002)	52 days of 100 percent paid leave to be provided by the employer
Amending Some Nepal Acts to Maintain Gender Equality Act, (2006)	Material rape included within the definition of rape as grounds for divorce. Women are entitled to use movable/immovable property without a male family member's consent. Physical, verbal, written, gestural, and all other forms of sexual violence are included in "intention to rape."
Law of Inheritance (2007)	Women granted equal rights to parental and ancestral property and assets.
Legislative Female Quota (2008)	33 percent of parliament seats reserved for women in the national legislature; 40 percent of seats reserved for women in municipal councils
Registration of houses (2011-12)	Wives granted joint ownership with husbands.
Land registration (2015-16)	25 percent registration fee rebate for women-owned land and property
Income tax (2012-13)	10 percent of tax rebate on female income
Registration fee (2015-16)	35 percent registration fee rebate for women-owned businesses.
Nepal Labor Act (2017)	Legislation mandated employer-provided protection for women traveling before sunrise and after sundown. Two seats of the Ministry of Labor's Central Advisory Council were reserved for female business owners.
The National Women Commission Act (2017)	Formalized the right of women to submit complaints about violence to the commission through an organization and attorney and

Law/Policy	Implication(s)
	without being charged fee for registering the complaint.
Sexual Harassment at the Workplace (Elimination) Act (2015)	Includes a provision whereby a victim shall file a complaint against the perpetrator to the office chief first, and if no action is taken regarding the complaint within fifteen days of registration, then the case shall move to the chief district officer for justice. Any person found guilty of committing sexual harassment as per the act can be charged with six months in prison or Rs 500,000 fine or both.

Source: UN Women 2019 report, “Earning as Equals: Barriers to women’s wage and salary employment in Nepal.”

### 3.1.3. Labor Force Participation

Information on the labor force and the GESI disparities are discussed in Domain 4: Access and Control over Assets and Resources in the Employment sub-section.

### 3.1.4. Labor Migration

Due to the lack of employment opportunities or good paying jobs, many Nepalis seek work abroad. In FY 2016/17, 759,230 migrant workers sought work abroad.<sup>142</sup> According to the World Bank 2018 data on personal remittances, 28 percent of Nepal’s GDP comes from remittances from foreign labor of migrants, one of the highest proportions in the world.<sup>143</sup> A study by Lokshin, Bontch-Osmolovski, and Glinskaya (2010) estimates that one-fifth of the country’s poverty reduction between 1995 and 2004 was linked to migrant remittances.<sup>144</sup> In the five-year period between 2012/13 to 2016/17, 2.23 million migrant workers obtained labor permits from the Department of Foreign Employment. The highest number of these migrant workers were from the Terai (51 percent), followed by Hills (41 percent), Mountains (6 percent) and Kathmandu Valley (2 percent). The provinces that had the highest number of migrant workers during this period were: Province 2 (24 percent), followed by Province 1 (23 percent), Province 5 (19 percent), Province 3 (16.5 percent) and Province 4 (11 percent), and the lowest were from Province 6. Historically, migrant workers have gone to India. However, now the Middle East is a much more popular destination, especially for male migrant workers. Between 2006/07 to 2015/16 four countries accounted for 96 percent of Nepali migrant workers. These countries were: Qatar (26 percent), Saudi Arabia (22.6 percent), UAE (12 percent), and Malaysia (35 percent).<sup>145</sup>

<sup>142</sup> National Human Rights Commission (2018). Trafficking in Persons National Report

<sup>143</sup> World Bank 2018 data on personal remittances

<https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=NP>

<sup>144</sup> McNamara, Katie and Harris-Coble, Lacey (2018).

<sup>145</sup> National Human Rights Commission (2018). Trafficking in Persons National Report

According to the Nepal Demographic and Health Survey (2016), 84 percent of Nepali women migrated within the country. Many of them migrated because of marriage. However, as discussed in Domain I: Laws, Policies and Institutional Practices, under sub-section Foreign Employment Act, women's migration abroad is increasing, albeit undocumented, and many use illegal channels because of the government's fluctuating policy for females under the Foreign Employment Act.<sup>146</sup> Females who migrated through legal channels show much more variation in destination countries than male migrants. In addition to India and the Middle East, female migrant workers also went to a variety of countries, including Macau, Hong Kong, Japan, Turkey, Jordan, Lebanon, Cyprus, Afghanistan, Maldives, and Mauritius.<sup>147</sup> According to the CEDAW Concluding Observations on the Sixth Period Report, female migrant workers face worse conditions than men. They encounter unequal pay, GBV (including physical, sexual, emotional, and verbal), and trafficking. The GON has tried to limit the travel of female migrants and does not expect many of them to go abroad. Therefore, they receive limited pre-departure information and skills training. In addition, they receive little support while abroad and upon reintegration into life in Nepal.

### 3.1.5. Risks and Benefits of Migration

As discussed in the Agricultural Sector Findings, male migration (coupled with the social norms that discourage women from working far from home and discriminatory government policies restricting the migration of women) has led to the feminization of agriculture in Nepal. The migration of men has led to changes in gender norms and attitudes and the empowerment of women in families that receive remittances. However, not all migration improves the economic status of families. The migrants that are not able to obtain well-paying jobs are not able to help increase the household income. There are risks and costs of migration. Migrants may face challenges on their route to their destination, and upon arrival, may not find a job and, in some cases, are even trafficked. In addition, there is a financial cost and time poverty cost to the family to help support and send the migrating member away. Migrants and their families often have to take on a loan to help finance their initial trip. In rural settings, women may have to take on traditionally male roles, such as plowing the land because it is too costly to hire male labor or there is a shortage (Gosh et al., 2017).<sup>148</sup> The data from Nepal shows that 45 percent of households with migrants reported receiving remittances. The remittance amount in general is more than double the average per capita GDP of the country, which makes the risk of migration worth taking for most households.<sup>149</sup>

There is also the hidden cost of migration on female spouses and children. A 2019 hospital-based case-control comparative study between wives of migrant workers and women living with their husbands (N=445) concluded depression and reproductive health problems were more prevalent in wives of labor migrant workers than in women living with their

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<sup>146</sup> See migration discussion under the Foreign Employment Act, section 2.2.6 of this report

<sup>147</sup> National Human Rights Commission (2018). Trafficking in Persons National Report

<sup>148</sup> McNamara, Katie and Harris-Coble, Lacey (2018).

<sup>149</sup> World Bank (2018). Male Outmigration and Women's Work and Empowerment in Agriculture.

husbands.<sup>150</sup> The loneliness they faced made them more prone to abuse, reproductive symptoms such as pregnancy and postpartum complications, which, in turn, led to depression. A 2019 report by the Centre for Mental Health and Counselling Nepal revealed that, among a study group of children whose parents were out-migrants, 48.2 percent had anxiety, 18.3 percent depression, 8.03 percent suicidal thoughts, and 11.68 percent behavioral problems.<sup>151</sup>

**Table 3: Average Annual Remittance Per Migrant Worker**

Caste/Ethnic Group	Average Annual Remittance in Rupees
Mountain and hill Janjati	189,009
Terai Janjati	129,563
Hill caste	173,690
Terai caste	134,450
Hill Dalit	123,048
Terai Dalit	133,528
Muslim	142,500

Source: Center for the Study of Labor and Mobility, 2017<sup>22</sup>

### 3.1.6. Economic Empowerment

Globally, men earn 20 percent more than women with the same education. In Nepal, this pay gap is even greater. Nepali women earn 29.5 percent less than men.<sup>152</sup> According to the SOSIN 2018 data, 67 percent of men and 71 percent of women think a male earns more than a female. Furthermore, only 52 percent of women decide independently on how their earnings are used (NDHS 2016). In order to empower women and improve their pay and work conditions, the government has adopted the National Labor Act, which introduces legislative provisions to ensure equal pay for work of equal value, prohibit discrimination on the basis of sex and provide for minimum remuneration and for public and weekly holidays for domestic workers.<sup>153</sup>

During the KIIs and FGDs, government representatives and CSOs stressed the need for economic empowerment of women. They noted that in order to address gender equality, economic empowerment of women is critical. The interviews also raised the challenges that women have in accessing formal and informal loans. In Province 2, some rural women need a male to vouch for them in order to access informal loans. For formal mechanisms, the Federation of Women Entrepreneurs Association of Nepal (FWEAN) representative

<sup>150</sup> <http://www.jnhrc.com.np/index.php/jnhrc/article/view/1817>

<sup>151</sup> <https://kathmandupost.com/editorial/2020/01/08/it-is-time-for-nepal-to-plan-to-bring-migrant-workers-home>

<sup>152</sup> Dhungana, S. CBS Report Bring to Fore Huge Gender Pay Gap. The Himalayan Times (June 19, 2019).

<https://thehimalayantimes.com/nepal/central-bureau-of-statistics-report-brings-to-fore-huge-gender-pay-gap/>

<sup>153</sup> U.N. Committee on the Elimination of Discrimination against Women. Concluding Observations on the Sixth Periodic Report of Nepal (2018)

highlighted that the federal government has allocated funds for women entrepreneurs. In addition, the government has a 35 percent waiver for registration of women-owned businesses. However, at times, these women are not the real business owners or decision-makers but are just used as a front to obtain the special provisions. In Province 5 and 7, the government representatives were not aware of the funds or provisions for women entrepreneurs. The FWEAN is lobbying and finalizing the plans to have female help desks in private and government banks, which will help educate women entrepreneurs and facilitate their access to loans. Educating the government officials in the various provinces on the available programs to assist female entrepreneurs, and enhance government, non-government and private sector personnel's understanding of integrating GESI considerations will be essential to help women utilize these programs. The Ministry of Women, Children and Senior Citizens also stated that future efforts will be focused on economic empowerment.

### 3.1.7. Unpaid Work

In Nepal, and globally, women's unpaid work goes unaccounted for even though their contribution to the family is critical. McKinsey Global Institute estimates, "Seventy-five percent of the world's total unpaid care is undertaken by women, including the vital tasks that keep households functioning such as childcare, caring for the elderly, cooking, and cleaning. However, this contribution is not counted in traditional measures of GDP. Using conservative assumptions, we estimate that unpaid work being undertaken by women today amounts to as much as \$10 trillion of output per year, roughly equivalent to 13 percent of global GDP."<sup>154</sup> In Nepal, women bear the majority of unpaid household work, which leads to great time poverty for them, severely limiting women's ability to get an income-generating job. Their contribution is also hardly recognized by the family, community, and the state. Although Dr. Meena Acharya and Lynn Bennett<sup>155</sup> raised the issue of women's unpaid and heavy load of domestic duties in Nepal back in the 1980s, it is only now that the topic is gaining some attention in Nepal. Aside from their regular household work, women's contributions through home-based work (work which is done from home and not the employer's workplace) such as bead and tika making, woodwork, pickle making, pashmina, carpets, etc. are generally not recognized. They also face economic and sexual exploitations from middle persons, while also facing verbal and mental pain from family members for the time spent on the work<sup>156</sup>. Despite their contributions, there is no national data to recognize their contributions and transform the power dynamics to improve their socio-economic conditions. Globally, the discourse among women's empowerment advocates and economists is picking up about the need to recognize women's unpaid contribution.

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<sup>154</sup> Woetzel, J., Madgavkar, A., Ellingrud, K., Labaye, E., Devillard, S., Kutcher, E., Manyika, J., Dobbs, R., Krishnan, M. McKinsey Global Institute. (2015). *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey Global Institute.

<sup>155</sup> Renowned economist and anthropologist, respectively, that have worked extensively on GESI issues in Nepal.

<sup>156</sup> HNSA (2019) Research on Violence Against Women in the Context of Home Based Work, Home Net South Asia. Nepal. (Draft)

### 3.1.8. Conclusions and Recommendations in Economic Growth

Progressive endeavors by the GON are yet to yield transformations envisioned by the constitution. Opportunities generated by the federal system for outreach and information dissemination to women and marginalized groups is yet to be leveraged. Efforts to target economic growth of the women and marginalized are siloed while promoting a conducive environment for women and marginalized groups' economic empowerment, such as facilitating easy access to loans, preventing threats economic and sexual harassment, and recognition of their contributions remain under-addressed. Absence of GESI-specific data at the provincial and federal level is missing, as discussed in Domain 4: Access to and Control over Resources (sub-section *Assets and Resources for Women and Men of Different Social Groups: Access and Control*) to strategically transform the economy and achieve gender equality and inclusion in the economic growth efforts. Given the presence of so many problems in the economic sphere related to attitudes, there is a need to promote transformation through changing of mindsets of men within the households, socially and in the private sector among employers and employees, on the value of women's and marginalized groups' economic empowerment.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>28</sup> three recommendations for development partners, implementers, and national stakeholders follow:

- Develop, continue, or augment programming with foci on the economic empowerment of women marginalized groups, and youth. Such programming could incorporate access to finance, financial literacy training, business skills training, piloting of contextual, innovative enterprises, and targeted efforts to shift mindsets and show that women, marginalized groups, and youth can be successful entrepreneurs in the agricultural sector and other sectors. Local and provincial governments could be encouraged to invest in women, marginalized groups, and youth while reaching out to men and other household members to redistribute unpaid and care work within households. The local and provincial governments should also regulate the informal sector.
- Work closely with government representatives, banks, and the Federation of Women Entrepreneurs Association of Nepal to promote a conducive environment to move toward higher gender equality and social inclusion. One focus could be on promoting accountability of duty bearers to ensure policy-related information and provisions are disseminated (e.g., how women and marginalized groups can access and obtain financial loans, preventing GBV in the formal and informal sectors) that stand as barriers to women's economic empowerment.
- Consider developing programming focused on promoting men's and dominant groups' engagement on GESI issues to improve buy-in among both sexes and castes in concern about GESI programming. The programming could focus on topics such as working to reduce the burden of care work on women by promoting men's engagement, eliminate discrimination against marginalized groups' efforts of entrepreneurship.



## 3.2 Sector: Agriculture Sector

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### 3.2.1 Sector Overview

Agriculture is one of the main sources of livelihood in Nepal, for both men and women, as it contributes one-third of the gross domestic product.<sup>157</sup> About 66 percent of working-age women (age 15 and up) are employed in agriculture, compared to 53 percent of working-age men.<sup>158</sup> The major cash crops are oilseed, potato, tobacco, sugarcane, jute, cotton, and rubber, while the major cereal crops are: paddy, maize, millet, wheat, barley, and buckwheat. Other important agricultural products are cardamom, ginger, garlic, turmeric, silk cocoons, honey, and mushroom.<sup>159</sup> Women work more in subsistence food crop production, such as millet, maize, and soybean, while men are more involved in cash crops, such as rice grown on a larger scale in the Terai region (USAID, 2011b).<sup>160</sup> Women remain engaged throughout the season in planting, manuring, weeding, hoeing, harvesting, threshing, storage, and livestock management (and the norms are changing as women take on the duties of husbands who have migrated).<sup>161</sup> In post-harvest operations, their involvement is also greater than men's, especially in cleaning, grading, storing, and packing for sale. Men generally are busy only during peak seasons, focusing on “land preparation and plowing, digging pits for orchard trees, irrigation, application of chemical fertilizers and pesticides/insecticides, and pruning orchards.”

Even though Nepal is endowed with fertile land, many households (especially in the mountainous regions) experience some type of food shortages for about four to nine months of the year. The Food and Agriculture Organization considers more than 50 percent of the districts in Nepal to be food deficient. Nepal's agricultural productivity is falling.<sup>162</sup> Key reasons for low agricultural productivity are from fragmented subsistence farming, lack of irrigation and mechanization, low-quality inputs, low technical knowledge, and labor shortages leading to land left fallow.<sup>163</sup> Due to declining agricultural production, agricultural imports (agricultural equipment, chemical fertilizers, rice, and vegetables) from India have been rising 40 percent annually for the past seven years.<sup>164</sup> Another reason for low productivity is the disparity between large landowners and the real tillers who are generally from marginalized groups; “Big

*Our ministry is trying to motivate the youths, but many youths are migrating for better opportunities. Youths don't want to do traditional work, like farming, etc., after they have based out their school.*  
- A minister, Province 7

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<sup>157</sup> FAO (2019). Country Gender Assessment of Agriculture and the Rural Sector in Nepal. Kathmandu.

<sup>158</sup> International Bank for Reconstruction and Development / World Bank (2018). Male Outmigration and Women's Work and Empowerment in Agriculture: The Case of Nepal and Senegal.

<sup>159</sup> Federation of Nepalese Commerce and Industry. <http://www.fncci.org/agriculture-148.html>.

<sup>160</sup> Bollinger, C. (2016). Gender Equality and Social Inclusion Literature Review for Knowledge-Based Integrated Sustainable Agriculture in Nepal (KISAN) II.

<sup>161</sup> Ibid.

<sup>162</sup> World Bank Development Indicators, 2019

<sup>163</sup> World Bank. (2017). *Climate-Smart Agriculture in Nepal*. World Bank. Retrieved from: [https://climateknowledgeportal.worldbank.org/sites/default/files/2019-06/CSA\\_Profile\\_Nepal.pdf](https://climateknowledgeportal.worldbank.org/sites/default/files/2019-06/CSA_Profile_Nepal.pdf).

<sup>164</sup> Federation of Nepalese Commerce and Industry. <http://www.fncci.org/agriculture-148.html>.



owners do not feel the need to plough and real tillers do not own land... a large portion of fertile land of the country remain fallow or semi fallow.”<sup>165</sup> The decline in agricultural production also results from challenges families face in meeting basic household needs through subsistence agriculture. As a result of this problem, households must look for alternative income-generating activities off the farm.<sup>166</sup> As there are also limited non-farm employment opportunities in rural areas and wages are low, large proportions of working-age men migrate. They either migrate to cities in Nepal or, increasingly, abroad - primarily to India, the Middle East, Malaysia, and South Korea. This is impacting the agriculture production, as there is an increasing trend of fallow land as “one of the working-age people from every three households is working abroad and the same size of the remaining population is reluctantly waiting in a queue<sup>167</sup>.”

### 3.2.2 Legal, Policy, and Institutional Framework of Agriculture Sector

The constitution guarantees access to land for agricultural purposes as a farmers’ fundamental right of citizens; however, the difficulty in acquiring citizenship for many women and marginalized groups discussed in Domain 4: Violence as a form of control over assets and resources, constrains their land ownership. The Ministry of Agriculture, over the years, has tried to address GESI and agricultural gaps through its policies and strategies. However, important gender inequality and social exclusion issues remain in the agriculture sector. Like other policies and strategies of the GON, the problem lies in the implementation.

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<sup>165</sup> Shrestha, B. and Pokhrel, D. (2016). Increased Fallow Land and Food Threats. Retried from <http://csrcnepal.org/wp-content/uploads/2019/08/INCREASED-FALLOW-LAND-AND-FOOD-THREATS.pdf>.

<sup>166</sup> World Bank (2016). World Feminization of Agriculture in the Context of Rural Transformations: What is the Evidence?

<sup>167</sup> Shrestha, B. and Pokhrel, D. (2016), *ibid*.

For example, the 20-year Agriculture Development Strategy (2015-2035) includes critical GESI issues to address in order to advance agriculture and achieve food sufficiency, sustainability, competitiveness, and inclusion. The Ministry of Agriculture and Livestock Development (MoAD) has integrated GESI throughout the Agriculture Development Strategy (ADS) design process. The ADS will have a specific GESI strategy for agriculture. (The GON has asked UN Women to lead on the GESI Strategy Framework.) In addition, the ADS recognizes female farmers and has a budget to address women’s empowerment. This budget is supposed to target women’s leadership and women’s access to and control over productive resources. The ADS calls for a target of 50 percent of farmland solely or jointly owned by women by 2035. It notes there should be equal wages for women and men in agriculture and plans to expand GESI-friendly agriculture research and extension programs.<sup>168</sup> However, discourses in the agricultural sector question the capacity of policymakers and planners in “addressing the changing dynamics of the market, policy environment and unpredictable changes in climate,”<sup>169</sup> as these have become highly complex. Efforts remain uncertain in terms of implementing GESI considerations through these policies and changing women and marginalized groups’ positions in the agricultural value chain, which traditionally is at the bottom. Concerns such as the agricultural research and development system’s capacity to address the challenges facing marginalized populations where ‘food security and poverty is high’<sup>170</sup> persist.

*There is no irrigation facility for agriculture. Business knowledge is also lacking. Local government has not been able to focus on those sectors as per expectations.*  
 - A member of the Janjati community, Province 7

### 3.2.3 GESI Related Issues and Trends in Agriculture

Due to the massive migration of Nepali men, women have become the primary farmers in Nepal. The feminization of agriculture in Nepal has led to opportunities and constraints for women. Women are mainly subsistence agricultural producers, but as a result of the absence of men, they are shifting to take over traditionally male roles, such as ploughing and marketing. This increase in women’s roles is doubling their work burden and leading to ‘time poverty.’ Women whose husbands cannot send adequate or any remittances become disempowered, as they face increased workloads, extreme time burdens and financial difficulties.<sup>171</sup> Despite women’s contributions, the FAO report (2019) notes there exists an undervaluation of the importance of women’s skills, knowledge and labor contributions in crop production resources, such as water management.<sup>172</sup> A KII from the Ministry of Agriculture underscored the challenges migration brings for females in agriculture: 1) land productivity is largely reduced because of foreign migration; 2) there is a shortage of labor as young people, especially males,

<sup>168</sup> FAO (2019). Country Gender Assessment of Agriculture and the Rural Sector in Nepal. Kathmandu.

<sup>169</sup> Nepal Policy Research Centre/Gauchan, D. (2018) Discourses on Nepal’s Development Volume I. Agricultural Development in Nepal: Emerging Challenges and Opportunities. Editors, K. Suman and Mantu Khatri

<sup>170</sup> Ibid

<sup>171</sup> World Bank (2016). World Feminization of Agriculture in the Context of Rural Transformations: What is the Evidence?

<sup>172</sup> Food and Agriculture Organization, “Country Gender Assessment of Agriculture and the Rural Sector in Nepal,” <http://www.fao.org/3/CA3128EN/ca3128en.pdf>.

migrate out of rural areas into urban centers or overseas; 3) females cannot fight for canals to get their land irrigated, limiting production from their land; 4) natural water resources have dried up due to climate change making the task of fetching water for females more difficult; and 5) gap in technical knowledge of females. The FAO report (2019) further notes the introduction of many new technologies such as machinery and tools, and new varieties of innovative management techniques have been introduced, taking men into account. While a number of women-friendly agricultural machinery and technologies were introduced to reduce the drudgery of many women involved in farming, many were not adopted due to high costs associated with the technology, poor information dissemination, and inadequate research-backed evidence.<sup>173</sup> The report further notes women are not often viewed as farmers, and, therefore, they are rarely approached and consulted by agricultural extension service providers.

However, the feminization of agriculture has also led to women's empowerment. Women whose spouses are away can make independent marketing and financial decisions and participate in various farm activities. A World Bank case study comparing the feminization of agriculture in Nepal and Senegal showed the importance of remittances in the empowerment of women. Nepali women's empowerment and decision-making ability increased when husbands migrated and sent money back. "The receipt of remittances is positively associated with increased decision-making on the farm, active participation in community groups, and access to a financial account. These are positive consequences of migration on women's empowerment in Nepal, but they are restricted to women in households where the migrant sends back remittances."<sup>174</sup> The World Bank report found that women in Nepali households with international migrants are significantly more likely to report being self-employed on the farm (with or without employees) and less likely to report being contributing family workers.<sup>175</sup> A *Feed the Future* technical brief also underscores that although receipt of remittances improves overall household living standards, it should be noted that this increase in income is highly seasonal.<sup>176</sup>

Despite legal provisions for equal pay, there is a pay gap of 25 percent between men and women in the agricultural sector.<sup>177</sup> In addition, the entrepreneurial potential of women is not utilized. There remain gender inequalities in accessing, adopting, and using technologies. This inequality is evident in the farms managed by women, which produce less value per hectare than farms managed by men. Rural women face multiple burdens (household, community, and farm-related), have more-limited information about market demand and supply, and have limited opportunities to set up agriculture-related businesses.<sup>178</sup> They face a challenge in access and control of land, collateral, loans, inadequate knowledge, information, and application of

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<sup>173</sup>Examples of female-friendly technologies introduced include small two-wheel tractors, hand machines, mini-tillers, pedal or electric millet threshers, coffee pulpers, and potato grading machines.

<sup>174</sup> International Bank for Reconstruction and Development / World Bank (2018). *Male Outmigration and Women's Work and Empowerment in Agriculture: The Case of Nepal and Senegal*.

<sup>175</sup> Ibid.

<sup>176</sup> McNamara, Katie and Harris-Coble, Lacey (2018). *Best Practices for Integrating Gender Equity and Social Inclusion Strategies Within Nepal's Agricultural Extension System*. University of Florida.

<sup>177</sup> Food and Agriculture Organization, "Country Gender Assessment of Agriculture and the Rural Sector in Nepal," <https://reliefweb.int/report/nepal/country-gender-assessment-agriculture-and-rural-sector-nepal>.

<sup>178</sup> FAO (2019). *Country gender assessment of agriculture and the rural sector in Nepal*. Kathmandu.

technology. This disparity is evident among marginalized groups also who are burdened by lack of access to information, technology, and skills. A KII with a Ministry of Finance official in Province 2 underscored such inequities, “Loans are available easily for rich people, and people in need are still struggling with collaterals, we want to help those people. Interest is very high (13 to 16 percent), which is not affordable for farmers. So, we are planning to develop a Provincial Development Bank in our area where farmers and entrepreneurs can receive a loan with minimum interest.”

### 3.2.4 Conclusions and Recommendations for Agriculture

There is inadequate knowledge and understanding of GESI laws and policies related to agriculture among most women and marginalized group stakeholders. Women and marginalized groups continue to be restricted by discriminatory social and cultural norms and values and continuously overlooked as critical decision-makers. Natural calamities such as landslides, floods, earthquake and climate change are also increasing their vulnerabilities. Despite their roles, the government is yet to recognize women and marginalized groups’ contributions in the sector and promote youth engagement, to better incentivize retention of labor in rural communities to prevent continued falling agricultural productivity.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>179</sup> three recommendations for development partners, implementers, and national stakeholders follow:

- Promote GESI-focused agricultural system strengthening efforts designed to enable women and marginalized groups to move beyond subsistence farming, climb the agriculture value chain, building agency to wield influence, and engage key market enablers and local government. This should be piloted within ongoing USAID interventions.
- Support linkage building between local and provincial governments, agricultural users’ groups, and private sectors to help women, marginalized groups, and youth obtain information, financial loans, marketing assistance, and agricultural inputs on modern GESI-friendly agriculture-related technologies. Such efforts should also promote women and marginalized groups receiving equal and equitable services, technical assistance, and costs regardless of payment method. There also should be attention placed on looking for opportunities to engage youth in the agriculture sector.
- Help identify and eliminate potential GBV threats women, and marginalized groups encounter at different stages of agricultural engagement, e.g., from middle agents, transporters, officials in charge of licensing, custom officers, etc. Approaches designed to help reduce or eliminate these threats could shape and help target interventions.

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<sup>179</sup> The scope of this assessment did not include a review of programming of USAID or other development partners.

## 3.3 Environment, Climate Change and Energy Findings

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### 3.3.1 Sector Overview

Nepal was ranked the fourth most vulnerable country to climate change in the world by Maplecroft's Climate Change Risk Atlas 2010 (See Appendix F1 The 10 Most at Risk Countries).<sup>180</sup> The country has a total surface area of 147,181 square kilometers, and 4,000 sq km of this is comprised of water. Its regions are categorized into three ecological regions: mountains (51,817 sq km), hills (61,345 sq km), and Terai (plains) (34,019 sq km). As a result of the rough terrain in the mountains, only 6.7 percent of the population lives there. While the Hill region is also difficult terrain, it is more fertile, and therefore densely populated with 43 percent of the population. The Terai is the smallest in surface area, but it is the most fertile area and the most densely populated with 50.27 percent of the population.<sup>181</sup>

Approximately 39.6 percent of the total land area are forests. Nepal is quickly losing these forests, however, as numerous perennial rivers, beginning from the Himalayan mountains, sourced from snow melt, glaciers, and rainfall, make Nepal very rich in hydropower potential. It estimated commercially-viable hydropower potential of 42,000 MW, yet only a fraction of this has been developed.<sup>9</sup> The NEA's 2018 Annual Report notes that just 1,020.62 MW are being generated, which is 2.37% of the total economically and technically feasible potential.<sup>10</sup> A study undertaken in 2003 noted that Nepal's electricity deficit was costing the economy NR3.25 billion.<sup>11</sup> However, this estimate was considered low because it did not include the costs of operating standby generators and other opportunity costs.<sup>12</sup> (Nepal SGIP, MCC). Reliable, affordable, and sustainable energy is fundamental in a nation's development. Regular energy sources help reduce poverty at the micro-level by supporting better standards of living at the household level. At the macro level, it supports the public, commerce, and industry sectors through enhanced employment and economic opportunities.

*At least 5 crore (50 million NPR) has to be put aside for "Churiya Samrakshan," because if the situation is not handled now within 5 years all of our lands will be covered with sands and stones. There is not output from the ongoing national project on this issue. We are forcing a lot of issues due to climate change which brings flooding and drought turn by turn.*

*-A leader, Nepali Congress, Province 2*

International Union for Conservation of Nature (IUCN) report documents Nepal lost 24.5 percent (1,181,000 ha) of its forest cover between 1990 and 2010.<sup>182</sup> Along with forests, rivers are another important natural resource of the country. All the major rivers which support Nepal's agriculture, "receive freshwater supply from melting snows and glaciers, and seasonal

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<sup>180</sup> Aguilar, L and Rogers, F. (2012) Climate Change Gender Action Plan for the Government of Nepal. International Union for Conservation of Nature.

<sup>181</sup> National Population and Housing Census 2011.

<sup>182</sup> Aguilar, L and Rogers, F. (2012) Climate Change Gender Action Plan for the Government of Nepal. International Union for Conservation of Nature.

monsoon rainfall. Changes in the length, intensity, and the amount of water flow in these river systems will adversely affect the population, ecosystems, and biodiversity.”<sup>183</sup> Nepal’s annual rainfall varies from 1,000 to 5,000mm, and 80 percent of this precipitation occurs during the monsoon season (June to September).<sup>184</sup> Flash floods and landslides heavily impact the country during the monsoon season. One reason for the landslides is that the Himalayan mountain range is seismically active, as it is one of the youngest in the world.<sup>185</sup>

Over the last two decades (1996-2015), there have been 235 fatalities on average per year due to flooding and landslides.<sup>186</sup> The impact of changing water supply from the Himalayan basin and its GESI related fallout on women and marginalized groups is high and reinforce further gender inequities. Promoting climate change resilience is critical to prevent pushing them further towards vulnerabilities such as water scarcity and crisis. Furthermore, as a result of climate change, a decrease in the winter rainfall has been documented over the last thirty years from 30 mm to 17 mm per day. In addition, the temperature increased in the mountains and hills between 0.06-0.120°C per year, and in the hills by about 0.030°C in the Terai.<sup>187</sup> Climate change is leading to natural hazards such as landslides, flooding, glacial lake outburst flooding, which have increased vulnerabilities in the sectors of agriculture, biodiversity, and hydropower energy production.

Due to its steep topography, geological composition, and changes in the rainfall and temperature, Nepal is experiencing negative impacts on livelihoods such as agriculture. These negative changes are felt more acutely by the poor and marginalized, especially women, who are dependent on agriculture and natural resources for their livelihoods and are more vulnerable and often cannot cope with changes.

*The elected representatives are more focused on development works (i.e., roads) because it is visible. Therefore, they are not sensitive towards GESI issues.*  
- A FGD participant, CSOs, Province 5

*The structure is new for all of us and the local government is still developing the policies to address the GESI issues. There are challenges as everybody is expecting a budget for them and the municipality has a low budget.*  
-Nepalgunj, Sub-Metropolitan City, Province 5

Furthermore, landslides are exacerbated by poor road construction in rural areas. As a result of the 2008 Decentralization Act, local governments have more control of the budget, and they have invested primarily in rural road construction. During the GESI Analysis fieldwork, many KIIs and FGDs commented that local and provincial governments’ primary focus was on infrastructure development with GESI considerations sidelined. There was little evidence of a focus on ensuring the needs and accessibility of the most marginalized such as the needs of persons with disabilities in these investments. Unfortunately, when these rural roads are

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<sup>183</sup> Kedar Neupane, “Climate Change Impacts and Economic Vulnerability Implications for Nepal,” <https://www.spotlightnepal.com/2020/02/28/climate-change-impacts-and-economic-vulnerability-implications-nepal/>.

<sup>184</sup> Monty, F., Murti, R., Miththapala, S. and Buyck, C. (eds). 2017. Ecosystems protecting infrastructure and communities: lessons learned and guidelines for implementation. Gland, Switzerland: IUCN.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.



constructed, there usually are not proper surveys conducted to assess if the land is safe or landslide-prone, and structural protection measures are not put in place.<sup>188</sup> The quickly constructed infrastructure, such as roads, often get damaged during the monsoon rains, which results in landslides and endangers human life.

### 3.3.2 Legal, Policy, and Institutional Framework of Environment, Climate Change and Energy

Nepal is well known for having enacted the Forest Act, 2049, in 1993, which entrusted forest management to Community Forest Users Groups (CFUGs). Previously, the government had nationalized all forests in Nepal in 1957, but it was unable to keep up with the management of such vast areas of land. After community pressure, forest management was gradually handed to local governments and then finally to community users groups. While the state retained the ownership of forests, it gave CFUGs the right to manage forests through the Forestry Act, and the forest regulations of 1995. This section discusses GESI-related aspects of this devolution in management.

The GoN has committed to the 2030 Sustainable Development Goal (SDG) agenda, which includes goals for achieving universal access to affordable, reliable, and sustainable energy (SDG 7) and gender equality (SDG 5), which is recognized as central to making progress on all other SDGs. A recent ADB report (2018) states that while supportive policy and institutional frameworks are essential for integrating gender equality and social inclusion considerations in the energy sector, these have not been well incorporated into key energy sector policies and in most energy projects.<sup>189</sup> Studies demonstrate that countries that have a higher representation of women in parliament are more likely to be proactive and set aside protected land areas and to ratify multilateral environmental agreements.<sup>190</sup> In this light, Nepal is doing well and should be expected to have more climate change friendly policies as it has made a concerted effort to increase the representation of women in parliament to almost 33 percent. Although, as discussed in earlier sections, many women are yet to participate in the decision-making process actively, representation is the first step towards empowerment.

In 1992, Nepal was one of 150 countries that signed the United Nations Framework Convention on Climate Change (which it ratified in 1994). Following the signing of this agreement, Nepal developed several policies related to climate change. The important legislative and policy frameworks to address climate change are the National Adaptation Plan of Action (2007), the Local Adaptation Plan for Action (2011), REDD Readiness Preparedness Proposal (2010), and the Nepal Climate Change Policy (2011), the 2015 Constitution, Local Government Operation Act (2017), Disaster Risk Reduction and Management Act (2017), National REDD+ Strategy (2018).<sup>191</sup> The Forestry Sector Strategy (2016-2025), the guiding

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<sup>188</sup> Ibid.

<sup>189</sup> ADB (2018) "Gender Equality and Social Inclusion Assessment of the Energy Sector: Enhancing Social Sustainability of Energy Development in Nepal." Manila, Philippines.)

<sup>190</sup> UNDP. (2016). Gender and Climate Change: Overview of the Linkages between Gender and Climate Change.

<sup>191</sup> Ibid.

document to implement the Forest Policy (2015) for 10 years, aims to deliver sustainable production and supply of forest products; improvements of biodiversity; watersheds and ecosystem services; increased contribution to national economic development; and inclusive and accountable forestry sector institutions and organizations to develop a climate-resilient society and forest ecosystems.<sup>192</sup> One of its eight strategic pillars is also gender equality, social inclusion, and poverty reduction. In 2012 the GON, with the assistance of International IUCN, developed the Climate Change *Gender Action Plan* to “address adverse impacts of climate change on the vulnerable and marginalized communities with a focus on climate adaptation and impact mitigation.” A KII respondent from the Ministry of Forests and Environment commented that the GESI working group is working to integrate GESI issues into the National Adaptation Plan. They also stated that, even with this plan, GESI is not automatically a priority, and, in addition to policies and strategies, the ministry needs an action plan to help them in implementation. As with other government agencies, these KII respondents stated that the GRB process is not clear, and there is no mechanism to monitor and evaluate it, as discussed further in Domain I: Laws, Policies, Regulations and Institutional Practices (sub-section Gender Responsive Budgeting). Little information could be gathered regarding plans and interventions undertaken with regards to GRB with respect to the environment or climate change.

The policy framework for climate change makes the Ministry of Forests and Environment the sole federal agency responsible, leaving other ministries without much of an active role.<sup>193</sup> The 2015 Constitution and the Local Government Operation Act, 2017, give responsibilities to the local bodies (Gaunpalika/Nagarpalika) to undertake climate change adaptation activities.<sup>194</sup> Therefore, strengthening capacity building of the local bodies for planning and implementation with respect to GESI-related issues and particular needs is critical. A study by Pashupati Nepal notes that there generally seems to be “institutional incoherence among the ministries and departments. The absence of clear and strong institutional set-up for the implementation of climate change adaptation activities is the major constraint for its practical implementation (Ampaire et al., 2017).”<sup>195</sup> KIIs in the Ministry of Forests and Environment also reported that government authorities should be sensitized on GESI issues, and their roles and responsibilities should be made clear.

Another related major hindrance to implementation is that although various policies regarding climate change have been developed, there is no supporting legislation to help implement it. During fieldwork, a political party leader also pointed out that although the GON has developed a progressive constitution and addresses GESI issues, many laws have not been created to make the constitution effective.

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<sup>192</sup> Government of Nepal – Ministry of Forests and the Environment, “Advanced Draft Environmental and Social Management Framework for the Proposed Emission Reductions Program Interventions in the Terai Arc Landscape, [https://www.forestcarbonpartnership.org/system/files/documents/Nepal%20ESMF%20Advanced%20Draft%20June%2016-2018\\_0.pdf](https://www.forestcarbonpartnership.org/system/files/documents/Nepal%20ESMF%20Advanced%20Draft%20June%2016-2018_0.pdf).

<sup>193</sup> Nepal, P. Mainstreaming Climate Change Adaptation into Sectoral Policies in Nepal: A Review.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.



Another critical issue raised in a 2019 study by Pashupati Nepal is the lack of databases, and, for those that exist, they are outdated or irrelevant. During the GESI Analysis fieldwork, KIIs in the Ministry of Environment, Science, and Technology also underscored the same problem of the lack of data. They said government ministries understand they need to address GESI, but they lack the knowledge of how to mainstream GESI into programs and plans, and they do not gather enough data. The data they currently collect is not GESI disaggregated. Additionally, the lack of coordination between government bodies was also preventing effectiveness.

KII participants reported that a gender focal person had been appointed in every ministry. However, evidence pointing to the failure of gender focal points to identify and address GESI concerns were also shared by KIIs. They reported many gender focal points do not know their roles and were often tagged as the gender person, not because of their experience but just because the ministry needed to have a gender focal person. Further, the positions are explicitly focused only on gender and not on other marginalized groups. Respondents stated that the federal system is still new and confusing to them and that there is a lack of coordination between the three tiers of government. In fact, the issue of knowledgeable gender focal persons will be further exacerbated now, since federalism has created a shift in government staff. (KII respondent noted in Province 2 that there is a lack of staff to fill the positions.) KIIs at the federal, provincial, and local levels reported that staff are routinely shifted around, creating a gap in information and implementation of cross-cutting issues such as GESI and climate change.

### 3.3.3 GESI Related Issues and Trends in Environment, Climate Change, and Energy

Women are usually more impacted by climate change because they continue to have less economic, legal, and political power than men, and therefore they are less able to cope with the adverse effects of climate change.<sup>196</sup> The impacts of climate change, especially on water resources, are known to overly burden the poorest, most marginalized, and vulnerable – especially poor women. Inadequate rainfall would diminish the major agricultural production (rice and maize) of the country and unduly affect vulnerable populations, including women, the poor, and marginalized groups. Too much rainfall can also destroy crops and increase topsoil erosion.<sup>197</sup> Women also disproportionately carry the burden of household work and rearing and caring for children and the elderly. When disasters hit in many regions, women have been documented to have been impacted more because of their gender roles as caretakers of the household and of other family members. For example, in the 2004 Asian tsunami, 70 percent of the victims were women, who were trapped in their homes. Similarly, in the 2015 Nepal earthquake, 70 percent of the casualties were women and children (38 percent women, 17 percent girls, 15 percent boys).<sup>198</sup>

KIIs respondents in Province 2 commented that the marginalized are the most affected by flooding because they live in areas that flood, and suggested building protective measures to support these communities from flooding. Similarly, in other countries, it has been documented

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<sup>196</sup> UNDP. (2016). Gender and Climate Change: Overview of the Linkages between Gender and Climate Change.

<sup>197</sup> [https://www.climatelinks.org/sites/default/files/asset/document/nepal\\_climate\\_vulnerability\\_profile\\_jan2013.pdf](https://www.climatelinks.org/sites/default/files/asset/document/nepal_climate_vulnerability_profile_jan2013.pdf).

<sup>198</sup> <https://kathmandupost.com/miscellaneous/2015/05/19/earthquake-55-pc-of-dead-are-women-children>.

that the marginalized and the poor are affected by deforestation, water scarcity, and land degradation. The United Nations Development Program (UNDP) states that 350 million people, mostly poor, are most impacted by climatic stress on forests because they live in or near forests and are dependent on them for their livelihoods. Around 1.3 billion people live in fragile ecological areas (arid zones, on slopes, areas with poor soil).<sup>199</sup> These peoples' livelihoods are highly dependent on the natural resources around them. When climatic stresses hit, the poor and marginalized are less able to cope and adapt because they lack resources to do so, such as building sturdier, reinforced houses.

Poor women face obstacles when trying to recover from climate-related disasters since they do not have the means to cover weather-related losses. A UNDP report on the issue of gender and climate change highlights, "Women do not have easy and adequate access to funds to cover weather-related losses or adaptation technologies. They also face discrimination in accessing land, financial services, social capital and technology."<sup>200</sup> As a result of these challenges, poor women and other marginalized groups rely on unsustainable environmental practices such as deforestation.<sup>201</sup> Men tend to migrate when productive assets and livelihoods are destroyed. This leaves the women to pick up the duties of the men in addition to their other work burden.<sup>202</sup> In some cases, positive outcomes from the out-migration of men can include women having more decision-making power, taking on public roles, and as a result, feeling more empowered and confident. On the other hand, when families and social norms are broken due to natural disasters, it can make women and girls more vulnerable to trafficking since they face physical, social, and economic insecurity.<sup>203</sup>

In the energy sector, a recent report by M. B. Orland (2018) report indicates that a lack of diversity within the Nepal Electricity Authority and the energy sector can negatively impact energy delivery and services, business performance, and community consultations. It further states women role models, female leadership, family-friendly work policies, and women-friendly and socially-inclusive work environments contribute to a more diverse workforce. By increasing the number of women and under-represented social groups, the business performance and financial bottom line of the NEA may improve.<sup>204</sup>

Nepal has been a pioneer in empowering community groups that live in and near forests. As noted above, the Forest Act of 1993 transferred the management of forests to indigenous and local communities through CFUGs. This transfer of power is seen as a success story in forestry and conservation circles. There are over 20,000 CFUGs in Nepal, and these groups have protected forests, provided entrepreneurial opportunities, and empowered the marginalized,

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<sup>199</sup> Ibid.

<sup>200</sup> UNDP. (2016). *Gender and Climate Change: Overview of the Linkages between Gender and Climate Change*.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Nellemann, C., Verma, R., and Hislop, L. (eds). (2011). *Women at the frontline of climate change: Gender risks and hopes*. A Rapid Response Assessment. UNEP.

<sup>204</sup> Orland, Maria Beatriz, et al. (2018). "Getting to Gender Equality in Energy Infrastructure: Lessons from Electricity Generation, Transmission and Distribution Projects." Energy Sector Management Assistance Program (ESMAP) Technical Report 012/18. Washington, D.C.: World Bank.

especially women. KII at the federal level also noted that the participation of women in CFUGs is very impressive. In 1995, the Federation of Community Forest Users (FECOFUN) was formed to create a coalition among forest users – indigenous peoples, marginalized communities, and women – that depend on forests for their livelihoods (about 8.5 million people). In 2010, FECOFUN instituted a progressive move that required 50 percent of its leadership to be women. There was great deliberation on this stipulation as many people believed that grassroots women lacked the education and capacity to fill decision-making roles effectively, and there were suggestions to make the quota 33 percent. Others raised that women would not be able to focus on the community forestry movement because they had too many responsibilities in their households. However, female leaders in FECOFUN fought back and were able to have their constitution require that 50 percent of the leadership must be female. The organization went further and launched a national campaign with the slogan, “Women are not only protectors of the forest but also owners of resources.” The campaign sought to quell doubts about women’s leadership capabilities and lift women’s images as leaders in community forestry.<sup>205</sup> FECOFUN has gone on to be a major champion of women’s leadership at a national level. In the 2017 local elections, almost 2,000 indigenous, local communities and rural women<sup>206</sup> who were proponents of protecting Nepal’s forests ran and won seats.

The deliberations that FECOFUN held in 2010 regarding women’s leadership capacity is very much like the current debate in Nepal about elected women and marginalized representatives’ ability to fulfill their jobs. KIIs, the media, and secondary sources highlight that women need to be empowered, but they are constrained for time, lack the education, capacity, and experience to be in decision-making roles. FECOFUN should serve as the model for the current debates in Nepal on not whether women are ready and capable to serve in leadership positions, but how to prepare them for leadership and create enabling environment within organizations. The organization pushed for female leaders to be at the table, and the involved women’s confidence increased as they felt their voice and representation mattered. At the national level, with enough support for the elected women and marginalized representatives, from within households, political parties, male and dominant group elected leaders, and society as a whole they can rise to the calling of their leadership roles to realize transformation envisioned by the constitution.

### **3.3.4 Conclusions and Recommendations for Environment and Climate Change**

The last decades highlight a positive shift in policies in addressing environment and climate change and their impacts and including GESI related concerns. It seems climate change, like GESI, is an issue that government officials have low awareness about and is not getting deserved attention. The major hindrance for climate change, like GESI issues, is getting the policy objectives implemented. Thus, the intersection of climate change and GESI issues similarly is neglected. The energy sector, on the other hand, demands more GESI-related policies and

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<sup>205</sup> “These Women Ran for Office to Protect Nepal’s Forests. They Won,” Rights and Resources, <https://rightsandresources.org/en/women-fecofun/>.

<sup>206</sup> Ibid.

practices to enhance employment opportunities. GESI integration efforts require both demand and supply are taken into consideration, along with internal and external challenges. However, in terms of outcomes, climate change is yet to become a priority concern among GON and most non-governmental stakeholders, both vertically and horizontally. Based on the limited available evidence of local and provincial government levels addressing climate change resiliency, the team concludes there is an urgent need to continue and expand interventions among development partners in this direction.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>207</sup> three recommendations for development partners, implementers, and national stakeholders follow:

- Support building the capacity of provincial and local governments as well as women and marginalized groups to undertake climate change adaptation activities. This assistance could include support to formulate, budget, and implement climate change resilience strategies. Engage female and marginalized group networks to increase their resiliency. A criterion for assistance could be generating or improving sustainable recovery planning. For example, women and marginalized groups could be trained in adaptation technologies to be those who provide early alerts to their communities about potential crises. Ensure these activities consider the differing needs of women and men as a result of climate change.
- Support the inclusion of GESI considerations in the water and energy sector policies and programs and ensure their effective implementation via provincial and local level governments.
- Work closely with FECOFUN's female leaders and have them serve as mentors to newly elected government leaders with respect to climate change-related resilience building. Promote focusing budgetary allocation at local and provincial levels toward programming designed to reduce vulnerabilities of women and marginalized groups and build opportunities for their diversified livelihoods.

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<sup>207</sup> The scope of this assessment did not include a review of programming of USAID or other development partners.

## 3.4 Health

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### 3.4.1 Sector Overview

Nepal has made substantial progress in the health sector, particularly in children's and maternal health. Numerous progressive laws and policies have worked to promote health care. The adoption of the Sector Wide Approach since 2004 and financial support from seven external development partners has facilitated donor harmonization and coordination, enhancing mutual accountability for better health outcomes. The 2015 Constitution of Nepal addresses safe motherhood and reproductive health rights and equity and inclusiveness.

Despite these efforts, "financing for the health sector has remained relatively low, at only 5.7 percent of the national budget over the last ten years. The health sector's budget absorptive capacity has also remained only 82.6 percent."<sup>208</sup> Since FY 2017/2018, portions of the Federal Ministry of Health and Population (FMoHP) budget have gradually been devolved initially to local governments and in FY 2018/19 to both provincial and local governments." The share of FMoHP budget against the national budget has sharply declined, and in FY 2018/19, the FMoHP budget was 2.7 percent of the national budget."<sup>209</sup> The current federal restructuring underscores the need for greater budgetary investment in the health sector if the Sustainable Development Goals goals are to be attained.

### 3.4.2 Key Statistics in Health

Over the past few decades, Nepal has dramatically reduced rates of child and maternal mortality. Between 1990 and 2015, Nepal reduced its maternal mortality ratio by 71 percent from 901 deaths per 100,000 live births to 288 (World Health Organization). Infant mortality decreased by more than half from 78 deaths per 1,000 live births in 1996 to 32 in 2016, and under age five mortality declined threefold from 118 to 39 deaths per 1,000 live births. The progress in addressing the under-five mortality rate has been commendable, but sustaining the current declining infant mortality rate and the under-five mortality rate will prove challenging unless the reduction of neonatal mortality rate is accelerated. The GON's vaccination program has also been critical in reducing child morbidity and mortality through good coverage and supply chain management system improvements<sup>210</sup>. The percentage of women delivering in health facilities has also increased from 35 to 57 percent between 2011 and 2016. Data on births attended by skilled birth attendants (SBAs) indicate SBA attended delivery increased from 36 percent in 2011 to 58 percent in 2016. However, 41 percent of deliveries still occur at home. Additionally, disparities in deliveries assisted by skilled providers across provinces are evident with 35.3 percent in Province 6 and 5 percent in Province 2 compared to 70 percent in

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<sup>208</sup> Government of Nepal (2018) Mid-Term Review of the 2013 Asian and Pacific Ministerial Declaration on Population and Development, 2018

<sup>209</sup> Government of Nepal - Federal Ministry of Health and Population, *Budget Analysis of the Ministry of Health and Population FY 18/19*, [https://www.nhssp.org.np/Resources/PPFM/Budget\\_Analysis\\_of\\_Nepal\\_Federal\\_MoHP\\_FY2018\\_19\\_Sep2018.pdf](https://www.nhssp.org.np/Resources/PPFM/Budget_Analysis_of_Nepal_Federal_MoHP_FY2018_19_Sep2018.pdf).

<sup>210</sup> Ibid.

Province 3 and 4 (MOH et al. 2016). The percentage of women who had more than four antenatal care visits during their last pregnancy has also increased from 50 to 69 in the same period (NDHS 2016). Much of the progress on the health-related Millennium Development Goals is in part due to the tireless work of female community health volunteers (*mahila swoyemsewika* which means female volunteer). This program began in Nepal in the 1980s, and over the decades, these volunteers have gained the trust of their community, and government healthcare programs prefer to use them to achieve their targets. There are more than 50,000 volunteers who educate villagers through health promotion (sanitation, nutrition, family planning, HIV, and maternal and child health), deliver health services (family planning, deworming, polio campaigns, and integrated management of childhood illnesses), and collect and report demographic data. These volunteers were critical during the 2015 post-earthquake relief efforts. Despite their own losses, they were the first responders and ensured the continuity of health programs such as maternal and child health services.<sup>211</sup> The 50,000 volunteers are being recruited again in 2020 to disseminate information about appropriate methods to avoid the novel coronavirus (SARS-CoV-2).

In terms of HIV, of the 3.8 percent of the total 31,020 estimated people living with HIV (PLHIV), there are about 1,192 children aged up to 14 years (2017), while adults aged 15 years and above accounted for 96.2 percent (MOH 2018 Annual Report 2017/18). The prevalence of HIV declined from 0.24 percent in 2005 to 0.15 percent in 2017 and is expected to maintain a plateau at 0.13 percent through 2020 with the current level of effort (MOH Annual Report 2017/18). A total 17,987 PLHIV were on antiretroviral (ARV) treatment as of July 2018. According to 2017 data, the HIV prevalence among transgender persons – with an estimated population size of 21,460, is 6 percent.<sup>212</sup> HIV prevalence among people who inject drugs (population: 30,868), is estimated at 6.4 percent, while among men who have sex with men (population: 60,333), the estimated prevalence is identified as 2.4 percent.<sup>213</sup>

### 3.4.3 Legal, Policy, and Institutional Framework of Health Sector

Several progressive legislation and policies in the health sector in Nepal have worked to reduce morbidity and mortality, while simultaneously promoting availability, accessibility, and affordability of services. These include the Second Long-Term Health Plan 1997-2017 (MOH 1999), the two phases of the five-year Nepal Health Sector Program I and II 2004-2015 (MOH 2010), and the National Health Policy, 2014 (MOH 2014). The current National Health Sector Strategy (2016-2021) incorporates Universal Health Coverage and has introduced Social Health Protection and Health Insurance schemes”.<sup>214</sup>

However, the distribution of health institutions remains uneven across the 7 provinces, with a major concentration in Province 3, followed by concentrations in Provinces 1 and 2. Provinces

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<sup>211</sup> Kandel, Nirmal. (February 9, 2019) The Lancet. Female health volunteers of Nepal: the backbone of health care

<sup>212</sup> National Center for AIDS and STD Control, 2015.

<sup>213</sup> Ibid.

<sup>214</sup> Government of Nepal (2018) Mid-Term Review of the 2013 Asian and Pacific Ministerial Declaration on Population and Development, 2018.

6 and 7 which are also the most remote have a sparse concentration<sup>215</sup> of health institutions. Despite liberal laws and policies, disparities also endure due to discriminatory cultural norms and practices in the health sector. Such norms and practices influence women and marginalized groups' control and decision-making capacity over their health needs. At the same time, the risks of GBV, poverty, and geographical remoteness reinforce challenges in accessing quality health services. Discrimination based on class, caste, ethnicity, religion, gender identity and sexual orientations, disability, and their treatment by health providers further challenges the health sector. Prejudiced behavior raised by stakeholders ranges from speaking disparagingly with patients to disregarding and non-prioritizing their needs, to making them wait longer than others or denying providing services.

### 3.4.4 GESI Related Issues and Trends in the Health Sector

Although Nepal has made significant progress in reducing child and maternal mortality, women continue to face challenges accessing quality sexual reproductive health care services and information. This can lead to morbidities like uterine prolapse, obstetric fistula, cervical cancer, and reproductive tract infection. Household burden and expectations to carry out their responsibilities at all costs make women more susceptible to uterine prolapses, such as having to work in fields during and immediately after labor. In contrast, cultural factors, such as embarrassment in sharing health matters, fear of stigma prevent them from sharing at an early stage. Rural and marginalized women, and even more so women with disabilities, experience difficulties accessing healthcare services due to several factors. These include socio-cultural norms and beliefs that make them reach out to *Dhami-Jhankri* (shamans), poor infrastructure, lack of decision-making power, lack of information, and GBV. It is difficult for women with disabilities to reach clinics, as infrastructure and transportation systems are not disabled-friendly. Upon reaching health facilities, women with disabilities face the additional challenges of inaccessibility to clinic premises, shortage of beds, insensitive providers with negative attitudes and abusive behavior, and inexperienced providers lacking knowledge about how to treat people with disabilities.<sup>216</sup>

Several challenges in reaching marginalized communities and geographical areas hamper health provider efforts and interventions. These include inadequately-skilled human resources; poor

*We work cleaning dirty/dead things. We get infected very easily and fall sick, but there's no provision of medical facility for us and we cannot afford to get it ourselves.*

- A member of the Mestar (marginalized) community, Province 2

*Due to lack of staff and geographical barriers, people may not get quality service. Even service providers of One Stop Crisis Management Centres need to be capacitated.*

- A GON Official, the Ministry of Health and Population

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<sup>215</sup> Governance Facility (2018) 'Federal Nepal – The Provinces: Comparative Analysis of Economic and Administrative Data and Challenges', Kathmandu, Nepal.

<sup>216</sup> Devkota HR, Murray E, Kett M, Groce N (2018). Are maternal healthcare services accessible to vulnerable group? A study among women with disabilities in rural Nepal. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200370>.

infrastructure in remote and rural areas; social and cultural norms that influence the three delays, i.e., delay in seeking care, delay in reaching the source of care and delay in receiving adequate care; discriminatory behaviors of health service providers; inadequate understanding of mental health and its impacts; and intersecting elements including violence against women and marginalized groups, among others. Even free mobile health camps may come to an area, provide treatment (for instance, in uterine prolapse), but not return to provide necessary follow-up, leading to patients having to spend limited personal resources for further checkups.

The evaluation of the USAID (2016) supported Health for Life activity indicated, “change in the health system will need to go beyond technical service and address GESI barriers (family, social, cultural, institutional, economic, geographical) that affect both service seekers and service providers.” Similarly, the Concluding Observations on 6th Periodic Report of Nepal on CEDAW (2018) recommended the need to “reinforce measures and allocate adequate resources to ensure that all women and girls, including those in rural and remote areas, have access to high-quality and age-appropriate sexual and reproductive health care, in line with commitments made in the context of the universal periodic review.” The report calls to “end discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting.” Efforts to end discrimination against male sex workers were not raised by stakeholders during the GESI Analysis fieldwork but are slowly coming up in the media. However, it remains a hidden issue and unaddressed.

LGBTQI populations also find access to healthcare challenges. Social and structural barriers jeopardize access to crucial HIV and healthcare services for marginalized subpopulations, such as gay men and transgender women.<sup>217</sup> In a report by the UNDP and the Williams Institute, almost one in four LGBTQI respondents (23.2 percent) reported being denied services or treatment by a hospital or a health clinic. Almost 30 percent of those in the Third Gender Assigned Male at Birth Group reported denial of health care, and 15 percent of the Third Gender Assigned Female at Birth Group reported being denied.<sup>218</sup>

The 2015 earthquake demonstrated that health efforts become severely impacted by natural disasters, as “a total of 446 public health facilities and 16 private facilities were completely destroyed and a total of 765 health facilities or administrative (701 public and 64 private) structures were partially damaged” (NPC 2015).<sup>219</sup> During these instances, it also was the most socially and economically marginalized and excluded groups that were affected.

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<sup>217</sup> UNDP, USAID (2014). Being LGBT in Asia: Nepal Country Report. Bangkok.

<sup>218</sup> UNDP, Williams Institute (2014). Surveying Nepal’s Sexual and Gender Minorities: An Inclusive Approach. Bangkok, UNDP.

<sup>219</sup> Government of Nepal (2018) Mid-Term Review of the 2013 Asian and Pacific Ministerial Declaration on Population and Development, 2018.



### 3.4.5 Conclusions and Recommendations for the Health Sector

Given the substantial health policies, plans, and strategies that already are established, transformation can occur if GESI concerns are closely considered. These considerations range from addressing power dynamics within households that constrain women in accessing health services to positive, non-discriminatory behavior of health service providers. Two critical elements include changing mindsets to help overcome socio-cultural beliefs and caste-based discrimination and strengthening the health system with a focus on good and inclusive governance. Issues that have long been overlooked, such as mental health challenges, trauma, breaking cultural taboos around menstruation, enforcing the law on *Chhaupadi*, and challenges facing the LGBTQI communities need to be considered.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>220</sup> three recommendations for development partners, implementers, and national stakeholders follow:

- Continue health system strengthening programming designed to increase the equity of delivery of quality health care services. Integrate responses to GBV as an essential component in all health services and programs. These programs should emphasize the non-discrimination of patients based on poverty, caste, language religion. One focus should be strengthening the accountability of health system duty bearers to follow these criteria with increased constructive public engagements, such as public hearings.
- Foster the professional development and advancement of the female community health volunteers and other health service providers in service to GESI programmatic priorities. These can include strengthening and improving antenatal and postnatal care; helping change social and cultural norms that impact health decision-making; helping change the mindsets and discriminatory behavior of health service providers; and enhancing their capacity to address epidemiological transitions.
- Continue health system strengthening with a focus on providing GESI sensitive quality sexual reproductive health care services and information for people in rural areas and from marginalized groups, particularly women, youth, the poor, persons with disabilities, and LGBTQI communities.

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<sup>220</sup> The scope of this assessment did not include a review of programming of USAID or other development partners.

## 3.5 Education

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### 3.5.1 Sector Overview

Nepal has nearly achieved universal enrollment in primary education and has made significant improvements in gender parity in primary and secondary level education. The primary school enrollment now exceeds 96 percent and has gender parity. However, there are still disparities among Provinces and Districts between male/female enrollment and retention. "Eighty percent of girls dropout by the time they reach higher secondary level (grade 11)<sup>221</sup> making it more challenging for them to transition to decent work, which increases their vulnerability for early marriage and trafficking. According to the USAID Adolescent Girls' Empowerment Assessment (2017), reasons, such as heavy household chores, arranged marriages, lack of money for school, and parental problems, are identified as some primary reasons for girls dropping out. For boys, it is pressure to migrate and generate income, farm work, lack of money for school, drugs which were identified.

Other options of learning, like Technical Vocational Education and Training (TVET) programs, are very limited in Nepal and unable to reach women and marginalized groups, thus pushing these high school dropouts to the informal sector. Despite investment by various external development partners, TVET efforts are also perceived as 'unorganized and scattered.'<sup>222</sup> In addition, the quality of education remains low. The overall literacy rate is around 65 percent, with lower literacy rates among women and traditionally marginalized castes and ethnic groups.<sup>223</sup> The magnitude of the problems of illiteracy, non-enrollment, and school dropout varies by gender, region, and different social groups. There are clear educational gaps between rural and urban areas, and males and females as well as ethnic and social groups. People living in remote rural areas, females, ethnic minorities, *Dalits*, and the poor are extremely disadvantaged in terms of educational attainment.<sup>224</sup> Madheshi Dalit women (16.7 percent) expressed that they felt discriminated against in education settings because of their gender.<sup>225</sup>

The most recent GON school sector development plan also acknowledges "certain groups experiencing less access to and participation in quality education, including low participation of children with disabilities in mainstream classrooms and children from marginalized groups, Dalits and ethnic minorities."

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<sup>221</sup> Anit Paudeal, "For Girls in Nepal, An Educational Gap Hinders the Transition to Work," *Brookings Institute*, <https://www.brookings.edu/blog/education-plus-development/2019/06/26/for-girls-in-nepal-an-educational-gap-hinders-the-transition-to-work/>.

<sup>222</sup> Binod Gupta, "The Concept of TVET: Strategy and Policy," *The Himalayan Times*, <https://thehimalayantimes.com/opinion/concept-tvet-strategy-policy/>.

<sup>223</sup> USAID/Nepal Education Website. <https://www.usaid.gov/nepal/education>.

<sup>224</sup> UNESCO Office in Kathmandu Website. <http://www.unesco.org/new/en/kathmandu/education/gender-equality-and-social-inclusion-in-education/>.

<sup>225</sup> Asian Development Bank (2018). A Survey of the Nepali People.

### 3.5.2 Key Statistics

The gender ratio between female and male enrollment has reached parity. Female students in primary education increased from 39.9 percent in 1995 to 50.8 percent in 2016.<sup>226</sup> The latest Education Management Information System (EMIS) report (2018/2019) says "At the Upper basic level, out of the total number of students in the beginning of the school year, in total 96.7 percent (compared to 96.0 percent in the last school year) 97.1 percent girls and 96.4 percent boys appeared in the final examination in the end of the school year 2018-19". Additionally, the EMIS report 2018/19 states total enrollment in secondary levels (9-12) was 719,990 girls and 674,154 boys. At the secondary level, girls represent 52.5 percent of enrollment. Similarly, in higher education, gender parity increased from 0.7 females in 2010/2011 (which is 42 percent) to 1.07 in 2014/2015.<sup>227</sup> According to the Central Bureau of Statistics (2011), the female literacy rate has jumped from 35 percent to 57 percent in one decade, which is seen as a significant improvement. However, comparing with the 75 percent literacy of males, there remains a significant gap between the two sexes<sup>228</sup>. Overall completion rates for Nepali students tend to drop off as the grade level increases. Despite the progress in the gender parity index showing that females are a little over 50 percent of the student population, overall, females continue to lag in literacy rates.

In 2011, only 56 percent of Nepalis above 25 years of age had attained more than lower secondary education. This can also be seen in the very low tertiary, gross enrollment ratio of 14.9 percent in 2015, while the global average is more than double that.<sup>229</sup> The World Education News and Reviews site explains that the reason the overall graduation rates in tertiary education is very low is that, "Pass rates in Nepal vary strongly by institution and program, but are low on average. At Tribhuvan University, where most of Nepal's students are enrolled, the pass rate in bachelor's programs stood at only 26.6 percent in 2015/16. Marginalized groups and rural populations also continue to have less access to tertiary education than urban populations and members of upper castes. While gender parity has been achieved, the enrollment ratio in higher education among disadvantaged groups like Dalits was in 2010/11 still disproportionately low."<sup>230</sup>

### 3.5.3 Legal, Policy, and Institutional Framework of Education Sector

The government implemented progressive policies and programs to address the gap in education between different populations. For example, it provided free education up to grade eight, free textbooks, and scholarship schemes for girls and some disadvantaged groups. These programs seemed to have been effective in increasing the number of girls enrolled in schools as

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<sup>226</sup> Nepal – Female Students in Primary Education," Knoema, <https://knoema.com/atlas/Nepal/topics/Education/Primary-Education/Female-students-in-primary-education>.

<sup>227</sup> University Grants Commissions (2016). Education Management Information System: Report on Higher Education 2014/2015.

<sup>228</sup> "Education and Women in Nepal: Shree Prasad Devokta and Shiba Bagale," The Rising Nepal," <http://therisingnepal.org.np/news/2234>.

<sup>229</sup> Dragana Borenovic Dilas, Jean Cui, and Stefan Trines, "Education in Nepal," World Education News and Reviews, April 3, 2018, <https://wenr.wes.org/2018/04/education-in-nepal> <https://wenr.wes.org/2018/04/education-in-nepal>.

<sup>230</sup> Ibid.

there is now gender parity. However, dropouts are still high in Nepal, and some of the reasons are distance to school (usually secondary) and cost. Even though the tuition is free, parents still bear about 50 percent of the education costs. They have to pay for school uniforms, exercise books, exam fees, and other indirect costs. These costs can be prohibitive for poor families who are struggling, and in cash strapped times, they may withdraw their children from school to engage them in household care work or income-generating work. In Province 2, child club members' comments supported this assessment that, due to poverty, sometimes parents have to put their child to work.

The new constitution is even more progressive and calls for citizens to have rights in education. Article 31 of the 2015 Constitution (See Appendix D8) states that every citizen shall have the right to free education through the secondary level. The constitution also gives the power to local governments to manage the education sector. Given the new structure of federalism, how the local governments will ensure access and quality of education remains to be seen. As the guide for the next 6 to 7 years, the GON launched the School Sector Development Plan (SSDP) (2016/17 – 2022/23), which aims to provide equitable access to quality education for all. SSDP builds upon previous national education plans and strategies. It will continue the progress, achievements, lessons learned, and unfinished agenda of the Education for All programs (2004-2009) and the School Sector Reform Plan (2009–2016) under the Education for All National Plan of Action (2001–2015).

The eighth amendment of the Education Act realigned the overall schooling structure, with basic education covering grades 1 to 8 and secondary education covering grades 9 to 12. This restructuring and local governments taking ownership may take time and understanding of the different government tiers in terms of

*If we see the data, the places with Muslim settlement have low Human Development Index. It is because of their education system through Madrasa. Therefore, we tried to bring their education into the forefront and standardize it through the Muslim Madras Education Act.*

- Government official, Province 2

roles and responsibilities. The previous education structure was organized into three levels: 1) Primary education from level 1 to 5; 2) lower secondary from level 6 to 8; and 3) secondary level from 9 to 10. A national-level examination, known as Secondary Education Examination, was conducted at the end of level 10. Level 11 and 12 were considered as the higher secondary level, which was supervised by a separate board.

### 3.5.4 GESI Issues and Trends in the Education Sector

Although Nepal has made great strides in education by reaching gender parity in primary, secondary, and tertiary levels, Nepal has not achieved gender equality in education in terms of quality. Many sources, secondary and primary, indicate that the quality of education provided to boys and girls is unequal. A study by Shaleen Khanal found that both rural and urban parents invest more in the education of the boy child than the girl child by sending sons to private schools and daughters to government schools. The degree of discrimination by parents between children's (boys and girls) education was slightly higher in rural areas than in urban. The share of girls' fees to boys' fees is significantly lower in rural areas (0.76) than in urban

areas (0.93), suggesting a higher degree of discrimination among rural populations.<sup>231</sup> KII respondents in all three provinces confirmed that preferential treatment for sons still exists in Nepal. Although girls go to school, parents expect them to help with household chores, leaving them with less time to study. Province 2 is known to have a strong son preference, and the local government has campaigns to address female infanticide and discrimination against daughters. Youth in this province expressed that some parents do not see the point in investing in a daughter's education since she will be married off to someone else and join that family as well as the disincentive of paying higher dowries the later an educated daughter marries, as discussed further under section 2.3.1. As a result of this practice and attitude, Province 2 began the campaign called "Save Daughter, Educate Daughter (*Beti Bachao, Beti Padhao*)," which includes incentives, such as bicycles, to keep girls in school.

Although enrollment has increased for both girls and boys, dropouts from public schools remains a significant problem. Dropouts after primary school are especially high for girls and marginalized groups (e.g., marginalized castes, indigenous, religious, and linguistic minority groups) from poor households, children with disabilities, and those from remote areas. Two-thirds of all children attend public schools in Nepal, and 70 percent of children drop out before taking the Secondary Education Examination.<sup>232</sup> Some LGBTQI students drop out of school due to bullying and harassment, homophobic and transphobic bullying, and the lack of an LGBTQI-friendly environment in educational settings. Prejudice can come from other students and from teachers and education officials.<sup>233</sup>

Distance to school is also a factor for low attendance and dropouts, especially for girls and students with disabilities. Primary schools tend to be closer to a child's home, while secondary schools are fewer and further away. In a study on travel to school and dropout rates by Sharma and Levinson "students from low access areas are likely to drop out in earlier grades than higher access areas.... [T]he odds of moving to a higher grade is 65.9 percent more likely when the student is from the urban capital than mountainous areas of the country and is 74.7 percent more likely when the student is from Urban Plains than Rural Hills."<sup>234</sup> A factor for girls dropping out when schools are further away is that parents and girls could be afraid of possible GBV incidents to and from school. During the fieldwork, distance to school was raised by some focus group discussion participants of a child club and by Janajati stakeholders.

The infrastructure and quality of schools, in general, is another issue that deters parents from sending their children to school. The earthquake damaged over 9,000 schools and made attaining an education a challenge for many children. In addition, some schools that were not damaged may lack access to safe drinking water or adequate sanitation facilities. Many schools do not have separate toilets for boys and girls, making it more challenging for girls to attend

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<sup>231</sup> Khanal, S. (2018). Gender Discrimination in Education Expenditure in Nepal: Evidence from Living Standards Surveys. *Asian Development Review*, vol. 35, no. 1, pp. 155–174.

<sup>232</sup> Sharma, S. and Levinson, D. (2018). Travel Cost and Dropout from Secondary Schools in Nepal.

<sup>233</sup> USAID and UNDP, *Being LGBT in Asia: Nepal Country Report* (Bangkok, Thailand), [https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2014-blia-nepal-country-report.pdf](https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-nepal-country-report.pdf).

<sup>234</sup> Ibid.

school while menstruating. *Chhaupadi*, lack of separate toilets by gender (only one-third of schools have separate facilities), child marriage, distance to school, and fear of school-related GBV are some of the reasons that girls drop out of school. It was reported from all three provinces that boys tend to drop out to migrate and contribute to their families' income due to family, society, and peer pressure.

Furthermore, the lack of female teachers in the upper secondary can make it more difficult for girls who are going through many changes during this time of their lives and could use a female teacher to confide in. Only 17 percent of teachers in upper secondary education are female. A female teacher can also serve as a role model for younger girls and help them have more self-confidence.

*This will change with newer generations. In the past, there were more boys in schools in comparison to girls, but recently it has changed. If we do not send our daughters to school with the fear that they might elope, things will never change. They cannot differentiate what is right and what is not. With education, they will be more knowledgeable. Unless we give them freedom, females won't grow.*

- Religious leaders, Province 2

## Language

Another challenge for many students is that the instructional language is in Nepali. Nepali is the mother tongue of only 44 percent of the population. Nepal is a linguistically diverse country with 123 languages, so learners with a different mother tongue face challenges and are at a disadvantage.<sup>235</sup> The new constitution allows for primary and secondary students to learn in their mother tongue. Article 31 on the right to education states, "Every Nepali community living in Nepal shall have the right to acquire education in its mother tongue up to the secondary level, and the right to open and run schools and educational institutions as provided for by law." The School Sector Development Plan (2016 – 2023), which seeks to improve educational outcomes among marginalized groups, states that minority languages should be used as the primary means of instruction in regions with different languages than Nepali for grades 1 to 3. The complication with this inclusive effort is that there is insufficient teaching materials and instructors who can teach in all the different languages.<sup>236</sup>

*They focus more on Nepali rather than local language makes it difficult for us. In my own class, 60 percent of students failed in Nepali subject.*

- A FGD with social and religious leaders,  
Rural Municipality, Province 2

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<sup>235</sup> UNESCO Office in Kathmandu Website. <http://www.unesco.org/new/en/kathmandu/education/gender-equality-and-social-inclusion-in-education/>.

<sup>236</sup> World Education News and Reviews. <https://wenr.wes.org/2018/04/education-in-nepal>.

## Disability

The GON enacted the Human Rights for Persons with Disabilities Act (2074) in 2017, which addresses some issues that students with disabilities face. The Act states that people with disabilities should have the right to obtain an education or training to prepare them for employment opportunities. It also guarantees that the government will provide appropriate curricula, course books, and teaching and learning material in order to address “the needs of children with intellectual disabilities, mental disabilities, autism, mental paralysis or hearing and sight disabilities.” The Act further states that the government “shall make provisions to provide education to the persons with disabilities through more than one means such as brail or alternative scripts, sign language, means of information technology and peer learning, in order to ease the imparting of education.” The GON plans to have infrastructure that is accessible for people with disabilities. The development of such a law is a good start, but much work needs to be done in Nepal to address the mindset people have towards people with disabilities and integrating them into society. A KII with the National Federation of Disabled Nepal in Province 2 indicated the same. “School infrastructures are not disable-friendly, so access to education is low. Children with disabilities lag behind their normal peers, and on top of that, the Madheshis lag far behind.”

Students with disabilities in Nepal are not able to get quality and inclusive education. No information on gender discriminatory treatment against girls and boys with disabilities, either by parents or teachers, were identified. If they can overcome the discrimination that begins at home and attend schools, they are often segregated and not integrated into the traditional classroom. Internationally, it is thought that integrating students with disabilities and those without disabilities yields benefits for both groups. Inclusion in schools creates a sense of community and understanding for both groups early on in life. In Province 2, urban municipality officials shared that they plan to build a boarding school for children with disabilities. Although the province has good intentions and is taking admirable steps to provide education for students with disabilities, this plan would isolate them. Most of the government schools do not have disabled-friendly infrastructure, making it challenging for these students to get around in the school.<sup>237</sup> There are not enough teachers trained in how to integrate students with disabilities and meet their special needs. In addition, there are not enough resource materials available (e.g., textbooks in braille or sign language interpreters).

## Literacy

There is a stark gap in the literacy rates of older Nepalis and the younger generation. While the youth literacy in 2018 was 92.4 percent, the older adult (65 years and above) literacy rate was only 23.6 percent. In the past, since education was for only the elite, the illiteracy rate among the general public was high. (Only 5 percent of Nepalis in the early 1950s were literate.)<sup>238</sup> As the education system was modernized and made more accessible to the general public, poor

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<sup>237</sup> Human Rights Watch. (2018). Nepal Barriers to Inclusive Education. <https://www.hrw.org/news/2018/09/13/nepal-barriers-inclusive-education#>.

<sup>238</sup> *Ibíd.*



women and marginalized groups remained left behind regarding literacy. As can be seen in Tables 4 and 5, the female literacy rates lag across all age groups, with the differential increasing through the 1980s, then getting smaller with the current generation of 15- to 24-year olds as of 2018.

The intersectionality of being a poor Dalit woman has an impact on one’s ability to advance in Nepal. One example of how discriminated and far behind are Madheshi Dalit women is their significantly low literacy rates compared to other Nepalis. The literacy rate of Dalit men is 52.7 percent, much lower than the general Nepali public, but it’s lower yet at 45.5 percent for Dalit women.<sup>239</sup>

**Table 4: Literacy Rate of Nepalis in 2018**

Literacy Rate %	Total	Male	Female
15-24 years	92.39	94.03	90.88
15 years and older	67.91	78.59	59.72
65 years and older	23.63	41.5	8.65

Source: UNESCO Website<sup>240</sup>

**Table 5: Literacy Status in Nepal by Age 5 +**

Census Year	Total	Female	Male	Gender Gap
1952/54	5.3	0.7	9.5	8.8
1961	8.9	1.8	16.3	14.5
1971	13.9	3.9	23.6	19.7
1981	23.3	12.0	34.0	22.0
1991	39.6	25.0	54.5	29.5
2001	54.1	42.8	65.5	22.7
2011	65.9	57.4	75.1	17.7

Source: Literacy status in Nepal: literacy rate by age group 5+, UNESCO

### **Study Abroad and Migration**

The number of youths obtaining a ‘No Objection Certification’ (NOC) letter to study abroad has dramatically increased from 16,504 students in 2013-14 to 62,800 in 2017-18. The students applied for certificates to study in 72 different countries. The most popular are Australia and Japan currently with the U.S. are growing in popularity, though in the past, India was the top choice. According to the UNESCO Institute of Statistics, 64,054 Nepali students were studying

<sup>239</sup> Mohan Sunar, Bishokarma K, Poudel S, Nepali P, B.K. S, Manabi A (2015). Human Rights Situation of Dalit Communities in Nepal. <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>.

<sup>240</sup> “Nepal – Education and Literacy,” United Nations Educational Scientific, and Cultural Organization, <http://uis.unesco.org/en/country/np>.

abroad in 2017.<sup>241</sup> Nepal ranks 11<sup>th</sup> in the number of international students in the US, which is particularly surprising relative to countries with large populations such as China, India, and Nigeria. Nepalis view study abroad as a way to improve their education, but the main driver is that it is a gateway to working overseas and an increased return on their educational investment. There are hundreds of cases where students were sent to unaccredited schools or in countries where they can work part-time and study, and the Nepali students have gravitated toward working more sometimes, leading to remaining in the country illegally. Another major problem is many of the education consultancies in Nepal are misusing the NOCs. The government estimates one-third of the consultancies are run illegally, and the Ministry of Education has received reports of cheating, money laundering and human smuggling by these organizations. The Ministry of Education says those who are most likely to become victims of TIP are those planning to study language, hospitality, and hotel management.<sup>242</sup>

### **School-Related Gender-based Violence**

Globally, 264 million children are affected by school-related violence.<sup>243</sup> In Nepal, UNICEF conducted a survey in 2014 that showed 66 percent of the children in the schools surveyed experienced physical violence, and 22 percent experienced psychological violence by teachers. Peers were reported to be the cause of 28 percent of physical violence and 15 percent of the psychological violence. The survey also found that 12 percent of children were victims of sexual violence at school. In 2015, the GON began the academic year with the slogan “End Gender-Based Violence at School” and has been actively trying to address this issue. USAID has been a pioneer in addressing school-related GBV and has had internationally recognized programs, such as Safe Schools, to reduce GBV in schools. School-related GBV also occurs at higher-level institutions. A KII respondent at the federal level shared that, after a long process whereby students sexually harassed by University teachers sought justice, Tribhuvan University is currently trying to create a mechanism to address sexual harassment. For this to be effective, it needs sustained support at the highest levels of administration to the ground level among university students. The prevalence of GBV against marginalized groups and its impacts were also raised by focus group discussion participants during field-level focus group discussions with various groups.

*Even in schools we are treated badly even by the teachers themselves so most of us quit going to school.*

- Blue Diamond Society (organization working with LGBTQI), Province 2

*Children from Badi community are deprived of education because of poor economic condition and there is discrimination in school.*

- Badi Community member, Province 7

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<sup>241</sup> United Nations Educational, Scientific, and Cultural Organization – Institute of Statistics, <http://data.uis.unesco.org/#> (Note: no sex disaggregated data nor by caste/ethnicity on study abroad could be found).

<sup>242</sup> National Human Rights Commission (2018). Trafficking in Persons National Report

<sup>243</sup> “Gender-based Violence in Schools a Significant Barrier to the Right to Education,” United Nations Educational, Scientific, and Cultural Organization, <https://en.unesco.org/news/gender-based-violence-schools-significant-barrier-right-education>.

### 3.5.5 Conclusions and Recommendations for the Education Sector

Nepal's progress in the education sector, despite some positive indicators for women, has not been equally distributed across the different groups of women and social groups. There is a disparity between provinces, between marginalized and dominant groups, and within marginalized groups which require improvement. Most women in marginalized groups (e.g., Madheshi, Dalit, and Muslim) trail the rest. Social and cultural norms continue to discriminate against women and marginalized groups with respect to educational quality or level, while GBV within and outside schools can further constrain educational opportunities, including in technical fields.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>244</sup> five recommendations for development partners, implementers, and national stakeholders follow:

- Enhance the capacity of secondary schools to make education more accessible to girls and disadvantaged youth in remote areas and ensure their retention, as well as continue targeted literacy classes for poor older women and marginalized groups. Support the ability of the general public, civil society organization to monitor educational quality, and regularly hold duty bearers to account.
- Continue to strengthen the capacity of school management committees, teachers, and schools to ensure educational quality and meet the needs of children with disabilities. Support efforts to increase the number of female teachers working in lower and higher secondary schools to serve as role models for students.
- Continue integrating GESI issues into the public education curriculum to change the mindsets of young children. Private sector schools should also be encouraged to incorporate such information within their school curricula. Promotion of zero-tolerance against GBV against girls, boys, the LGBTQI, and children with disabilities in schools should also be addressed through training teachers, providing effective complaint mechanisms, and enhancing the capacity of students to understand and report cases.
- Confront the discriminatory practices of *Chhaupadi* should through efforts to change mindsets of different stakeholders through various modalities, such as discourses on its negative impacts and inserting the issue in school curricula.
- Consider investing in technical and vocational formal or informal educational opportunities and connecting female and marginalized students to job opportunities through internship and summer programs that can reduce marginalization and disparities in workplace outcomes.

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<sup>244</sup> The scope of this assessment did not include a review of programming of USAID or other development partners.

## 3.6 Disaster Risk Reduction

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### 3.6.1 Sector: Overview

The earthquake of 2015 shook Nepal to the core, as 9,771 lives were lost, and thousands were injured, lost their homes, and were displaced. Earthquakes are just one type of natural disaster Nepal faces. It is one of the 20 most disaster-prone countries in the world. The Ministry of Home Affairs (MoHA) disaster data archives maintain loss and damage data for a total of 16 kinds of active disasters in Nepal. Major types of natural disasters facing Nepali communities include *asinapani* (heavy rainfall with hailstones), earthquakes, epidemics, flooding, landslides, avalanches and snowstorms, and windstorms<sup>245</sup>. From 1971 to 2017, 41,173 lives were lost, 414 persons were missing, and 79,721 persons suffered injuries due to various disasters.

#### *Key Statistics in Disaster Risk Reduction*

The National Planning Commission's Nepal Earthquake Post Disaster Needs Assessment stated the "estimated value of total damages and losses (changes in flows) is equivalent to about one-third of the (FY 2013-14) Gross Domestic Product."<sup>246</sup> The Assessment recognized women and marginalized groups as among the most vulnerable amongst those affected by Nepal's earthquakes.<sup>247</sup> According to analysis undertaken by UN Women based on the 2011 Population Census, 18 percent of affected households are female-headed (approximately 34,509 households) and out of a total of 10,736 persons with disabilities affected in the 10 most-affected districts, 6,656 are women.

Gendered and social impacts of disasters on women and marginalized groups are evident from disasters that have occurred in the past. Findings indicate women and marginalized groups are disproportionately disadvantaged in accessing relief, services, and information and face increased vulnerability to GBV and exploitations during post-disaster periods. Findings from the Community Feedback Project Survey Rounds (2015)<sup>248</sup> indicate more women than men of all ages continued to report not receiving information about relief and services, unequal access to relief services, and that their problems were not being addressed through the humanitarian response period.<sup>249</sup> The UN OCHA Nepal Earthquake Assessment Unit's Protection Thematic Report (2015) highlights how the absence of citizenship certificates among almost 24 percent of the earthquake-affected population created challenges in their accessing support services. In the health sector, there were major setbacks as health facilities were destroyed, making it

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<sup>245</sup> Government of Nepal – Ministry of Home Affairs, *Nepal Disaster Report – 2017: The Road to Sendai*, <http://drrportal.gov.np/uploads/document/1321.pdf>.

<sup>246</sup> Government of Nepal, National Planning Commission. (2015). Nepal Earthquake Post Disaster Needs Assessment.

<sup>247</sup> Government of Nepal – Ministry of Women, Children, and Social Welfare, *Nepal Gender Equality and Social Inclusion Profile*, <https://reliefweb.int/sites/reliefweb.int/files/resources/Nepal%20GESI%20Profile.pdf>.

<sup>248</sup> "Nepal Gender Profile (March 2016) By Inter-cluster Working Group," United Nations Office for the Coordination of Humanitarian Affairs, <https://reliefweb.int/report/nepal/nepal-gender-profile-march-2016-inter-cluster-gender-working-group>.

<sup>249</sup> Ibid.

challenging for injured people from the earthquake to access services. The earthquake set back advancements in prenatal care, as 70 percent to 90 percent of birthing centers in the 14 most earthquake-affected districts were damaged or completely destroyed. Increased vulnerabilities to GBV and its impacts on their physical, emotional, sexual and reproductive health is another area of disaster impact.

The education sector was also hard hit by the 2015 earthquake, greatly affecting youth in these areas. The Education Management Information System (EMIS) data on the preliminary disaster assessment reports a total of 14,489 schools (including 6,682 Early Childhood Development/Pre-Primary classes) and 1,615,803 children (from pre-primary to grade 12) enrolled in the beginning of the school year 2015 (including 10,736 disabled children) were most affected in 14 of 75 districts. In the 14 earthquake-affected districts, almost 80 percent of the schools and classrooms were damaged. This resulted in the closure of schools for almost two months.<sup>250</sup>

In view of addressing GESI-related needs, the National Reconstruction Authority (NRA) established the GESI Committee and the GESI/Livelihoods Section in 2017. The NRA's GESI Work Plan (2018/2019) was also drafted in the same year, including priority areas such as joint programming in GESI with local governance, and induction and capacity development of the local government stakeholders on programming (including governance and monitoring) on GESI issues involving reconstruction, rehabilitation, and livelihoods.<sup>251</sup> Over the period, various development partners have also focused on empowering women and marginalized groups, engaging them in various reconstruction based activities, such as training as masons under the Baliyo Ghar intervention. However, deep-rooted social and cultural norms are challenging the easy acceptance of women's place in reconstruction and rehabilitation. Meanwhile, for those engaged, as per the USAID Baliyo Ghar Mid Term Performance Evaluation report (2018) non-acceptance of women by society, caste-based differences, lack of confidence among women are some major hurdles.

### **3.6.2 Legal, Policy, and Institutional Framework in Disaster Risk Reduction**

The Constitution of Nepal 2015 guarantees the right to a safe and secure living environment. Even before the 2015 Constitution, the government had enacted and implemented the Natural Calamity (Relief) Act of 1982, the National Strategy on Disaster Risk Management, 2009, and developed and implemented the National Disaster Response Framework, 2013, and National Strategic Action Plan for Search and Rescue, 2014 (MOHA 2017). 'To facilitate expedited recovery and reconstruction of damaged houses, infrastructure, and livelihood by the earthquake, the government promulgated a National Reconstruction Act (2015). This led to

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<sup>250</sup> Ibid

<sup>251</sup> NRA (2018) Rebuilding Nepal. Rising from the Rubble. A National Reconstruction Authority Publication. Rising from the Rubble.

establishing the National Reconstruction Authority and formulation of the Reconstruction and Rehabilitation Policy and Post Disaster Recovery Framework in 2016.<sup>252</sup>

The GON has taken a series of measures to make institutional disaster risk prevention, mitigation, preparedness, and response in line with the 2015 Sendai Framework for Disaster Risk Reduction (DRR), and to strengthen disaster risk governance through enacting the Disaster Risk Reduction and Management Act 2017. This act is a significant improvement on previous acts, in that it comprehensively incorporates prevention and management, as opposed to only humanitarian response.<sup>253</sup> In recent years, the GON has strengthened policy around DRR by developing the National DRR Policy 2018, National DRR Strategic Action Plan (2018-2030), and revised the National Disaster Response Framework.

Under the new federal structure, local governments have exclusive and concurrent power (shared/divided with the federal government) to handle disaster management. However, the Local Governance Operation Act (2017) does not elaborate on their roles in this regard. The roles under the new federal structure need to be clarified. The aftermath of a disaster is always challenging to manage, but local governments seem to be appropriately placed and, thus far, appear prepared. After the Bara tornado, which was the first disaster since the devolution of powers, officials in Province 2 reacted immediately by mobilizing rescue at ground zero. The Chief Minister, Lalbabu Raut, even relocated to Birganj to coordinate relief. As a neighborly act of goodwill, Province 3 donated 10 million rupees. There also were other officials from Kathmandu also trying to assist. The *Nepali Times* wrote, “locals were critical of VIPs rushing south in helicopters from Kathmandu with token relief and competing to upload selfies of handovers. There is a daily traffic jam on the Patlaiya-Birganj road because of the number of cars from all over the country bringing relief material to the worst-affected villages, already crowded with gawkers. Such activities have deprived local governments of the opportunity to develop their own response capacity and raised concerns of mismanagement of funds and resources.”<sup>254</sup>

The National DRR Management Authority is in the process of being established. In addition, the GON has initiated the allocation of disaster management fund for all 753 local governments.<sup>255</sup> Emergency operation centers have been established at the national, provincial, and district levels and will be set up at local levels soon. Finally, a comprehensive and integrated disaster information and management system is now operational.<sup>256</sup> The new priorities for the government to address DRR are enforcing the national building code and promoting disaster-

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<sup>252</sup> Government of Nepal – Ministry of Home Affairs, *Nepal Disaster Report – 2017: The Road to Sendai*, <http://drrportal.gov.np/uploads/document/1321.pdf>.

<sup>253</sup> Government of Nepal (2018) Mid-Term Review of the 2013 Asian and Pacific Ministerial Declaration on Population and Development, 2018

<sup>254</sup> Sewa Bhattari, “Disastrous Management in Nepal : As the Bara Tornado Showed, Vulnerabilities to Calamities Increases with the Lack of Preparedness,” *Nepal Times*, <https://www.nepalitimes.com/banner/disastrous-management-in-nepal/>.

<sup>255</sup> Government of Nepal, Ministry of Home Affairs. (2018). National Position Paper on Disaster Risk Reduction and Management Nepal.

<sup>256</sup> Statement by Mr. Prem Kumar Rai, Secretary of Ministry of Home Affairs, to the Global Platform for Disaster Risk Reduction.

resilient structures, setting up early warning systems, and a multi-hazard risk mapping and vulnerability assessment.<sup>257</sup>

Amid these policy initiatives, efforts to ensure GESI considerations into the Disaster Risk Management (DRM) sector are barely visible beyond the policy level. Findings from the GESI Analysis fieldwork underline efforts to create an understanding of various frameworks and promoting their knowledge among elected leaders is not a priority. There is little understanding of the vulnerabilities of women and marginalized groups and the importance of addressing GESI in disaster risk resilience. The Nepal Disaster Report: Road to Sendai (2017) also states ‘enabling policies for mainstreaming gender and social inclusion into DRM has not been able to advance progress on gender-inclusive and disability-friendly DRM because of prevailing structural barriers in the society, lapses in DRM data architecture and inherent methodological problems of DRR approaches’.<sup>258</sup> The report states that women and persons with disabilities have been engaged in training and awareness programs, but their presence at decision-making levels and public discourses remain nominal. There is also inadequate data on the endeavors and outcomes of such GESI mainstreaming efforts. Existing efforts are more in silos, rather than integrated efforts.

### 3.6.3 GESI Related Issues and Trends in Disaster Risk Reduction

The Disaster Risk Reduction in Nepal, Status Report 2019 states, “incorporating assessments of the socio-economic aspects – including caste, ethnicity, employment and gender – which contribute to social vulnerability, evidenced by the understanding of spatial attributes and intersectionality specific to certain demographic features, is crucial to understanding the formation of disaster risk.”<sup>259</sup> The 2015 earthquake damages highlighted the most vulnerable, marginalized, and poorest communities were also the most impacted. (See Appendix D9) Number and Type of Houses Damaged) Women and children accounted for 70 percent of the casualties (38 percent women, 17 percent girls, 15 percent boys).<sup>260</sup> More females are thought to have died as a result of their gendered roles, which assign them more tasks within the home.<sup>261</sup> Those left behind were heavily impacted, as they tried to recover from the disaster and rebuild their lives.

Much of the earthquake-affected area relied on agriculture and livestock as major sources of livelihood. In these areas, there had been a significant out-migration of men for work abroad, which meant women had to bear most of the burden of rebuilding after the destruction. These women worked primarily in the informal sector, on agriculture-related tasks, due to the lack of

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<sup>257</sup> Ibid.

<sup>258</sup> Government of Nepal – Ministry of Home Affairs, *Nepal Disaster Report – 2017: The Road to Sendai*, <http://drrportal.gov.np/uploads/document/1321.pdf>.

<sup>259</sup> UNDRR (2019). *Disaster Risk Reduction in Nepal: Status Report 2019*. Bangkok, Thailand, United Nations Office for Disaster Risk Reduction (UNDRR), Regional Office for Asia and the Pacific, [https://app.adpc.net/sites/default/files/public/publications/attachments/68257\\_682306nepaldrmstatusreport.pdf](https://app.adpc.net/sites/default/files/public/publications/attachments/68257_682306nepaldrmstatusreport.pdf).

<sup>260</sup> “Earthquake: 55 PC of Dead are Women, Children,” *The Kathmandu Post*,

<https://kathmandupost.com/miscellaneous/2015/05/19/earthquake-55-pc-of-dead-are-women-children>.

<sup>261</sup> Government of Nepal, National Planning Commission. (2015). *Nepal Earthquake Post Disaster Needs Assessment*.



livelihood options. The widespread loss of food stocks, loss in crop productivity, and loss of livestock caused women who rely on this sector and those with small enterprises to struggle financially. The lack of livelihood options means that it takes longer for women to recover from disasters such as earthquakes compared to men who have more options.

Concurrently, the earthquake resulted in added responsibilities and care work due to expected gender and social roles. UN Women's Joint Perception Survey with the Common Feedback Project reported as a result of the earthquake an 'increase in the care work time use burden with 69 percent of women reporting an increase in time spent on child and elderly care, 51 percent reported an increase in time spent on fetching water and 63 percent reported an increase in time spent on cooking and cleaning. On the other hand, 68 percent of women reported a decrease in time spent on paid work, and 72 percent reported a decrease in time spent sleeping and resting.'<sup>262</sup> For other marginalized groups, such as persons with disabilities and the LGBTQI population, the challenges are even higher. The LGBTQI population's lack of livelihood opportunities compelled many into sex work, and due to the limited supply of contraception in the post-earthquake context, many LGBTQI sex workers' experienced increased vulnerabilities resulting from unsafe sexual practices.<sup>263</sup>

Marginalized groups in the poorer districts suffered the largest damage and loss. Dalits and other marginalized groups and people living in remote geographical regions are already frequently deprived of access to social services and livelihood options. Marginalized groups face major setbacks after a disaster hits, and they do not have the social capital or finances to help get them back on their feet. For vulnerable families, the loss of assets, combined with desperation for alternate livelihoods, can have disastrous consequences on women and children. According to the UN Protection Report (2015), the marginalized groups in the priority earthquake-affected districts, Dalits, Hayu, Thami, Chepang, Badi, Chamar/ Harijan, Damai, Dhobi, Kami, Kumal, Majhi, and Sarki<sup>264</sup>, are some of the most marginalized in the country. The Concluding Observations on the Sixth Periodic Report on CEDAW (2018) notes, "economic development and poverty indicators illustrate persistent inequalities in terms of poor outcomes for indigenous, Dalit, Madheshi and Tharu women, women of 'oppressed classes,' widows in the Hindu community and rural women and that the earthquake in 2015 exacerbated food insecurity and the lack of access to natural resources, housing, safe water and credit facilities for women belonging to those groups." Women and girls were at greater risk of domestic violence as tensions arose in households and of sexual and gender-based violence, due

*Every year we suffer from flooding. During flooding, children miss their school, obstacles for delivery, loss of life of people as well as animals. We don't have that much of capacity to build canal.*

- Musaharniya Mukhiyapatti Rural Municipality, Province 2

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<sup>262</sup> Ibid

<sup>263</sup> Ibid.

<sup>264</sup> CARE – Nepal, *Housing, Land and Property Issues in Nepal and their Consequences for the Post-Earthquake Reconstruction Process*, [https://insights.careinternational.org.uk/media/k2/attachments/CARE\\_Housing-land-property-issues-in-Nepal\\_Feb-2016.pdf](https://insights.careinternational.org.uk/media/k2/attachments/CARE_Housing-land-property-issues-in-Nepal_Feb-2016.pdf).

to the lack of sufficient housing. The report 'After the Earthquake: Nepal's Children Speak<sup>265</sup>' (27 July 2015) indicates girls reported increased feelings of vulnerability to exploitation, sexual abuse, and trafficking due to the inadequacy and insecurity of tents and other temporary shelters. Maintaining menstrual hygiene in a cramped, shared space was a major concern for adolescent girls. Girls described being embarrassed to change pads and having nowhere private to wash. Threats of GBV have been expressed by women even when going to toilets and changing clothes. Reports of increased human trafficking of women and children, which the government and I/NGOs tried to address quickly, were also frequently reported by the media.

Housing was hit hard, as more than half a million homes collapsed or were damaged.<sup>266</sup> Poorer households experienced a greater impact from their generally lower standard of housing. Women, Dalits, and other marginalized groups have more limited ownership of land, which restricts their participation in the housing recovery program. Moreover, as discussed earlier, land ownership is closely tied to citizenship, and many women and marginalized groups face challenges in obtaining citizenship, as discussed in Domain I (sub-section Citizenship). This automatically prevents them from accessing state support for reconstruction. Others who do not have the means to reconstruct their homes and have been heavily affected, and further disadvantaged are senior citizens, female-headed households, and people living with disabilities.

### 3.6.4 Conclusions and Recommendations in Disaster Risk Reduction

Despite the numerous policies and plans, sufficient focus on GESI mainstreaming is missing with respect to DRR. Efforts should be better aligned with reacting to disaster impacts on women and marginalized groups. Robust and coherent efforts to build resilience to withstand disasters and their fallout demand holistic engagement (e.g., awareness, capacity building, regular data collection, coordination, linkage building) with vulnerable women and marginalized groups, and other relevant stakeholders.

From this analysis, based on the literature in the sector and fieldwork undertaken as part of the assessment,<sup>267</sup> four recommendations for development partners, implementers, and national stakeholders follow:

- Continue and expand the integration of GESI-focused DRR programming at the local, provincial, and federal levels, and promote the necessary budgetary allocation. Programs should ensure the participation of women and marginalized groups during planning activities. The focus should also be placed on how to better promote enabling and supporting environments to address the needs of women and marginalized groups during emergencies.

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<sup>265</sup> UNICEF, *After the Earthquake, Nepal's Children Speak Out: Nepal Children's Earthquake Recovery Consultation*, [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/150727\\_sc\\_pi\\_wv\\_unicef\\_childr\\_en\\_consultation\\_final\\_lowres.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/150727_sc_pi_wv_unicef_childr_en_consultation_final_lowres.pdf).

<sup>266</sup> Government of Nepal –National Planning Commission, *Nepal Earthquake 2015: Post Disaster Needs Assessment, Vol. A: Key Findings*, [https://www.npc.gov.np/images/category/PDNA\\_Volume\\_A.pdf](https://www.npc.gov.np/images/category/PDNA_Volume_A.pdf).

<sup>267</sup> The scope of this assessment did not include a review of programming of USAID or other development partners.

- Increase the representation of GESI-relevant groups within the disaster risk management domain, vertically and horizontally. Enhance the capacity of women and marginalized groups' networks and organizations' awareness and engagement in the sector and promote inclusion in various related bodies. Awareness programs on existing provisions and early warning systems are essential during the process.
- Conduct capacity building of women and marginalized groups in high-risk areas to strengthen their agency and decision-making power in relation to disaster risk resiliency, alternative livelihood opportunities, GBV, and GESI disparities that arise. GESI-sensitive guidelines (e.g., Red Cross/Red Crescent guidelines on post-disaster response) should be adapted to address GESI considerations during disaster management, relief, rehabilitation, and recovery services.
- Collect, analyze, and manage disaster-related GESI-disaggregated data in preparation for potential disasters. The collected information should also be used to promote linkages with local-level planners and the private sector.

## 4 Potential Cross-cutting Strategic Opportunities / Recommendations for Development Partners

Underlying the potential strategic opportunities offered below are the findings and conclusions identified in the report, as well as contextual issues, such as the opportunities available given federalism. This section is guided as well by the core values highlighted in the constitution, namely, proportional inclusion, participation, equitable economy, prosperity, and social justice. This section also builds on the evidence that GESI-related interventions are most effective when adopted and integrated within and across sectors and throughout programming rather than planned as isolated interventions.

As the scope of this assessment did not include a review of programming of USAID or other development partners, potential strategic directions and opportunities offered are made based on only a general knowledge of programming for USAID/Nepal and other development partners. These suggestions would be best ground-truthed and adapted through recommendations workshops or remote sessions that include Mission technical staff; USAID's Monitoring, Evaluation and Learning Activity; and analysis team members. Some strategic opportunities that involve two elements also could be merged or separated, as appropriate for the Mission's needs.

**Strategic Opportunity 1:** Support improved formulation and/or revision of GESI-sensitive sectoral laws, policies, and regulations across sectors and at federal, provincial, and local levels. Promote their wide-spread understanding to change attitudes and power dynamics.

There remain areas for improvement in the formulation of GESI-sensitive laws, policies, and regulations, especially at the provincial and local levels. The GESI Analysis also identifies a lack of information and understanding of GESI and relevant laws, policies, and institutional practices as a major challenge to their appropriate implementation. The need for improved understanding of GESI-related laws, policies, regulations, and practices applies across all sectors and across all generations of stakeholders. This implies a pressing need to broaden the understanding of existing laws, policies, regulations, and practices to change mindsets and power relations, currently preventing effective understanding and implementation of laws, policies, and regulations. There are many potential target venues, and intervention approaches these efforts might be implemented, such as through analytical discourses at federal, provincial and local governments; and involving the parliament, judiciary, and bureaucracy, as well as various sectoral institutions, the general public, and youth groups.

**Strategic Opportunity 2:** Promote within all levels of governments, agencies, institutions, and communities where development partners engage effective implementation of sectoral GESI-sensitive laws, policies, and regulations that guarantee all, including women and marginalized populations, their human and legal rights.

At a time when provincial and local governments are formulating and/or revising laws and policies, development partners could invest in equipping governmental and non-governmental stakeholders to effectively integrate GESI and GBV laws, policies, regulations in institutional practices. Elected leaders and governmental and non-governmental stakeholders indicated to the analysis team a keen interest in not just understanding GESI laws and policies but addressing contextual gaps. Implementing partners across sectors can help identify GESI related laws, policies, and regulations relevant to their areas, and ensure their implementation to change power dynamics and realize holistic transformation. As but one example, effective enforcement of sexual harassment laws in public and private spaces can reduce the impunity of perpetrators, empower women and marginalized groups, and increase their trust in the government system.

**Strategic Opportunity 3:** Promote long-term efforts to engender transformative GESI-sensitive mindsets across all sectors.

Changing mindsets is a long-term process, but one that is necessary for transforming how a country deals with cross-sectoral GESI issues. Consistent efforts can be made throughout development partner programming and at multiple levels across sectors, governmental levels, and communities. Outreach would need to be inclusive, ranging from political leaders and policymakers to local officials, to religious leaders, to women and marginalized groups. A central element of this effort could be reviewing and revising curricula from primary level onwards to mainstream specific GESI and human rights concerns that continue to discriminate against women, marginalized, LGBTQI communities, persons with disabilities, conflict-affected groups, youth, and others. Information pertaining to human rights, GBV, and legal rights, and the process of claiming these rights and responsibilities of right holders and duty bearers could be incorporated from the upper basic level curriculum onwards.

**Strategic Opportunity 4:** Improve integration of GESI in local governmental programming and budgeting systems, and promote robust monitoring, transparency, and accountability on GESI issues and programs, across sectors and levels of government. Build capacity of stakeholders to develop, implement, and monitor gender-responsive budgeting plans and bridge gaps between GESI-based evidence, planning, and practice.

The GESI Analysis findings indicate local governments are losing focus in addressing GESI considerations through budgetary planning, prioritizing infrastructure development instead. The new federal system provides an opportunity to support changes at this initial phase. The GESI Analysis team also found gaps between lawmakers and their understanding of the need to integrate GESI for transformations. The capacity building could be undertaken by parliamentary committee members, elected leaders, (especially of women and marginalized group members), and opinion-makers. An aim could be to conduct regular GESI programmatic and budgetary oversight and hold governments and duty bearers accountable. Other aims could be to ensure effective implementation; track the extent to which women, marginalized, and youth groups are accessing activities; and address challenges. Development partners may provide technical

assistance to partner GON agencies to better develop, implement, and monitor gender-responsive budgeting in line with substantive budgetary decision making.

**Strategic Opportunity 5:** Consolidate high-quality GESI-disaggregated evidence across the program cycle and across sectors and stakeholders – public, private, and NGOs– to help bridge gaps between GESI-based evidence and their use in planning and practice as a tool for change.

Supporting strategic opportunity 4 (and others), more and higher-quality GESI-disaggregated data could be collected and applied across sectors as a powerful tool to bring about envisioned transformation. Development partners could pilot GESI-related evidence-based planning through disaggregated data collection and mainstream use of this evidence in targeted municipalities' planning processes, for instance, identifying alternatives for young girls and marginalized groups facing harmful GBV practices (e.g. child marriage). In line with strategic opportunity 1 to change mindsets, stakeholders could use evidence-based data in analyses designed to improve understanding of disparities and effects of discrimination. Complementing strategic opportunity 6, regular monitoring could be undertaken towards preventing and unearthing exploitation and abuse in workplaces.

**Strategic Opportunity 6:** Promote the meaningful and equitable participation of all people in decision-making across sectors and at all levels of decision making – households, communities, the private sector, civil society, and government. Strengthen the social capital of women, marginalized groups, youth and help improve their decision making and leadership capacities to increase agency and enhance their equitable access to and control over resources.

Efforts should be placed on engaging and encouraging the meaningful participation of women, marginalized groups, intersecting groups, and youth, along with all others, across all sectors and levels of decision making - households, communities, the private sector, civil society, and government. Partners can strengthen the social capital (building social networks, organizations, communities, civil society organizations) of these GESI-sensitive groups along with their knowledge about sectoral laws, policies, and rights (see strategic opportunity 1) to enhance their ability to access, claim and control sectoral resources. The regular interface between women, youth and marginalized groups and elected representatives and institutions can result in shifts in power relations.

In coordination with GON and other stakeholders, development partners could identify patterns of power and decision making to address and reach consensus on strategies for undertaking interventions. For instance, these could include the promotion of conducive environments for women and marginalized groups' leadership in the private sector, capacity building of elected women and marginalized groups leaders, or promoting decision-making capacity within households. Development partners also could play roles in convening dialogues among government, the private sector, and CSOs for the economic empowerment of women and marginalized in various sectors. Innovative measures targeting women, youth, and marginalized groups' engagement and promoting their leadership in private sector activities could enhance their economic empowerment, lead to their agency building and change the power balance.

The disaggregated data generated in line with strategic opportunity 5 could be utilized to promote equitable distribution of roles and responsibilities and opportunities for women, girls, boys, LGBTQI, and marginalized groups to build their agency and decision-making power. It also can change roles and responsibilities based increasingly on recognition of unpaid or undervalued work, home-based work (separate from household work), and wage disparities across sectors, and their elimination and redistribution. Data also can be used to hold implementers and institutions (public, private, and CSOs) accountable by Members of Parliament and Commissions.

**Strategic Opportunity 7:** Strengthen systems across sectors and communities to eliminate GBV, promote access to justice for survivors of trafficking and GBV, and decrease acceptance of GBV.

The GESI Analysis found evidence that access to justice by GBV survivors is challenged by inadequate capacity of duty bearers, discriminatory GESI prejudices, corruption, political patronage of perpetrators, inadequate law enforcement, weak monitoring and evaluation, and limited knowledge among the public and survivors. Endemic corruption promoting the impunity of GBV perpetrators is evident across all provinces. Development partners could support efforts to promote systemic changes among stakeholders and institutions for effective law enforcement (investigations, maintenance of pieces of evidence, victim and witness protection, provision of timely and adequate compensations), elimination of corruption and influence of trials, and capacity building of Judicial Committee members.

The human rights system could be strengthened by investing in capacity enhancement of women and marginalized groups to exercise agency. Programming could be developed to promote empathy and support towards survivors of various forms of GBV, ranging from caste discrimination and domestic violence to conflict survivors. Interventions could focus on enhancing awareness among families and communities, youth, and children on non-acceptance of violence against women, men, girls, boys, or marginalized groups. Elected leaders of local and provincial governments should ensure resource allocation and long-term programs for behavior change and communication to eliminate non-supportive attitudes.

In line with and complementing strategic opportunity 5, an effective GESI-disaggregated GBV reporting structure could be developed. Development partners could provide technical assistance, for instance, to help develop commonly agreed-upon GBV data collection systems at all three levels of government.

**Strategic Opportunity 8:** Engage youth as a catalytic force for realizing GESI transformations.

Interviews with provincial and local level political representatives and elected leaders revealed targeting of youth groups as a potential vehicle for GESI rights. Youth groups could be mobilized to reduce resistance to social transformation and build a youth

movement that includes a focus on GESI-related changes. Youth solidarity among women, men, non-binary and marginalized and “dominant” groups could be bolstered to help counter discriminatory and regressive beliefs and perceptions. Sectoral GESI challenges could be identified and opportunities resulting from changed beliefs and perceptions highlighted through intergenerational debates and discourses. Young girls, marginalized groups youth, child clubs, religious leaders, influential persons, social media, and GESI champions from dominant groups could be mobilized toward the cause of eliminating harmful cultural practices, including GBV.



# Appendix A: Statement of Work

## USAID Gender Equality and social inclusion (GESI) analysis STATEMENT OF WORK (FINAL, AUGUST 13, 2019)

### I Statement of Work

#### I.1 Background

USAID/Nepal conducts periodic assessments to illustrate shifts in the operating context for strategies and programs implemented by USAID and its partners. The current Country Development Cooperation Strategy (CDCS) expires on September 30, 2020. As part of its 2014-2020 CDCS, USAID/Nepal set the overarching goal of fostering a more democratic, prosperous, and resilient Nepal. More specifically, the Mission asserted that if selected institutions become more effective at delivering services, more adept at engaging citizens—and more responsive to their needs—and if communities' economic, environmental and human capacity are strengthened, then Nepal will become more democratic, prosperous, and resilient. USAID/Nepal anticipated significant contextual changes during the period of its current CDCS. In its CDCS, USAID/Nepal acknowledged that the last five years had the potential to re-craft the political, social, and economic institutions that can propel its development in unprecedented ways. Many of these predictions held true: since 2014, Nepal has experienced significant changes in its political, governance, economic and civil society structures and status. The country suffered a massive earthquake in 2015 that cost more than 8,000 lives, 800,000 homes, and significant damaged infrastructure and services for Nepalis - it also halted, and then spurred economic growth between 2015 and 2017. Women and girls were among the most vulnerable after the earthquake but also took lead roles in the rebuilding process. The border blockage with India in 2015-2016 also highlighted Nepal's vulnerability within the region, as well as its dependence on neighbors. And the new constitution signed in 2015, and the subsequent roll out of federalism, led to administrative and budget planning challenges at multiple levels that have affected women, marginalized groups and vulnerable populations and the various types of service delivery. Continued population shifts, urbanization and out-migration, coupled with remittances, have continued to shift the socio-economic status and structures of Nepali families, as well as geographic and social disparities.

Over the past five years, USAID/Nepal focused on improving the government's inclusion of women and marginalized groups in decision making and services, channeling political competition and conflict through democratic institutions, and ensuring Nepalis' increased civic and political freedoms. From 2020, USAID's overarching goal for the development of Nepal is to continue to support efforts that build self-reliance. USAID considers self-reliance as a country's commitment and capacity to self-sustain, political stability, social equality, and economic growth. Broadly, commitment and capacity are measured through a set of indicators that look at, (1) the degree to which a country's laws, policies, actions and informal governance mechanisms (cultures and norms) support progress toward self-reliance; and, (2) how far a country has come in its ability to manage its own development journey across the dimensions of political, social and economic development, including the ability to work across these

sectors. See Annex A for USAID’s Nepal Country Roadmap for Self-Reliance, and background information on USAID’s website (<https://selfreliance.usaid.gov/country/nepal>).

As the CDCS reaches the final year of implementation, USAID/Nepal seeks to assess the current context as input into future strategies and programs. Broadly, USAID/Nepal is looking to assess the current GESI context, through a synthesis of the findings from the Study of Social Inclusion in Nepal (SOSIN) Survey, Government of Nepal (GON) statistics, and other studies that address gender, caste/ethnicity inclusion, and vulnerability including USAID/Nepal’s activities’ evaluations, assessments, studies, and analyses.

## **General GESI Context and Roles of GoN and DPs**

Nepal ranks 105<sup>th</sup> out of 149 countries in the global gender gap index, 2018 with 0.67 score which is below average. After the promulgation of the Constitution of Nepal 2015, it is assumed that gender equality and social inclusion will play a central role in implementation of the constitution. However, the required laws such as the national gender equality policy and other inclusive policies are yet to be formulated. The long-term vision of the GoN as stated in the 15th Periodic Plan Approach Paper is to fully implement the Constitution, attain high economic growth, graduate from low income status, and achieve sustainable development goals (SDGs), among others. It includes 4 gender equality and women empowerment goals: a) ensure respectable environment for women by institutionalizing gender responsive governance system, b) end all forms of gender discrimination, violence, and exploitation against women, c) build women’s leadership role for economic prosperity and sustainable development, and d) ensure women’s equal access to means, resources, opportunities and benefits. These long-term development goals cannot be achieved if men, women, boys and girls, including marginalized groups and vulnerable populations, do not benefit and equally contribute in Nepal’s development.

Regardless of the stated vision and multiple plans that attempt to include women and marginalized groups, huge disparities remain for groups by sex, caste, ethnicity and location. According to Nepal Demographic Health Survey (NDHS) 2016, 33% of women in Nepal were illiterate, in comparison to only 10% men, and 40% of Terai women and 36% in the Mountains had no education, compared to 20% of women in the Hills. Terai Dalits have the lowest literacy rate at 33.4% for men, and 12.3% for women.<sup>268</sup> The literacy rate is highest in Province 3 (with 82% women and 94% men literate). Due to prevailing gender norms, women continue to undertake a disproportionate level of unpaid care tasks that in turn constrains their choice, including type and location of paid work. 22% women in Nepal (age 15-49) have experienced physical violence since age 15 and 66% of women who have experienced some type of physical or sexual violence have not sought any help or talked with anyone about resisting the violence

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<sup>268</sup> National Population and Housing Census, 2011

they experience. More than one fourth (29%) of women and 23% men agree that wife beating is justified under specific circumstances.<sup>269</sup>

Nepal's new constitution ensures the right of women to protection against gender-based violence, and prohibits concretely any act of sexual or psychological violence against women, and oppression against women based on religious, social, cultural, or traditional practices, with offenders liable not only for punishment, but also compensation for victims. The constitution also prohibits human trafficking and bonded labor with penalty for perpetrator and compensation for the victim from the perpetrator. However, the constitution is still guided by patriarchy. Even though the right to gender identity is ensured in the constitution with representation in state structures, and legal protection against discrimination, its effective enforcement is lagging behind.

Nepali women can confer citizenship to children by descent, and it restricts the rights of women to pass on Nepali citizenship independently. A single Nepali woman has to prove that the father of her child is not a foreigner and that the child was born in Nepal before she can confer citizenship to her child. A Nepali woman married to a foreign man can confer only naturalized citizenship to her child, whereas a Nepali man married to a foreign woman can confer citizenship by descent. Furthermore, the constitution is silent on whether a foreign man married to a Nepali woman can acquire naturalized citizenship, whereas foreign women married to Nepali men can get citizenship immediately. These provisions also create a real risk of statelessness for children born to Nepali mothers and whose fathers will be unknown, unsupportive or deceased.

Regarding the right of women to participate in governance, the constitution has set a progressive path. Currently, women occupy 41% of the seats in the local governments and over 33% in the state and federal assemblies which is higher than the global average of women's representation in parliament (24%). However, women are still not holding key leadership positions; 93% of the elected women are in the deputy leadership position (Deputy Mayor and Vice Chair) of the local government. Dalit representation in the current House of Representatives is 7.27%.<sup>270</sup> Madheshi and Janajati representation is almost at par with their national population composition. These are commendable achievements; yet the most powerful executive positions in local governments are still held by men from dominant hill caste groups. Ward chairs and members are also 99% and 98% men (excluding the seats reserved for women). Outside of the Dalit woman ward member quota (6567), Dalit representatives are only 3.3% of the total local representatives.<sup>271</sup> Unless these disparities between women and men and different social groups are recognized and addressed, it will be challenging for Nepal to achieve its goal of inclusive growth.

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<sup>269</sup> The Asia Foundation report found here

[https://asiafoundation.org/resources/pdfs/OPMCMGECUGBVRResearchFinal.pdf&sa=D&ust=1556014733704000&usg=AFQjCN GqUPqBTot\\_kGdRTUt36BwOEimfvA](https://asiafoundation.org/resources/pdfs/OPMCMGECUGBVRResearchFinal.pdf&sa=D&ust=1556014733704000&usg=AFQjCN GqUPqBTot_kGdRTUt36BwOEimfvA)

<sup>270</sup> <https://www.recordnepal.com/data/dalits-and-women-the-most-under-represented-in-parliament/>

<sup>271</sup> <https://www.recordnepal.com/wire/features/how-quotas-provided-a-footing-but-left-inequality-unresolved-dalits-in-the-local-election/>.

The 2030 Agenda for Sustainable Development signed by 193 countries including Nepal, commits to “a just, equitable, tolerant, open and socially inclusive world” in which the needs of the poorest, the most vulnerable, children, youth and all women and girls are met. 17 SDGs and 169 targets seek to realize the human rights of all, to achieve gender equality and the empowerment of all women and girls and to reach the furthest behind first. The central principle of the SDGs is to “Leave no one behind.” The SDGs demand that the most difficult-to-reach groups, which often face not only poverty, but disadvantages related to location, language, sex, gender identity, sexual orientation, physical or mental ability, caste, ethnicity, or age are not left behind. Nepal’s National Planning Commission (NPC) report on the SDGs reflects this commitment. Nepal, being a signatory to various international conventions, is also legally committed to gender equality and social inclusion normatively based on international human rights standards. The GoN and development partners have implemented various policies and programs in line with these mandates.

Nepal’s International Development Partners Group (IDPG) convenes GESI Working Group (WG) to help realize the constitution’s vision of inclusion and equality and support the implementation of inclusive federalism. The development partners believe that a coordinated approach would enable the DPs to position women and the marginalized (of different social groups) as key actors, based on entitlements and obligations, to access development impacts from local to federal levels and strengthen accountability of service providers according to obligations established by international law. The WG fully supports these GoN priorities of inclusive development and strengthening federalism, including support to the provincial and local governments to achieve SDGs. The WG will focus development attention on the overlapping layers of disadvantage that surround the excluded; analyze the barriers presented by each layer, including the deep-seated discriminatory gender and social norms impacting women and excluded; and develop holistic, data-driven development approaches and interventions that successfully address multi-dimensional exclusion/deprivation from local to federal levels, strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations.

#### Gender Equality and Female Empowerment Policy and GESI Mission Order for CDCS GESI Analysis

USAID/Nepal seeks to conduct a robust country level GESI Analysis to inform the new CDCS. As per ADS 205, gender analysis at a CDCS level examines the macro or sectoral level societal gender inequalities or obstacles to female empowerment so that gender equality and female empowerment can be reflected into all sections of the CDCS including the Goal, Development Objectives (DOs), and Intermediate Results (IRs) and sub-Intermediate Results. Three overarching agency-wide gender equality and female empowerment outcomes are to be incorporated into the CDCS results framework, along with associated targets and indicators for tracking progress. These outcomes are: 1) Reduce gender disparities in access to, control over assets and benefit from resources, wealth, opportunities and services; 2) Reduce gender-based violence and mitigate its harmful effects on individuals and communities; and 3) Increase capabilities of women and girls to realize their rights, determine their life outcomes and influence decision-making.

USAID's Policy Framework, 2019 recognizes that countries that have built institutions to advance sustainable economic growth, inclusive development, and democratic governance have gained greater self-reliance.<sup>272</sup> The Framework provides a vision for the journey to self-reliance and recognizes that self-reliant systems are also inclusive. USAID's approach to foster self-reliance demands inclusive approach to strengthening local solutions and promoting systemic change.

In addition, the Women's Entrepreneurship and Economic Equality (WEEE) Act of 2018, codifies U.S. international development cooperation policy: (1) to reduce gender disparities with respect to economic, social, political, educational, and cultural resources, wealth, opportunities, and services; (2) to strive to eliminate gender-based violence and to mitigate its harmful effects on individuals and communities including through efforts to develop standards and capacity to reduce gender-based violence in the workplace and other places where women work; (3) to support activities that secure private property rights and land tenure for women in developing countries; (4) to increase the capability of women and girls to fully exercise their rights, determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies; and (5) to improve the access of women and girls to education, particularly higher education opportunities in business, finance, and management, in order to enhance financial literacy and business development, management, and strategy skills. The recent launch of the Women's Global Prosperity and Development Initiative (W-GDP) will further promote women's ability to participate in the economy equally with men.<sup>273</sup>

USAID/Nepal's Mission Order (M.O.205.1) for Implementation of policy on gender equality and female empowerment and provisions for social inclusion throughout the program cycle, specifies that the GEFE policy outcomes will be expanded to include social inclusion as well as gender equality. Social inclusion refers to explicit efforts to integrate women, historically marginalized caste (such as Dalits) and ethnic groups (such as *Adibasi Janajatis*), lesbian, gay, bisexual, transgender, intersex (LGBTI) individuals, and persons with disabilities, to better reflect the diversity of Nepali society in program activities and improve development results. Through this GESI Analysis, USAID/Nepal seeks to identify the macro and sectoral level societal inequalities focusing on women, marginalized groups and vulnerable populations that can be linked to the achievement of USAID/Nepal's proposed CDCS results framework.

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<sup>272</sup> USAID Policy Framework: Ending the Need for Foreign Assistance, 2019

<sup>273</sup> <https://www.whitehouse.gov/wgdp/>

## 1.2 The Purpose of the Study

The purpose of the GESI Analysis is to identify most significant macro and sectoral level societal inequalities, and prioritize them with rationale for why they should be addressed in the CDCS. The study will also provide sex and caste ethnicity disaggregated statistics for social inclusion considerations along with strong recommendations about ways that the CDCS could address identified GESI gaps and needs for empowerment so that these could be reflected throughout CDCS. USAID/Nepal will apply these findings for strategic planning, in support of the goal of setting Nepal on a path toward self-reliance.

## 1.3 Methodology

The overall gender and social inclusion analysis will be a joint effort undertaken by USAID with the lead of a team of international and local consultant team and supported by Mission GESI Adviser. USAID/Nepal's GESI Steering Committee will work closely with the team to support stakeholder consultations and field research and review the draft report. USAID/Nepal's MEL Activity will assist the procurement of consultants with the recommendations of the Mission and support the management of the study. The lead team is responsible for finalizing the desk review and the final report using the following methodologies in four stages:

### First Stage: Desk Review in August:

The first step will be a desk review of available data and literature undertaken by the team of consultants using the five domains of analysis. The consultants will identify and collect background literature and available latest data.

Both quantitative data and qualitative data will be analyzed to focus on understanding the gaps and dynamics that are relevant to the five domains. The review will use existing analyses, including other recent Gender and Social Inclusion Analysis, as a basis where appropriate. Quantitative data review will focus on data that point to gender inequalities and inequalities of marginalized groups. Where appropriate, this review will include GON surveys, relevant report from other donors and USAID implementing partner's data.

Primarily the review will use USAID's Study on the State of Social Inclusion in Nepal (SOSIN) latest data and reports that examine social group equality, sustainable development goal indicators, gender relations, women empowerment, child marriage, disability, governance and community resilience. The team will review available global and national quantitative and qualitative reports, national policies and strategies, and research studies to identify the key gender disparities between men and women and social group inequalities among Nepal's diverse caste, ethnic, linguistic, religious, disability and sexual minority groups in the sectors that would be included in the Mission's new CDCS.

USAID uses the five domains to organize the gender analysis findings. These domains include:

1. **Laws, Policies, Regulations, and Institutional Practices:** Examines the context in which men and women, and diverse social groups act and make decisions and the extent to which these legal instruments or practices contain explicit gender, caste, ethnicity, or

religious biases (e.g., explicit provisions that treat males and females differently or have or implicit gender, caste, ethnicity, religious biases; the different impacts of laws, policies, regulations, and practices on men and women and marginalized groups and religious, gender and sexual minorities because of different social arrangements, political, social and economic behavior).

**Key Question:** What gender and societal inequalities are there in laws, policies, regulations and institutional practices?

2. **Cultural norms and beliefs:** Examine appropriate qualities, life goals, and aspirations for boys and girls and men and women, and marginalized groups. Gender and caste norms and beliefs are influenced by perceptions of gender identity and cultural expression as well as their affiliation to certain caste, ethnicity or religion and are often supported by and embedded in laws, policies, and institutional practices. They influence how females and males, minorities and marginalized groups behave in different domains and should be explicitly identified in the gender equality and social inclusion analysis at the country level and especially in project design because they affect potential participation of males and females, marginalized groups and minorities in project activities.

**Key Question:** What beliefs and perceptions shape gender and caste identities and social norms? How do these beliefs and perceptions facilitate or constrain women, sexual minorities and marginalized groups' participation and leadership? What cultural norms and practices affect capacities of men and women, sexual minorities and marginalized groups? What traditional norms and practices prevent women, sexual minorities and members of marginalized groups from participating in political, social and economic activities?

3. **Gender Roles, Responsibilities, and Time Use:** Examines roles and time use during paid work, unpaid work (including care and other work in the home), and community service to get an accurate portrait of how boys and girls, men and women, LGBTI and marginalized groups lead their lives and to anticipate potential constraints to participation in development projects.

**Key Question:** How do gender roles, responsibilities and time use impact girls and boys and men and women of different social groups and gender identities? How do these affect leadership and participation in social, economic and political activities? What specific gender barriers affect full participation in all levels of private sector activities and access to markets?

4. **Access to and Control over Assets and Resources:** Examines whether boys and girls, and men and women, including sexual minorities and marginalized groups own and/or have access to and the capacity to use productive resources – assets (land, housing), income, social benefits (social insurance, pensions), public services (health, water), technology – and information necessary to be a fully active and productive participant in society. Gender, and caste ethnicity gaps in access to resources are especially important at the project and activity levels.

**Key Question:** What is considered a 'resource' for men and women of different social groups and gender identities? Who has access and control of which resources? How has access to and control of resources for men and women of different social groups and gender identities

changed over the last five years? To what extent do men and women of different social groups and gender identity have access to and control over assets and resources?

5. Patterns of Power and Decision-making: Examines the ability of women and men and marginalized groups to decide, influence, and exercise control over material, human, intellectual, and financial resources, in the individual, family, community, and country levels. Analyses should examine to what extent boys and girls and men and women, sexual minorities and marginalized groups are represented in senior level decision-making positions and exercise voice in decisions made by public, private, and civil society organizations.

**Key Question:** To what extent are men and women, and different social groups represented in senior level decision making? To what extent do they participate and exercise voice and influence in decisions made by public, private and civil society organizations? To what extent do women and marginalized groups have influence in community and household level decision making? To what extent do women have control over the use of resources in family and community?

**Second Stage:**

Presentation of desk review findings in a one-day retreat to the Mission in end of August or early September. The retreat will identify questions for further field-based research and document it.

**Stakeholders consultations:** After the retreat, stakeholders' consultations will include open and focused- inquiry meetings with USAID/Nepal staff and implementing partners, donors, non-governmental organizations, private sector, civil society organizations, government ministries, commissions, departments, and academic researchers. KIIs, focused group discussions, roundtables, and interaction meetings may be conducted depending on the type of stakeholders.

- a) Meetings may be held with members of each technical office team, CDCS crosscut thematic analysis teams and senior staff from USAID implementing partners to collect and synthesize findings about integrating gender and social inclusion, to identify emerging key challenges and opportunities and to understand how the current socio economic and political context in the communities in which they are working may have changed in the last five years – given context changes in Nepal (e.g. post 2015 earthquake, implementation of new constitution, local governments, etc).
- b) Meetings with experts - policy makers, academic research, National Planning Commission, Ministry of Finance, Ministry of Women, Children and Senior Citizen, Ministry of Federal Affairs and General Administration, Women's Commission, Gender and Social Inclusion Units, National Human Rights Commission, Dalit and Indigenous Peoples Commission, National Inclusion Commissions; LGBTI stakeholders, representative organizations of people with disabilities, sexual, religious and linguistic minorities, policy research institute, etc.

**Third stage:** field research in identified locations in September



Field research - Primary data collection through interviews, KIIs and FGDs may be undertaken to deepen understanding about particular issues which are not fully understood through secondary analysis or stakeholder consultations and to explore areas in which there is little or no data or data is not detailed or outdated. This may involve traveling to areas outside Kathmandu. Meetings with local government and community level experts will be conducted. The local and community level meetings are to understand the local, community and household level experiences, challenges and opportunities that are emerging and how the governance, socio economic, cultural and political context in the individual, household and communities may have changed in the last five years – given context changes in Nepal (e.g. local governments).

Presentation of preliminary findings will be made to the Mission in October.

Fourth stage: compile and present and finalize report in October to December. Submit a draft report and present to the mission for comments and feedback. Finalize and submit the report in December.

#### I.4 Deliverables and Reporting Requirements

The lead expert and the local consultant should hold at least one preliminary meeting or phone call with the appropriate USAID/Nepal team to discuss the purpose of the study, and expectations of USAID/Nepal. This can be considered as an in-brief. In addition to this meeting, the team must deliver a minimum of the following deliverables:

##### A. Work Plan and Study Design:

A detailed work plan must be submitted to USAID/Nepal for approval. Work plan must include the framework for analysis that will be used in the final report, along with a timeline and preliminary list of sources. The study should be informed of the J2SR framework particularly in relation to capacity and commitment in select components - e.g. inclusive development, government capacity and provide further insight into the implementation of gender equality and social inclusion and the J2SR.

The work plan will include:

1. Draft schedule;
2. Detailed methodology, study questions, list of sources, and framework for analysis;
  - Data collection methods (if applicable)
  - Geographic focus (if applicable)
  - Subject pool, and sampling plan (if applicable)
  - Data collection instruments (if applicable)
3. Report outline.

##### B. Draft Desk Review Report with Presentation to USAID:

The team must submit a high quality (almost final) draft review report containing the findings and conclusions to USAID/Nepal. The report must be in a font size no smaller than 12 pt., not

more than 30 pages in length excluding the annexes and must be written or comprehensively edited by a fluent, experienced English writer.

The report must include signed disclosures of conflict of interest from each member who worked on any part of the report process. When applicable, the report must include statements regarding any significant unresolved differences of opinion on the part of the funders, implementers and/or members of the team.

The suggested format for the report is presented below; however, this can be adapted in consultation with the USAID/Nepal team:

#### Table of Contents:

- Executive summary
- Table of contents, including abbreviations
- Methodology
- Summary of quantitative and qualitative findings/description of current status (per domains and questions identified above)
- Conclusions and recommendations for strategic opportunities for USAID programs across the portfolio

#### Annexes:

- References

After review and discussion during the presentation of findings, the contractor will submit a final draft that incorporates written and verbal feedback from USAID. The contractor will be responsible to revise the report until it meets USAID requirements for quality.

**C. Retreat with Mission staff:** One day retreat in early September

**D. Field Data Collection Plan and Presentation to Mission in September**

**E. Draft Report in November:** USAID will review and comment on the draft report within four weeks.

**F. Final Report** after incorporation of USAID comments in December

The analysis team will be asked to take no more than 10 business days (or as agreed upon in the work plan) to respond to and incorporate final comments from USAID/Nepal.

Per USAID policy (ADS 201 and the Evaluation Policy) the Contractor must submit evaluation final reports and their summaries to the Development Experience Clearinghouse (DEC) within three months of final approval by USAID.

Additionally, the consultants should do an out-briefing by highlighting key findings and recommendations and submit a PowerPoint presentation and draft summary of findings, conclusions and recommendations in addition to the final report.

#### 1.5 Team Composition

**Lead Researcher (international expert)** - An experienced senior level gender analysis technical specialist, with 8-10 years of experience of having led USAID gender reviews and assessments. The Lead Researcher should have a solid understanding of qualitative research skills, particularly on systematic review, and strong analytical and writing skills are required. In addition, the Lead Researcher should have experience in conducting gender-based violence (GBV) and social inclusion analysis as it pertains to international development, governance, human rights, resilience, health, education, economic growth or any of USAID CDCS sectors. The Lead Researcher will manage the entire process, including drafting the analytical design, analysis plan and lead the presentations and discussions with the Mission and Partners. Lead the preparation of an inception report, which will include a review of existing literature and resources, a detailed methodology, work plan, table of contents, and data collection instruments. Provide a presentation of preliminary and findings and recommendations to USAID/Nepal at the end of the data collection. Lead the preparation of the Gender Equality and Social Inclusion Analysis Report.

Two Senior Experts on Gender and Social Inclusion / Vulnerability (Local) – The Senior Experts will primarily be responsible for reviewing Nepali literature and producing desk review report and for conducting field research. With the support of the Lead Researcher, the Social Inclusion / Vulnerability Expert (Local Senior expert specializing in issues related to caste, religion, and ethnicity in Nepal), and the Gender Expert (specializing of gender equality and female empowerment) will conduct gender and social inclusion analysis and work together to produce GESI Analysis report. The Experts will have in depth knowledge of gender equality and social inclusion in Nepal and have understandings of the gender and other thematic intersections of social inclusion. The experts will also have experience of gender equality and social inclusion strategy analysis and assessment in Nepal.

Mission's GESI Advisor will work closely with the team throughout all stages of the study. Mission's GESI Steering Committee and MEL team will provide input in the design the study, collecting and analyzing data, and report. Additionally, Gender Advisers of Asia Bureau and RDMA will provide feedback to the report.

## 1.6 Timeline

The timeline for this SOW is from August through December 2019. The lead consultant is expected to provide at least three weeks in country support.

USAID/Nepal will provide comments within 10 working days of the submission of the draft report. A revised final draft will be submitted within 10 working days after receipt of comments from USAID/Nepal. The report will be final after it is approved in writing by USAID/Nepal.

1.7 Logistics Support: USAID/Nepal's MEL Activity will provide necessary logistics support.

## 1.8 Report Outline

Despite the various types of reports, there are elements that are considered essential in most USAID reports. Below is a suggested outline of sections to include in your study report, not all

of which, however, may be applicable for your study and some of which you may want to combine:

- Table of Contents
- Acronyms and Abbreviations
- Team Members and Acknowledgements (optional)
- Abstract
- Executive Summary
- Overview of the significant GESI issues for Nepal at the macro and sectoral level
- Strategic Priorities and Associated GESI Analysis
- Conclusions
- Topline Strategic and Detailed Recommendations by DOs or Sectors
- Other Crosscutting Issues and Recommendations
- Risks and Constraints

#### Appendices

- A. Desk Research Findings
- B. Presentations and roundtable discussion notes
- C. References
- D. Statement of Work including methodology
- E. Additional documents

#### Annex A. Journey to Self-Reliance: FY 2019 Country Roadmap

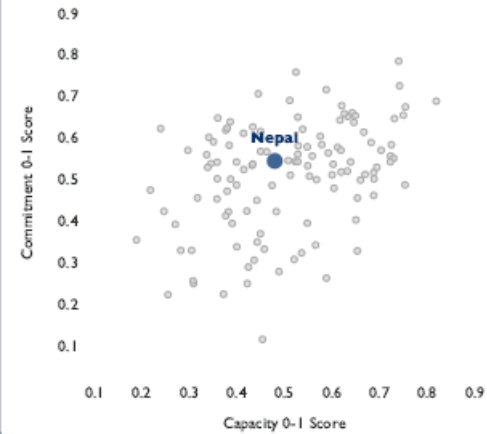
# NEPAL

JOURNEY TO SELF-RELIANCE:  
 FY 2019 COUNTRY ROADMAP

### LEGEND

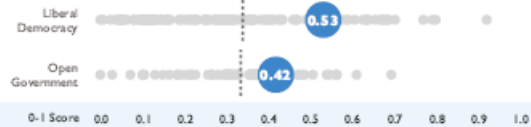


### LOW- & MIDDLE-INCOME COUNTRY SNAPSHOT

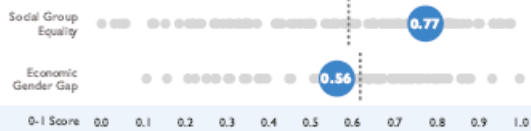


## COMMITMENT

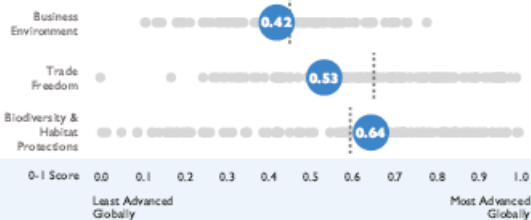
### OPEN AND ACCOUNTABLE GOVERNANCE



### INCLUSIVE DEVELOPMENT



### ECONOMIC POLICY

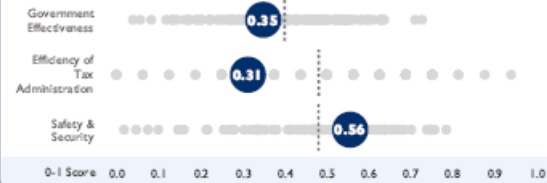


All source data is for the latest year available, typically 2017 or 2016, and is derived from third-party institutions. All indicators are weighted equally in the calculation of the overall Commitment and Capacity scores. Names and boundary representation in the map are not necessarily authoritative.

For more information on definitions and sources, please visit [selfreliance.usaid.gov](http://selfreliance.usaid.gov).

## CAPACITY

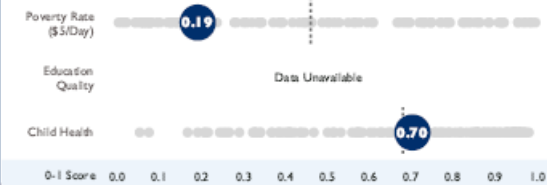
### GOVERNMENT CAPACITY



### CIVIL SOCIETY CAPACITY



### CITIZEN CAPACITY



### CAPACITY OF THE ECONOMY



## Annex B: USAID Documents

- USAID Gender Equality and Female Empowerment Policy 2012
- USAID ADS Chapter 205 Integrating Gender Equality and Female Empowerment in USAID's Program Cycle 2017
- U.S. Strategy to Prevent and Respond to Gender Based Violence Globally 2016
- USAID Policy on Adversity in the Workforce, Equal Employment Opportunity, and Non-Discrimination (A Mandatory Reference for ADS Chapters 110, 101, and 418)
- USAID Disability Policy Paper – Policy Guidance
- Supporting USAID's Disability Policy in Contracts, Grants, and Cooperative Agreements (AAPD 04-17)
- The 2012 Youth in Development Policy
- The U.S. Global Strategy to Empower Adolescent Girls
- The U.S. Government Action Plan on Children in Adversity
- USAID Child, Early Forced Marriage Resource Guide 2015
- USAID Counter Trafficking in Persons Policy
- USAID LGBT Vision for Action: Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals
- The USAID Vision for Ending Child Marriage and Meeting the Needs of Married Children
- The USAID Education Strategy
- Gender Integration in Democracy, Human Rights, and Governance
- USAID Strategy on Democracy, Human Rights, and Governance

## Appendix B: List of Excluded/Vulnerable Groups Currently Targeted by GESI Working Group Members

Group	Excluded or Vulnerable	Comments
Women	Socially/ politically excluded	<p>Almost all agencies and sectors focus on reaching women. It is recognized that some members of the GESI working Group (like UN Women) are mandated to focus on women and not on other disadvantaged or excluded groups per se. However, they are careful to look a different category of women and target their support to the most socially excluded and vulnerable women.</p> <p>Although some minority groups are wealthy despite being cut off from overt political power or social recognition, most groups that are socially and politically excluded are also poor or economically excluded. In the case of women, although a woman may belong to a wealthy family and live in relative luxury ,in traditional patriarchal cultures she would have very limited independent control over economic resources and in an important sense, she would be economically excluded as well.</p>
The poor, all social identities	Economically Excluded	Although some of the DPs did no explicitly list people in poverty in their survey responses, this is a group most DPs do target(depending on the program objective)
Dalits	Socially/ politically excluded	It may be helpful to distinguish between Hill Dalits and Terai/Madheshi Dalits since they have different areas of deprivation. This would also allow Terai/ Madheshi Dalits to be excluded in the Madheshi category for tracking progress.
Adibasi/ Janajati	Socially/ politically excluded	<p>It may be helpful to distinguish between Hill and Terai <i>Adibasi/Janajati</i> for the same reason as noted above. Both the Multidimensional Exclusion Index and the Multidimensional Social Inclusion Index show wide variations in the welfare and political participation levels of different <i>Adibasi/ Janajati</i> groups. Therefore, it may also be helpful to distinguish between <i>Adibasi/ Janajati</i> groups on the basis of their deprivation, as NEFFIN has done. Some groups are advanced, some extremely deprived and some almost extinct.</p> <p>It would also be helpful to understand why the constitution</p>

		introduces a distinction between Indigenous Peoples and Indigenous Nationalities; why Tharus are listed as a separate group; and why the seemingly redundant category of Ethnic groups” is included.
Other Marginalized Classes	Socially/ politically excluded	Not explicitly targeted by any members of the GESI Working Group who responded to the survey. According to the Multidimensional Exclusion Index, most of the groups are highly deprived; hence it may be worthwhile for the GESI Working Group members to review this with their agency management if they are working in the Terai.
Madheshi	Socially/ politically excluded	This category contains dominant as well as excluded and vulnerable groups – but almost all Madheshis suffer political exclusion in varying degrees.
Muslims	Socially/ politically excluded	Logically, this should be “Muslims and other religious minorities,” but human development indicators of Muslim persons are poorer.
Sexual and gender minorities	Socially/ politically excluded	Five different categories (Lesbian, Gay, Bisexual, Transgender/ Transsexual, Intersex) are grouped together. Challenges and discrimination based on sexual orientation may differ from those based on gender identity.
Persons without citizenship	Socially/ politically excluded	This group may grow because of some of the citizenship provisions that do not enable women to pass on citizenship to their children.
Persons with disabilities	Vulnerable/ excluded if of excluded groups	The different kinds of mental and physical disabilities need to be better covered. Intersectionality applies. Persons with disabilities also face exclusion if they are members of socially excluded groups listed in this table.
People living in remote areas	Vulnerable	It is sometimes difficult to know how “remote areas” are defined. Sometimes the GoN specifies the Karnali Zone. Often DPs focus on districts with low connectivity and high poverty, but area-based targeting means that better-off groups in the poor areas will also be covered. Greater clarity would help in monitoring.
Children (boys and girls)	Vulnerable	Intersectionality applies. Children also face exclusion if they are members of socially excluded groups listed in this table.
Youth	Vulnerable	Intersectionality applies. Youths also face exclusion if they are members of socially excluded groups listed in this table
Older persons	Vulnerable	Intersectionality applies. Older persons also face exclusion if they are members of socially excluded groups listed in this table.
HIV/AIDS affected	Vulnerable/social ly excluded	The stigma attached to HIV/AIDS means that people with the illness also face social exclusion. Intersectionality applies. In addition, those affected with HIV/AIDS also face exclusion if they are members of socially excluded groups listed in this table.



Sex workers, trafficked people	Vulnerable/ Socially/ politically /economically excluded	All sex workers also face social exclusion. Intersectionality applies. All sex workers and trafficked people are excluded irrespective of their social identity Their reasons for engaging in sex work and trafficking are often due to economic exclusion. They face political exclusion in terms of their lack of labor rights, and social exclusion in terms of social stigma. They are also vulnerable to harassment and violence.
People working in the informal sector or engaged in unsafe employment/ mitigation and unpaid care work	Vulnerable/ Socially/ politically /economically excluded	Intersectionality applies. Persons working in informal, unsafe or unpaid sectors face economic exclusion from the formal economy, and political exclusion in terms of their lack of labor rights, and social exclusion in terms of social stigma or lack of recognition. They may also be vulnerable to harassment and violence in the workplace.
Earthquake or flood affected population	Vulnerable	Many members of the GESI Working Group are working with these groups. Intersectionality applies. Earthquake- or flood-affected populations are also excluded if they are members of socially excluded groups listed in this table.
The landless	Vulnerable	Those without land or with marginal landholdings. Intersectionality applies. Landless people are also excluded if they are members of socially excluded groups listed in this table.

## Appendix C: Stakeholders Consulted

Technique	Stakeholders	Number of Activities	Number of Females/Males Consulted
Consultations	USAID Mission Debrief & Consultations	3	50
	SOSIN Team, Tribhuvan University	1	4
	International Development Partner  Organizations	1	10
	USAID Implementing Partner Gender Focal Persons	1	7
	GESI Experts	4	6
Key Informant Interviews	Government Representatives from federal, provincial & local level; Political Party Representatives; Bar Association; CSOs; Media; and Private Sector	107	123
Focus Group Discussions	CSOs; Religious Leaders; Child Clubs; Youth Clubs; Marginalized Groups; GBV Prevention Advocates; Conflict Victims; People with Disabilities; and LGBTI	41	Disaggregate by sex, age, marginalize groups, people with disabilities.

## Appendix D: Tables Referenced in Findings and Conclusions

### Appendix D1: Major Laws, Policies and Regulations

Below are some major laws, policies and regulations that the GON has put in place to address gender inequality and social exclusion.

#### GESI Related Laws and Policies

Law, Policy or Regulation on GESI	Relevant Narrative
Gender Equality Act in 2006	Major achievement of this act is the provision that an offender convicted for rape must compensate the victim for mental and physical damage.
Domestic Violence (Crime and Punishment) Act, 2066 (2009) 274 and Article 38 of the Constitution of Nepal (2015)	The act and article make the act of domestic violence punishable by law and the victim shall have the right to compensation.  However, it contains provisions for negotiations through police offices, which seems contradictory.
2015 Constitution of Federal Republic of Nepal: Right to Equality	Article 18: (1) guarantees the Right to Equality for all citizens and provides equal protection. Article 18 (2) Highlights the different types of possible discrimination “no discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.” Article 18 (3) further strengthens gender equity efforts by ensuring special provisions for the protection, empowerment or development of citizens, including the “socially and culturally backward women”, Dalits, Adibasi, Madheshi and Tharus, and Muslims and sexual minorities and others.
2015 Constitution of Federal Republic of Nepal: Rights of Dalits	Legal provision for the Dalit community for empowerment, representation, and employment (including the public service).
Constitution of Federal Republic of	

<sup>274</sup> <http://www.lawcommission.gov.np/en/archives/13736>

Law, Policy or Regulation on GESI	Relevant Narrative
<p>Nepal: Right against Untouchability and Racial Discrimination (Article 14 of Interim Constitution 2007) Rights against untouchability and discrimination (Article 24 of 2015 Constitution)</p>	<p>Protects the rights of all people, and states that, “No person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition.” Discrimination and untouchability are punishable according to the constitution.</p>
<p>Criminal Code, 2074 (2017)</p>	<p>Makes the practice of chhaupadi illegal and punishable. Outlaws child marriage and bigamy. Criminalizes converting one person from one religion to another. What about online GBV?</p>
<p>Human Rights for Persons with Disabilities Act, 2074 (2017)</p>	<p>“The persons with disabilities shall have the right to enjoy the rights granted under the prevailing law on an equal basis with others, in addition to the rights granted by this Act. No person with disability shall be subjected to discrimination on the basis of disability or be deprived of personal liberty.”</p>
<p>Children’s Act, 2075 (2017)</p>	<p>Protects the rights of children. Specifically addresses protecting the rights of children with disabilities; protection from physical and mental violence, including GBV and untouchability and sexual abuse and exploitation; protection from economic exploitation; protection from any work that is harmful and hampers her/his education or is detrimental to her/his health, physical, mental, moral and social development.</p>
<p>Safe Motherhood and Reproductive Health Rights Act (2018)</p>	<p>Includes provisions increasing the number of conditions under which abortion is legal and requiring all levels of government to ensure that funding is available to fulfill the government’s earlier mandate for free abortion care in public health facilities.</p>
<p>Sexual Harassment at the Workplace (Elimination) Act (2015)</p>	<p>Includes a provision whereby a victim shall file a complaint against the perpetrator to the office chief first, and if no action is taken regarding the complaint within fifteen days of registration then the case shall move to the chief district officer for justice. Any person found guilty of committing sexual harassment as per the act can be charged with six months in prison or Rs 500,000 fine or both.</p>
<p>Enactment of the Act of 2072 (2015) Act to amend some acts for maintaining</p>	<p>Repealed various provisions of 31 Acts including Domestic Violence (Crime and Punishment) Act,</p>

Law, Policy or Regulation on GESI	Relevant Narrative
gender equality and ending gender-based violence (2015)	2009, Human Trafficking and Transportation (Control) Act, 2007, Police Act 1955 and General Code (Muluki Ain) 1963. The Act made improvements in the existing laws such as: 1) acid attack is now punishable under the chapter of beating of General Code (Muluki Ain) 1963. 2) The definition of rape includes oral or anal sex or use of foreign element. The statute of limitation for reporting rape cases extended from 35 days to 6 months.
Witchcraft-related Accusation (Crime and Punishment) Act (2015)	Act prohibits accusing or assaulting a woman on charge of practicing witchcraft and stipulates a jail term for five to ten years and a fine of Rs 50,000 if a person is found guilty of the offence.
Gender and social inclusion policy of the Election Commission (2013)	Aimed at achieving gender equality at all stages of the electoral process. Are there any important provisions that stand out?
National strategy and action plan for the elimination of gender-based violence and the empowerment of women (2013-2018)	Five-year action plan to address GBV. Second action plan is being developed.
Human Trafficking and Transportation (Control) Act (2007)	Criminalized some forms of labor and sex trafficking
2015 Constitution of Nepal: Human Trafficking	Right against exploitation: No one should be exploited. No person shall be subjected to human trafficking, bonded labor, or forced labor. These acts are punishable by law.

## Appendix D2: Criteria of Gender Responsive Budgeting and Scores

### Criteria of Gender Responsive Budgeting and Scores

No.	Criteria	Score
1.	Women's participation in formulation and implementation of the program	20
2.	Women's capacity development	20
3.	Women's share in the benefit	30
4.	Promoting employment and income generation for women	20
5.	Qualitative improvement of women's time use or reduced workload	10

Source: Ministry of Finance Budget Speech (2015-16)<sup>275</sup>

### Appendix D3: Key Statistics on GBV

- Nepal has the 3<sup>rd</sup> highest rates of child marriage in Asia, and the 17<sup>th</sup> highest prevalence rate of child marriage in the world (UNICEF).
- Boys in Nepal are among the most likely in the world to be child grooms. More than one in ten is married before they reach 18 (UNICEF).
- Highest incidence of GBV are perpetrated by husbands (84 percent) (NDHS 2016).
- 66 percent of women who have experienced physical or sexual violence have not sought help (NDHS 2016).
- Both the NDHS 2016 & SOSIN 2018 data reveal more women than men believed that the husband is justified in beating his wife (NDHS: women (29 percent) vs. men (23 percent). SOSIN: women 20.2 percent vs. men 17.9 percent).
- High number of males (37.5 percent) & females (37.8 percent) believed a woman/girl who goes out alone after dark is to be blamed if molested. (SOSIN 2018).

### Appendix D4: Households with female ownership of fixed assets in Nepal

Asset Types	Number	Percent
House and Land	580,757	10.7
Land only	488,314	9.0
Neither house nor land	4,310,560	79.5
Not stated	43,666	0.8
Total	5,423,297	100.0

Source: Calculated from CBS (Rijal, 2018-05-23)

### Appendix D5 A: Inclusion Group Representation Requirements for HoR PR Lists

Inclusion Group	Percentage of Candidates
Dalit	13.8%
Adivasi Janajati	28.7%
Khas Arya	31.2%
Madheshi	15.3%

<sup>275</sup> Chakraborty, L. (2016). Asia: A Survey of Gender Budgeting Efforts. IMF Working Paper. Strategy, Policy, and Review and Research Departments. <https://www.imf.org/external/pubs/ft/wp/2016/wp16150.pdf>

Tharu	6.6%
Muslim	4.4%

Source: IFES (2017) Elections in Nepal: 2017 House of Representatives and State Assembly Elections: IFES

### Appendix D5 B: Inclusion Group Representation Requirements for State Assembly Proportional Representation Lists

Group	States and Percent Representation Required						
	1	2	3	4	5	6	7
Dalit	10.06	17.29	5.84	17.44	15.11	23.25	17.29
Adivasi/Janajati	46.79	6.61	53.17	42.37	19.58	13.63	3.61
Khas Arya	27.84	4.89	37.09	37.24	28.84	62.2	60.02
Madheshi	7.57	54.36	1.57	0.52	14.35	0.24	1.64
Tharu	4.15	5.27	1.66	1.17	15.18	0.5	17.21
Muslim	3.59	11.58	0.67	0.71	6.94	0.18	0.23

Source: IFES (2017) Elections in Nepal: 2017 House of Representatives and State Assembly Elections: IFES

### Appendix D5 C: Cross-cutting Quotas for State Assembly Proportional Representation Lists

Group/Area	States and Percent Representation Required						
	1	2	3	4	5	6	7
Minorities	17.53	25.17	7.77	6.02	8.47	1.47	2.37
Backward Areas	0.44	2.11	1.0	0.08	1.17	32.4	12.78

### Appendix D6: GESI References in Agriculture Related Policies and Strategies

Agriculture Related Policy/Strategy	<ul style="list-style-type: none"> <li>GESI Reference</li> </ul>
Agricultural Development Strategy	<ul style="list-style-type: none"> <li>Addresses food and nutrition security of the most disadvantaged rural populations, including pregnant and lactating women;</li> </ul>

(2015-2035) MoAD	<ul style="list-style-type: none"> <li>• Contains a 10-year Plan of Action, which includes the development of a GESI strategy in agriculture.</li> </ul>
Gender Equity and Social Inclusion Strategy Framework (2016), MoAD and UN Women	<ul style="list-style-type: none"> <li>• An overarching strategy to operationalize GESI in agriculture;</li> <li>• Promotes capacity building of the GESI target groups for their meaningful participation in decision-making processes.</li> </ul>
National Seed Vision (2013-2025)	<ul style="list-style-type: none"> <li>• Supports equal rights and access to information, skills and services on seed use irrespective of gender, caste and ethnicity across geographical regions.</li> </ul>
National Agriculture Policy (2004), MoAD	<ul style="list-style-type: none"> <li>• Encourages 50 percent participation of women in every agricultural activity for gender equality;</li> <li>• Conducts mobile training programs to reach villages and homesteads to ensure women's participation and access to information;</li> <li>• Identifies and classifies small farmers with fewer resources and land to provide possible facilities;</li> <li>• Provision of particular programs to targeted groups/resources for poor land holders (less than 4 ha), and deprived groups (Dalit and Janajati) in development of commercial and competitive agricultural systems;</li> <li>• Enhances management capacity of women in women's cooperatives and women in farmers' groups.</li> </ul>
Agribusiness Promotion Policy (2007), MoAD	<ul style="list-style-type: none"> <li>• Ensures special programs for the poor, women and Dalits for establishing agricultural entrepreneurs.</li> </ul>
Agro-biodiversity Policy (2007), (first revision, 2014) MoAD	<ul style="list-style-type: none"> <li>• Organizes special programs for the poor, women and Dalits for the establishment and development of agro-enterprises;</li> <li>• Explores, promotes and utilizes indigenous knowledge in agriculture by including women, indigenous people and the poor;</li> <li>• Implements sustainable agro-biodiversity promotion and income-generation programs.</li> </ul>
Gender Mainstreaming Strategy (2006), MoAD	<ul style="list-style-type: none"> <li>• Commits to achieve 50/50 women-men participation in all administrative mechanisms including MoAD divisions, programs, committees and boards;</li> <li>• Commits to increase women's skills in commercial agriculture, women's economic empowerment, and institutionalization of gender issues at all levels focusing on women's participation in commercial agriculture.</li> </ul>
Agriculture Mechanization Promotion Policy (2014), MoAD	<ul style="list-style-type: none"> <li>• Aims to attract youth and women producers in mechanized agriculture and increase their productivity;</li> <li>• Identifies and promotes adoption of women and environment-friendly technologies and machines to reduce the drudgery of women's work through agricultural mechanization.</li> </ul>



**Irrigation Policy (2014) and Water Induced Disaster Management Policy (2016)**

- Emphasizes 33 percent of disadvantaged people engaged in water users associations;
- Encourages participation of backward and disadvantaged groups in users group for management.

Source: MoAD, 2015; and MoAD, 2016<sup>276</sup>

## Appendix D7: Strategic Pillars and Key Thematic Areas of the Forestry Sector Strategy (2016-2025)

<b>Strategic pillars of the FSS (2016-2025)</b>	<b>Key Thematic areas of the FSS (2016-2025)</b>
1. Sustainably managed resources and the ecosystem.	1. Managing Nepal's forests.
2. Conducive policy process and operational environment.	2. Managing ecosystem and conserving biodiversity.
3. Responsive and transparent organizations and partnerships.	3. Responding to climate change.
4. Improved governance and effective service delivery.	4. Managing watersheds.
5. Security of resource use by the community.	5. Promoting enterprise and economic development.
6. Private sector engagement and economic development.	6. Enhancing capacities, institutions, and partnerships.
7. Gender equality, social inclusion, and poverty reduction.	7. Managing and using forestry sector information.
8. Climate change mitigation and resilience.	

<sup>276</sup> FAO (2019). Country gender assessment of agriculture and the rural sector in Nepal. Kathmandu.

## Appendix D8 : Article 31 of the 2015 Constitution on Right to Education

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1. Every citizen shall have the right to access to basic education.
2. Every citizen shall have the right to compulsory and free basic education, and free education up to the secondary level.
3. The physically impaired and citizens who are financially poor shall have the right to free higher education as provided for in law.
4. The visually impaired person shall have the right to free education with the medium of braille script.
5. Every Nepali community living in Nepal shall have the right to acquire education in its mother tongue up to the secondary level, and the right to open and run schools and educational institutions as provided for by law.

## Appendix D9: Type and Number of Houses Damaged by Earthquake

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### Number of Houses Damaged

	Low Strength Masonry	Cement Mortared Masonry	Reinforced Concrete	Total
Fully Damaged	474,025	18,214	6,613	498,852
Partially Damaged	173,867	65,859	16,971	256,697

Source: Post Disaster Need Assessment, Vol A: Key Findings, Planning Commission of Nepal

## Appendix E: Potential Framework Based on the Five Domain Questions

### Domain I: Laws, Policies, Regulations and Institutional Practices

a. What gender and societal inequalities are there in laws, policies, regulations and institutional practices?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Recognition of rights of the marginalized present in constitution, and visible across sectoral laws. Review of laws reflect legislations aligned with international conventions and instruments</li> <li>The federal structure provides space for local and provincial governments to formulate GESI laws, policies, regulations and institutional practices. Findings indicate efforts at formulating GESI sensitive laws and policies to ensure participation, voices and needs of marginalized in provinces and local governments, are at an initial stage</li> <li>Understanding of gender, across the provinces and among policy makers/duty bearers and general population – vertically and horizontally, limited to ‘women’; marginalized</li> </ul>	<ul style="list-style-type: none"> <li>Interpretation and adaptation of the constitution and sectoral laws into policies, regulations and institutional practices to specifically reach women and marginalized groups remain uncertain</li> <li>Underlying structural and institutional barriers - laws, policies and regulations continue to be influenced by mindsets of ‘dominant’ groups that prevail within these structures preventing systemic transformations</li> <li>The ‘readiness’, willingness, commitments and efforts of policymakers and duty bearers across sectors, to translate regulations and practices to reach marginalized and change the playing fields remains unknown - non accountability of</li> </ul>	<ul style="list-style-type: none"> <li>Support provincial and local governments drafting/revising sectoral laws, policies, regulations and mechanisms and ensure meaningful participation of women and marginalized groups during the process.</li> <li>Support in undertaking local and provincial level studies to identify opportunity costs resulting from sectoral GESI discriminatory laws, and the impact on women marginalized groups, and respective provinces</li> <li>Undertake GRB and GESI audits of government and non-governmental interventions to</li> </ul>	<ul style="list-style-type: none"> <li>Promote engagement of parliamentary committees for regular GESI programmatic and budgetary oversight, and to hold governments and duty bearers accountable for ensuring effective implementation, and tracking progress and challenges. <i>(Federal, provincial and local levels)</i></li> <li>Support piloting of GESI transformative evidence-based planning through disaggregated data (target/ support 2 municipalities per province with most marginalized groups); Mainstream GESI data collection process within target municipalities.</li> <li>Hold series of sectoral analytical discourses on existing laws, policies and regulations, across the three government tiers, aimed at GESI movement building – at parliament, judiciary, bureaucracy, institutions, general public and youth</li> </ul>	<ul style="list-style-type: none"> <li>Increased ownership and accountability of duty bearers in creating non-discriminatory policies and institutions, and their effective implementation.</li> <li>Resource allocated in the forthcoming planning process based on identified GESI gaps, and opportunity costs.</li> <li>Changing mindsets based on movement building with a wider approach – from policy makers to children</li> </ul>

	<p>groups yet to be included</p> <ul style="list-style-type: none"> <li>• GESI funding process in the federal structure remains uncertain. Lack of or inadequate knowledge about Gender Responsive Budgeting (GRB) and Gender Auditing prevalent at provincial and local government level</li> </ul>	<p>governments and institutional practitioners prevent transformation</p> <ul style="list-style-type: none"> <li>• Laws, policies and regulations: Extent of reach, meaningful representation, and impact on women and marginalized groups yet to be visible</li> <li>• Inadequate knowledge amongst the general populace regarding laws, policies, regulations and existing institutional mechanisms. Right to information of the women and marginalized groups - efforts to share and obtain information is missing</li> <li>• Absence of disaggregated data to track and report progress being made - who is being left behind, where and why, remains a void</li> <li>• Evidences of laws, policies, regulations and institutions that are proven to effectively reach marginalized is difficult to gather</li> <li>• Despite major contributions by women in sectors such as agriculture and labor force they continue to be placed at the lower level of the value chain</li> </ul>	<p>leverage resources for realizing socio-economic transformation</p> <ul style="list-style-type: none"> <li>• Promote engagement of parliamentary committees for tracking of progress and challenges pertaining to implementation of GESI laws, policies and regulations</li> <li>• Support in establishment and making functional accountability mechanisms for check and balance of policy makers and duty bearers</li> <li>• Enhance government and civil society collaboration at all levels of government.</li> <li>• Work with “opinion makers,” as champions to facilitate the process of changing mindsets – policy makers and duty bearers to rights holders, youth, women, and marginalized groups to overcome inequalities</li> </ul>	<p>groups. (<i>Analytical discourses and their dissemination critical to change mindsets and power relations currently preventing effective implementation of laws, policies and regulations</i>)</p> <ul style="list-style-type: none"> <li>• Review/Revise primary level curriculum to mainstream province specific GESI sensitive concerns and human rights. (aimed at changing mindsets from an early age)</li> </ul>	
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b. Are there laws and policies to prevent and respond to gender-based violence? Are these laws enforced?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Numerous laws and policies are targeted specifically to women and marginalized groups</li> <li>Advocacy and awareness have created understanding of violence against women</li> <li>GBV is primarily recognized as domestic violence and sexual abuse against women and girls; violence faced by LGBTQI, persons with disability, intersectionalities within women and marginalized groups remain to be understood</li> <li>Widespread impunity in GBV related cases and its linkages with corruption</li> </ul>	<ul style="list-style-type: none"> <li>GBV based on sex, age, class, caste, ethnicity, religion, disability yet to be recognized as a human rights concern</li> <li>Socio-economic cost of GBV faced by women and marginalized groups - at household, community and national levels remain invisible</li> <li>Absence of laws and policies to address need of conflict related sexual violence survivors</li> <li>Non-enforcement of GBV laws and policies - lack of and/or inadequate knowledge of laws, policies, regulations and mechanism among women and marginalized population and absence of enabling environment to prevent them from demanding for rights; non accountability of duty bearers further challenge these</li> <li>Impunity of perpetrator and absence of rule of law highly prevalent - prevents women and marginalized groups' access to justice; corruption, social and political linkages, power imbalances further victimize GBV survivors</li> <li>Survivors who decide to proceed through the judiciary process encounter multiple</li> </ul>	<ul style="list-style-type: none"> <li>Support engagement with and mobilize parliamentarians and parliamentary committees for regular oversight of legal frameworks addressing prevention and protection of women and marginalized groups from GBV</li> <li>Promote engagement with women and the marginalized groups and enhance their capacity to exercise agency to voice opinions and negotiate their way through power structures and overcome injustices.</li> <li>Enhance capacity of local elected leaders - women, men and marginalized groups - for budgetary allocation to prevent and address GBV</li> <li>Build a solidarity movement among local stakeholders – social and popular culture leaders, faith healers, youth, children, in identifying and addressing contextual</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen the human rights system through enhanced capacity of women and marginalized groups to exercise agency, and promotion of systemic changes in stakeholders and institutions that influence GBV</li> <li>Strengthen access to justice of GBV survivors through effective law enforcement (investigations, maintenance of evidences, victim and witness protection) and ensure corruption and influence free trial</li> <li>Support in preventing endemic corruption that is promoting impunity of GBV perpetrators, and hold duty bearers/rights holders to account</li> <li>Support in incorporating GBV and legal rights, and process of accessing these rights and their responsibilities, from basic level curriculum</li> </ul>	<ul style="list-style-type: none"> <li>Increased resilience of women and marginalized groups to prevent and counter GBV</li> <li>Enhanced ownership of local governments to prevent and address GBV across sectors – vertically and horizontally, through regular budgetary allocations</li> <li>Improved and non-discriminatory quality services are accessed by GBV survivors</li> <li>Reduced impunity of perpetrators through legal and social actions</li> </ul>

		<p>challenges - lack of information, threats from perpetrator side, non-sensitivity of judiciary, inability to access facilities provided by laws (e.g. camera hearing) and quality services, corruption, absence of victim and witness protection, lack of information on and access to compensation</p> <ul style="list-style-type: none"> <li>• Non availability of timely and adequate budgetary allocation for preventing and responding to GBV (e.g., One Stop Crisis Management Centers, safe houses)</li> </ul>	<p>forms of GBV for systemic change</p> <ul style="list-style-type: none"> <li>• Ensure sustainable quality services to GBV survivors (medical, legal, social, economic, psychological, reintegration) through strengthening of government and non-governmental support mechanisms.</li> <li>• Tracking of legal system efforts (with GESI disaggregated data) to ensure effective implementation of GBV laws – from law enforcement, trial process to compensation</li> <li>• Adopt stringent measures to hold to account stakeholders and duty bearers who obstruct rule of law through corruption, political influences and threats</li> <li>• Hold duty bearers to account for ensuring timely and quality services to GBV survivors</li> </ul>	onwards	
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c. Are there some forms of gender-based violence that are not addressed by the legal system?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>• Inequalities in marriage law (Section 2.2.4: Inequality in Marriage Laws) - Civil Code Act, 2018 has not criminalized same sex act, but defines marriage as act of opposite sex people above age of 20 years</li> <li>• Human Trafficking and Transportation (Control) Act yet to bring definition of human trafficking in line with 2000 UN TIP Protocol</li> <li>• Discriminatory provision that requires applicant seeking citizenship based on mother's citizenship to submit affidavit stating s/he does not know the father, or for the mother to submit affidavit stating she does not know the father's child</li> <li>• Lack of recognition of the rights of Indigenous women in the constitution</li> <li>• Foreign Employment Act – Restrictive provisions for women in the name of safety and security</li> <li>• Restrictive definition of rape in Criminal Code and the absence of provisions on war crimes in the legislation; Need to remove the statute of limitation for filing cases relating to sexual violence perpetrated during conflict</li> <li>• Lack of specific legislation that integrates constitutional provision under article 38 (5) on 'special opportunities' for women, and the special needs of women and marginalized groups facing intersecting and multiple forms of discriminations</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of knowledge among women and marginalized groups, and the general population about GBV laws, and gaps</li> <li>• Inadequate knowledge about GBV laws and gaps among policy makers, law enforcers, and practitioners</li> <li>• Inadequate solidarity and understanding among CSOs to generate more enhanced lobbying to address gaps</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake regular public hearings and discourses that collect perspective on GBV unaddressed by law</li> <li>• Support in building solidarity among government and CSOs to mobilize awareness against GBV not identified and addressed by legal system.</li> <li>• Document the impacts of not-addressing different forms of GBV</li> </ul>	<ul style="list-style-type: none"> <li>• Support the formulation/revision of ongoing law-making process at local government and provincial levels, and ensure GBV laws, addressing women, marginalized groups and intersecting groups, are effectively integrated; Identified gaps in GBV laws to be considered</li> </ul>	<ul style="list-style-type: none"> <li>• Increased knowledge and understanding on GBV related legal gaps promote women and marginalized groups' capacity to exercise their rights free from stigma, fear of retribution and discrimination</li> <li>• Incorporation of identified in local and provincial laws promote a GBV free society</li> </ul>

## Domain 2: Cultural Norms and Beliefs

a. What beliefs and perceptions shape gender and caste identities and social norms?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<p>Gender identities resulting in power imbalances</p> <ul style="list-style-type: none"> <li>• Patriarchal belief girls and women are subordinate, physically and mentally, hence less valued by society; Restriction in mobility; Lack of or limited education opportunities</li> <li>• Belief burden of household chores is the responsibility of girls/women</li> <li>• Son preference</li> <li>• LGBTI population, and those with physical disability and mental ill-health perceived as social outcasts</li> <li>• Low level of confidence and self-esteem among girls/women, LGBTI, persons with physical disability and mental ill-health</li> <li>• Religious and cultural practices that view girls and women as untouchable during menstruation, and post-partum period</li> <li>• Acceptance of domestic violence amongst women and men, across provinces</li> <li>• Cultural and social belief young people need to wed and procreate early; closely interlinked to dowry, fear of inter-caste marriage among parents, hardships faced by girls/women within and outside households</li> <li>• Intersectionality of women and marginalized groups present</li> </ul>	<ul style="list-style-type: none"> <li>• Internal attitudinal changes in people's beliefs, perceptions and practices – among both women and marginalized groups, and 'dominant' groups, remain to take place.</li> <li>• Tendency to perceive discriminatory beliefs and practices as 'affecting and impacting "others"', and not oneself and own family - preventing attitudinal changes from occurring at household levels.</li> <li>• Resistance in realizing attitudinal changes within households and communities of both 'dominant' and 'marginalized' groups reflected in institutional behavior, practices – process of accessing assets, resources, and services underscore discriminatory behavior of service providers against women and marginalized groups</li> <li>• Elected women and marginalized group leaders not free from discriminatory beliefs and perceptions</li> </ul>	<ul style="list-style-type: none"> <li>• Identify marginalized groups to be targeted and consolidate beliefs and perceptions that influence and challenge changes from occurring – qualitative and quantitative baseline data to reflect progress of socio-economic changes</li> <li>• Design programs and projects that aim to realize attitudinal changes among the marginalized as well as the 'dominant' groups, with outcome indicators tracking progress</li> <li>• Undertake intergenerational discourses on discriminatory beliefs and practices ensuring women, men and LGBTI from both marginalized and 'dominant' groups actively engage</li> <li>• Identify institutions and duty bearers – vertically and horizontally, across varied sectors and undertake awareness for systemic change and ensuring they 'Leave no one behind'</li> <li>• Strengthen the agency of women and marginalized groups, and enhance their confidence, self-esteem, and capacity to participate in</li> </ul>	<ul style="list-style-type: none"> <li>• Hold intergenerational discussions and debates on discriminatory beliefs and perceptions to realize positive social transformations for women and marginalized groups</li> <li>• Identify sectoral challenges brought about by beliefs and perceptions and highlight socio-economic opportunities vis-à-vis losses resulting from changed beliefs and perceptions</li> <li>• Target GESI sensitive youth groups to build a movement aimed at raising voices for incorporating GBV gaps in the legal system</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced resistance to changing discriminatory beliefs and perceptions</li> <li>• Enhanced space for development and promotion of cultural and linguistic diversity of marginalized groups</li> <li>• Active youth movement increase focus on addressing GBV gaps and help realize social transformation</li> </ul>



	<p>opportunities or denial to access resources and power.</p>		<p>decision-making, right to equitable human development and promotion of cultural and linguistic diversity.</p> <ul style="list-style-type: none"> <li>• Initiate a youth movement with a broad approach that addresses diverse beliefs and perceptions discriminating women and marginalized groups, with the target of creating behavioral change (e.g. through social media)</li> </ul>		
	<p>Shaping of Caste based identities that result in power imbalances</p> <ul style="list-style-type: none"> <li>• Dominant groups - belonging to higher status, agency, voice, authority and control over resources possess greater influence – intentionally and unintentionally - over laws and policies and state mechanisms that enforce them and informal structure, values, beliefs, norms and practices.</li> <li>• Practice of untouchability discriminate marginalized (e.g. Dalits) as unequal and subordinate</li> <li>• Certain castes continue to face discrimination and are unable to access markets, sell products, use common water resources, and enter temples.</li> <li>• Caste based discriminations prevent change in power equations – visible among newly elected local representatives, and across the value chain in the labor force.</li> <li>• Concept of intersectionality</li> </ul>				

	further discriminate marginalized (esp. Dalit) women, and the most marginalized such as the Madheshi Dalit women who face triple discrimination for being a Dalit, a woman, and from the Terai; Most marginalized within the marginalized remain voiceless				
<b>b. How do these beliefs and perceptions facilitate or constrain women and marginalized groups?</b>					
	<b>Issues</b>	<b>Gaps</b>	<b>Interventions</b>	<b>Strategic Opportunity</b>	<b>Outcome</b>
	<ul style="list-style-type: none"> <li>• Acceptance and tolerance of violence</li> <li>• Low self confidence and self-esteem, and inability to voice opinions; Dependency on male members within families, and 'dominant' groups in communities</li> <li>• Lack of knowledge about existing resources and services for their human development, and/or inability to access them</li> <li>• Lack of opportunities among young women and marginalized groups, and discriminatory practices resulting in early marriage of their own choice, lured into internal and external trafficking, and alcohol and drug abuse</li> <li>• Women and marginalized groups confined to low paying and positions without decision-making authority</li> <li>• Lack of budgetary allocation to promote rights of women and marginalized groups</li> <li>• Inability to hold duty bearers to account to ensure quality services from various institutions</li> <li>• Inability to obtain citizenship</li> </ul>	<ul style="list-style-type: none"> <li>• Non prioritization – commissions such as Dalit Commission, Tharu Commission, Madheshi Commission, have inadequate staff, resources and independent mandate to function effectively.</li> <li>• Public Service Commission creates inadequate number of positions for marginalized groups despite reservations and quota system</li> <li>• Women and marginalized group elected leaders continue to face character assassinations, threats.</li> <li>• Ignorance among women and marginalized groups about their rights and responsibilities pertaining to available services and resources, and ability to access services</li> <li>• Absence of solidarity and united voice among women and marginalized groups for the demand of their rights, horizontally and vertically, across sectors and provinces.</li> </ul>	<ul style="list-style-type: none"> <li>• Pilot a monitoring mechanism that tracks beliefs and perceptions that facilitate or challenge discriminations (<i>integrate within existing USAID intervention</i>)</li> <li>• Support in tracking efforts of the Public Service Commission in creating legally assigned positions for the marginalized groups</li> <li>• Engage with parliamentarians, policy influencers, bureaucrats, sector experts, and 'opinion makers' as champions to realize change in mindsets through debates, discourses, public hearings and write ups.</li> <li>• Establish/strengthen alliances and networks among women and marginalized groups, horizontally and vertically, that enables them to build agency, change mindsets that build their confidence and self-esteem</li> </ul>	<ul style="list-style-type: none"> <li>• Pilot monitoring mechanism at Municipality levels (2 per province) to track government and non-governmental efforts to document beliefs and perceptions that facilitate/constrain development efforts</li> <li>• Support Youth – young women, men, LGBTQI from marginalized and 'dominant' groups – to build solidarity to remove discriminatory beliefs and perceptions</li> <li>• Target transformation in children through integration of</li> </ul>	<ul style="list-style-type: none"> <li>• Increased number of women and marginalized groups access government positions</li> <li>• Enhanced ownership by youth to overcome discriminatory and regressive beliefs and perceptions</li> </ul>

		<ul style="list-style-type: none"> <li>• Absence of data in the census (e.g. LGBTQI, women home based workers), and inadequacy of data on challenges facing women and marginalized groups</li> <li>• Invisibility/Non recognition of women and marginalized who face multiple layers of discrimination</li> </ul>		<p>human rights and GESI concerns in primary level curriculum</p>	
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c. What cultural norms and practices affect capacities of men and women, and marginalized groups?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Harmful traditional practices increase vulnerability to violence, reduce education and economic opportunities, loss of childhood</li> <li>Practices such as <i>Chhaupadi</i>, caste-based untouchability, dowry system reinforce objectification of girls and women, reduce their ability to challenge mindsets of subordination, lead to low self-esteem</li> <li>LGBTQI - Non-acceptance limits their ability to find employment leading to exploitative jobs.</li> <li>Intersectionality of women and marginalized groups - increases vulnerability to sexual exploitation and abuse, and further victimized by challenges in accessing justice</li> <li>Women and marginalized groups' representatives in decision making positions – many remain unable to have meaningful participation; limited space, and capacity to voice opinion</li> </ul>	<ul style="list-style-type: none"> <li>Lack of knowledge amongst women and marginalized groups on existing laws and policies to challenge discriminatory norms and practices.</li> <li>Deep rooted socio-cultural mindsets and practices among family members, communities, policy makers, bureaucrats, institutional practitioners, and leaders challenge enforcement of laws and policies.</li> <li>Lack of consolidated data on best practices to overcome discriminatory norms and practices and their influence on women and marginalized groups</li> <li>Discriminatory cultural norms and practices inhibit women and marginalized representatives' capacities to voice opinion, and challenge discriminations.</li> </ul>	<ul style="list-style-type: none"> <li>Identify context specific discriminatory norms and practices affecting women and marginalized, including those facing multiple dimensions of marginalization and target attitudinal changes focusing on 'dominant' groups and the marginalized through behavior change communications, discourses, debates and write ups</li> <li>Identify and address discriminatory cultural norms and practices that prevent human right practices and access to justice</li> <li>Engage political representatives, parliamentarians, opinion makers in oversight of respect for cultural diversity, enforcement of rule of law, and hold accountable those breaking the rules of the game</li> <li>Ensure respect for cultural and linguistic diversities are incorporated within curriculum from primary levels onwards</li> </ul>	<ul style="list-style-type: none"> <li>Support elected leaders' (e.g. deputy mayors, ward members) meaningful participation in eliminating discriminatory norms and practices, and ensuring budgetary allocation for eliminating these within local, provincial and federal budgets</li> <li>Support elected leaders for regular monitoring and accountability of institutions and structures</li> <li>Enhance the capacity of municipalities to initiate documentation of opportunity costs realized by discriminatory norms and practices, and ensure regular update of public data on progress</li> </ul>	<ul style="list-style-type: none"> <li>Increased ownership of local and provincial governments in overcoming discriminatory norms and practices affecting women and marginalized groups.</li> <li>Institutions and structures ensure quality and non-discriminatory services and hold service providers accountable; increased budgetary allocation for shelter and rehabilitation support of survivors.</li> <li>Local government use GESI disaggregated data to demonstrate cost of discriminatory culture and practices among population</li> </ul>

d. What traditional norms and practices prevent women and members of marginalized groups from participating in political, social and economic practices?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>• Low level of confidence and self-esteem among women and marginalized groups preventing them from taking up leadership positions, including political leadership</li> <li>• Lack of citizenship, unequal/ unpaid/ undervalued work, and lack of property</li> <li>• Lack of resources – social, economic and political, with women and marginalized groups.</li> <li>• Mobility restrictions, suspicions, character assassination, women’s honor linked to family honor</li> <li>• Traditionally accepted subordinate positions of women and marginalized groups, and patriarchal mindset of male leaders preventing them from assigning leadership positions to women</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of knowledge about existing laws, rights, right to information.</li> <li>• Lack of skills, capacity and confidence to demand and claim rights</li> <li>• Inability or fear of threats for seeking quality services and claiming for non-discriminatory practices.</li> <li>• Discriminatory behavior of duty bearers and their non accountability.</li> <li>• Corruption, political and social influences of ‘dominant groups’ and absence of good governance in institutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Enhance the leadership skills, self confidence and self-esteem of young women, and youth from marginalized groups</li> <li>• Provide space for and promote dialogue and discussion on discriminatory norms practices between women, marginalized groups and ‘dominant’ groups</li> <li>• Linkages of women and marginalized groups to existing social, economic and political resources across various sector are identified and established.</li> <li>• Identify various forms of verbal, physical, sexual, psychological, social and economic violence prevalent across sectors, and undertake campaign on eliminating them.</li> </ul>	<ul style="list-style-type: none"> <li>• Support local governments ensure budgetary allocation to empower women and marginalized groups to engage in, and access services in the politico-social and economic arenas</li> <li>• Promote women, marginalized groups and champions from ‘dominant’ groups to collaboratively work to identify and eliminate discriminatory practices</li> <li>• Support elected women and marginalized group leaders to engage in dialogues with youth groups to highlight their knowledge, experiences and challenges brought about by traditional norms and practices</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced political, social and economic empowerment of women and marginalized groups facilitate social and cultural transformations.</li> <li>• Women and marginalized groups are capacitated to exercise their agency and claim their rights</li> <li>• Dialogues between duty bearers and rights holders enhance accountability of service providers in ensuring meaningful participation of women and marginalized groups across sectors</li> </ul>
e. Are there harmful traditional cultural GBV practices?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>• Dowry</li> <li>• Chhaupadi</li> <li>• Child or Early marriage</li> <li>• Discriminatory nutritional practices</li> <li>• Jhuma, Badi, Dhaan</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional forms of awareness raising are not yielding expected results; efforts have been superficial and unable to realize</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage local and provincial government, in collaboration with CSOs, to allocate budgetary resources and initiate identification contextual</li> </ul>	<ul style="list-style-type: none"> <li>• Support creation of platforms for debates and discourses on harmful cultural practices generate consensus, and</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced local and provincial government ownership to eliminate harmful traditional practices.</li> </ul>

	<p>Khaane</p> <ul style="list-style-type: none"> <li>• De-valuing of girls and women, and marginalized groups and their contributions</li> <li>• Higher value placed on men and masculinity; women, marginalized groups considered subordinates, and outcastes (LGBTI)</li> </ul>	<p>transformation.</p> <ul style="list-style-type: none"> <li>• Absence of support from community, social and political leaders and duty bearers.</li> <li>• Non implementation or the non-tracking of implementation of existing laws.</li> <li>• Corruption, social and political influences, power holders' protection of 'own people', absence of integrity among service providers foster continuity of harmful practices.</li> <li>• Abuse of social media identified as promoting GBV practices.</li> </ul>	<p>harmful practices and its impacts on the health, social, political, economic costs on the local and provincial governments.</p> <ul style="list-style-type: none"> <li>• Help establish monitoring processes of institutional mechanisms assigned to implement the law</li> <li>• Hold discourses and debates on harmful practices and alternatives to generate consensus among youth and children.</li> </ul>	<p>substantive efforts from government and CSOs to integrate norm changing strategy within government programs</p> <ul style="list-style-type: none"> <li>• Support promotion of budgetary allocation at local and provincial levels to help identify alternatives for young girls and marginalized groups facing harmful GBV practices (e.g. child marriage)</li> <li>• Empower young girls and marginalized group youth to engage with local and provincial governments in decision making processes</li> <li>• Promote engagement with faith leaders to generate support for changing harmful practices</li> </ul>	<ul style="list-style-type: none"> <li>• Young girls, marginalized groups youth and Child Clubs mobilized to eliminate harmful cultural GBV practices.</li> <li>• Social media is effectively used to diffuse information on harmful traditional practices, their costs and alternatives.</li> <li>• Duty bearers who obstruct elimination of harmful practices held accountable</li> </ul>
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f. What are the cultural attitudes of violence towards women, men, girls, boys or marginalized groups?					
Issues	Gaps	Interventions	Strategic Opportunity	Outcome	
<ul style="list-style-type: none"> <li>• Acceptance of domestic violence</li> <li>• Violence against marginalized groups identified as less significant</li> <li>• Violence against men and boys met with skepticism</li> <li>• Survivors of human trafficking - stigmatized</li> <li>• Survivors of conflict related sexual violence - non recognition for 14 years (post 2006 comprehensive peace agreement onwards)</li> <li>• Conflict victims – trend to look down at them</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of understanding of pedophilia, and violence against men (including labor trafficking survivors), online child sexual exploitation</li> <li>• Inadequate understanding of the impact of cultural attitudes of violence on survivors, and the socio-economic cost at the individual, family, community and national levels.</li> <li>• Stigmatization of sexual violence survivors, trafficking survivors, burn and acid survivors</li> <li>• Inadequate mental, social, psychological, economic, and shelter support system</li> </ul>	<ul style="list-style-type: none"> <li>• Support advocacy for ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children and amend its legislation accordingly</li> <li>• Support amending the age of sexual consent provision in the criminal legislation to include boys and protect them from rape and pedophilia</li> <li>• Develop programs to raise awareness on harmful impacts of violence on various survivors and their families, and its consequences – targeting of policy makers, communities, private sectors, service providers, youth and children</li> <li>• Help government facilitate extradition of sex and labor trafficking survivors from destination countries</li> </ul>	<ul style="list-style-type: none"> <li>• Support in piloting of monitoring system at municipality level (2 per province) to demonstrate changing cultural attitudes towards different forms of violence (ensuring survivor confidentiality)</li> <li>• Undertake programs to promote empathy and support, and referral of violence survivors</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced awareness among families and communities, youth and children on non-acceptance of violence against women, men, girls, boys or marginalized groups</li> <li>• Elected leaders of local and provincial governments allocate resources for behavior change and communication to eliminate non-supportive attitudes</li> </ul>	

### Domain 3: Gender and Social Roles, Responsibilities and Time Use

a. How do gender roles, responsibilities and time use impact girls and boys, and men and women of different social groups?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcomes
	<ul style="list-style-type: none"> <li>Girls and women shoulder most household responsibilities - less time and investment in girls' and women education, unequal treatment, little free/leisure time</li> <li>Conditioning of mindsets of girls, boys and marginalized groups from early age - household work belongs to girls/women; 'outside' work/play belongs to boys/men</li> <li>Variations according to community, region, urban and rural setting: Indigenous community men more supportive of women in household work compared to Brahmin/Chhetri men and in Muslim castes</li> <li>Heavy household responsibilities result in less time for girls to socialize and network, and less information and knowledge about opportunities</li> <li>Women undertaking home based work (home-based workers) generate additional income for family – but contributions remain invisible</li> <li>Rural area women are burdened by household chores and agricultural work that is primarily labor intensive and remain at lower level of value chain</li> <li>Urban working women continue</li> </ul>	<ul style="list-style-type: none"> <li>Absence of parliamentary policy, financial and field-level oversight to determine implementation of existing laws, policies and programs that address discriminatory and exclusionary practices (e.g., <i>chhaupadi</i>, wage disparity, etc.) aimed at bringing about social transformations within and outside households</li> <li>Non-documentation of women's contribution within households in monetary terms in national census</li> <li>Inability to change perceptions of Nepali women and men, among marginalized and dominant groups on the negative impacts of non-distribution of roles and responsibilities, at the individual, family, community and national levels</li> <li>Inadequacy of interventions engaging men/boys as 'champions' to allay fear among men and 'dominant' groups and promote positive impacts of redistribution of household chores and responsibilities</li> <li>Inability to hold duty bearers accountable vertically and horizontally to ensure effective implementation of laws and policies against discriminatory behavior</li> <li>Absence of consolidated GESI disaggregated data on best practices targeting women, youth and marginalized groups' agency, power dynamics within household and communities and structures and institutions that influence them; Inability to consolidate best practices to</li> </ul>	<ul style="list-style-type: none"> <li>Support awareness raising of members of parliament (MPs) (Women and Social Committee) in ensuring effective implementation of relevant laws, plans and policies across sectors</li> <li>Strengthen capacity of relevant commissions to monitor women, youth and marginalized groups program effectiveness</li> <li>Promote integration of relevant issues in school curricula</li> <li>Train teachers on the importance of countering stereotypes to promote the confidence of girls and marginalized groups</li> <li>Help build linkages among women's groups with different institutions</li> </ul>	<ul style="list-style-type: none"> <li>Institutionalize transformative mindsets to realize balanced gender roles and responsibilities and redistribution of time use</li> <li>Change roles and responsibilities to be based increasingly on recognition of unpaid or undervalued work (household and community based), home-based work (separate from household work), and wage disparities across sectors and their elimination and redistribution</li> <li>Support building GESI</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced and equitable distribution of roles and responsibilities provide space and opportunity for girls, women, boys, LGBTQI and marginalized groups to build their agency and decision-making power</li> <li>Reduced time poverty of girls, women and marginalized groups enhance their opportunities for social, economic and political empowerment</li> <li>Implementers</li> </ul>



	<p>to be burdened by multiple responsibilities. Division of roles and redistribution of responsibilities between women and men remain limited.</p> <ul style="list-style-type: none"> <li>• Migration of men increasing women's burden, leading to insufficient time (time poverty) for themselves and the family</li> <li>• Socially, women, youth and marginalized groups face low level of confidence and self-esteem, and inability to assert themselves.</li> </ul>	<p>influence large scale changes</p>	<ul style="list-style-type: none"> <li>• Support mass campaigns aimed at highlighting gender roles, responsibilities and time use and their impacts on girls/women and boys/men, and their socio-economic and political opportunity costs</li> <li>• Support CSOs in undertaking programs that track qualitative and quantitative progress in transforming gender roles and responsibilities, and balanced time use.</li> </ul>	<p>disaggregated evidence</p> <ul style="list-style-type: none"> <li>• Shift discriminatory norms and values through targeting of children and youth across different social groups</li> <li>• Enhance capacity of MPs, girls/women, youth and marginalized groups to hold individuals, institutions, services accountable - across all sectors</li> </ul>	<p>and institutions (public, private and CSOs) are held accountable by MPs and Commissions through field oversight</p>
<b>b. How do these affect leadership and participation in social, economic and political activities?</b>					
	<b>Issues</b>	<b>Gaps</b>	<b>Interventions</b>	<b>Strategic Opportunity</b>	<b>Outcomes</b>
	<p>Social:</p> <ul style="list-style-type: none"> <li>• Lack of time and opportunity – inadequate knowledge, skill, agency, power and resources to claim these rights and justice</li> <li>• Acceptance and non-questioning of discriminatory and exclusionary values and practices</li> <li>• Lack of decision-making power and autonomy</li> <li>• Tolerance of violence within and outside homes (mental, verbal, physical, sexual) - prevalent while</li> </ul>	<p>Social:</p> <ul style="list-style-type: none"> <li>• Short term and inadequate budget of government, EDP and CSO programs aimed at redistribution of roles, responsibilities and time, and transform social norms and power relations within and outside households</li> <li>• Women, youth and marginalized groups are not engaged to overcome socio-cultural discrimination that inhibits agency building</li> <li>• Women, girls and marginalized groups hesitant to engage in, participate in,</li> </ul>	<ul style="list-style-type: none"> <li>• Help institutions consolidate GESI disaggregated evidence on <ul style="list-style-type: none"> <li>○ differential roles, responsibilities and time use,</li> <li>○ influence of social norms and values, their impacts on girls/women, boys /men across different social</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Promote data-based change and targeting of problems through establishing consolidated GESI disaggregated evidence.</li> <li>• Build agency of families, communities and</li> </ul>	<ul style="list-style-type: none"> <li>• Mass campaigns through GESI disaggregated evidences transform mindsets for redistribution of roles and responsibilities within households and</li> </ul>

<p>participating and engaging in discussions, and in leadership positions</p> <ul style="list-style-type: none"> <li>Men conditioned to believe, practice and support discriminatory and exclusionary practices as ‘natural’ - reinforce feelings of superiority</li> <li>Men, especially from ‘dominant groups’, dominate various aspects of life – politics, media, higher education, bureaucracy, etc.</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>Women’s and girls’ contributions within and outside households remain invisible – unable to understand value of their contributions and assert themselves</li> <li>Women, youth and marginalized groups continue to be at lower rung of organizations, and in the value chain across agricultural and other economic spaces</li> <li>Wage discriminations</li> <li>Personal inadequacies brought on by low self-esteem prevent women, youth and marginalized groups from taking up opportunities for leadership positions</li> <li>Low level of education or illiteracy results in young girls/women falling victim to exploitative jobs and lured into internal and external trafficking; Low employment rate of women.</li> <li>Economic burden of male migration on women (increased</li> </ul>	<p>and/or voice opinions due to lack of confidence (e.g. fear of how others will react)</p> <ul style="list-style-type: none"> <li>Absence of united voice of target groups and implementing agencies (CSOs, EDPs, government entities, MPs) to claim property rights, citizenship, voice against GBV practices and access support</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>Inability to demonstrate financial value of women’s contribution within and outside the homes, (in CBS)</li> <li>Contribution by home-based workers remain invisible</li> <li>Knowledge of women, youth and marginalized groups on prevention and protection from economic exploitation (e.g. trafficking victims) and measures of accessing justice and compensation</li> </ul> <p>Political:</p> <ul style="list-style-type: none"> <li>Inadequate consolidated GESI disaggregated data on the extent of meaningful participation by women and marginalized groups, decision making authority and challenges encountered across sectors</li> <li>Absence of data on GBV faced by potential and incumbent women, youth and marginalized group politicians, within political parties</li> <li>Non-conducive environment for women and marginalized leaders (e.g. newly elected leaders) to voice opinion or make decisions</li> </ul>	<p>groups and,</p> <ul style="list-style-type: none"> <li>different power dynamics that arise</li> <li>discriminatory behavior of structures and implementers</li> </ul> <ul style="list-style-type: none"> <li>Target agency building of girls/women and marginalized groups and youth across sectors to understand responsibilities and claim rights</li> <li>Support sectoral systems to strengthen accessible, inclusive and qualitative services</li> </ul>	<p>institutions of young women/women and marginalized groups to participate in socio-economic and political groups and to influence redistribution of roles and responsibilities within households and communities.</p> <ul style="list-style-type: none"> <li>Promote incorporating gender-focused re-distribution of roles and responsibilities within school curriculum to target children and youth demand and influence transformation.</li> <li>Support and build agency of young women and marginalized groups through leadership positions and balancing of roles and responsibilities.</li> <li>Enhance capacity</li> </ul>	<p>community levels (realized across sectors)</p> <ul style="list-style-type: none"> <li>Women and marginalized group leaders generate support from within families and communities</li> <li>Enhanced voice and solidarity of girls/women, youth and marginalized groups hold public, private and CSOs accountable</li> </ul>
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	<p>household, reproductive burden; pressure to repay loans) –reduces participation and opportunities for leadership positions</p> <p>Political:</p> <ul style="list-style-type: none"> <li>• Prevented from and challenged in ensuring meaningful participation</li> <li>• Character assassination of potential and incumbent women political leaders, and non-conducive environment</li> <li>• Non supportive government personnel (bureaucrats)</li> </ul> <p>Religious and cultural:</p> <ul style="list-style-type: none"> <li>• Tolerance of discriminatory and exclusionary practices</li> <li>• Inability to access and claim justice against these</li> <li>• Persisting community support of discriminatory practices</li> <li>• Non transformation within household and community levels norms and values</li> </ul>			<p>of girls/women, youth and marginalized groups to hold duty bearers to account over not ensuring inclusive, non-discriminatory services and access to justice to promote inclusive, non-discriminatory and qualitative service provision.</p>	
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c. What specific gender barriers affect full participation in all levels of private sector activities and access to markets?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcomes
	<ul style="list-style-type: none"> <li>• GBV within homes restrict mobility of girls/women outside home (e.g. household burden, suspicions, character assassination)</li> <li>• Discriminatory norms and values that consider certain castes and their products untouchable</li> <li>• Norms and values that negatively influence and discriminate women, youth and marginalized groups and their agency</li> <li>• Sexual harassment in the workplace, inability to raise voice against it, lack of reporting mechanisms, and impunity of perpetrators</li> <li>• Wage disparity</li> <li>• Non implementation sexual harassment in workplace law, non-accountability of duty bearers and institutions</li> <li>• GESI discriminatory and exploitative mindsets of some private sector owner</li> <li>• Lack of information on existing resources, poor quality of</li> </ul>	<ul style="list-style-type: none"> <li>• Absence of documentation on women entrepreneurs across the regions, and the scale of their enterprise and contributions to national development</li> <li>• Inadequacy of consolidated data on barriers that challenge full participation of girls/women and marginalized groups in the private sector, access to market, and related opportunity cost to private sector</li> <li>• Absence of data on women, youth and marginalized groups home based works and their contributions to household and national development</li> <li>• Absence of economic empowerment in traditional and non-traditional livelihoods</li> <li>• Absence of information on existing laws and policies, and available resources among women, youth and marginalized groups</li> <li>• Discriminatory mindsets and behavior of private</li> </ul>	<ul style="list-style-type: none"> <li>• Support mass campaigns at federal, provincial and local levels on the existing facilities and resources provided by government to promote women, youth and marginalized groups' participation in private sector enterprises</li> <li>• Identify various private-sector activities for which to undertake awareness and capacity building of women, youth and marginalized groups for their engagement</li> <li>• Undertake or support nationwide research on scale of women, youth and marginalized groups' engagement in entrepreneurship, and home-based work, types of enterprises and their contributions to household, community and national development</li> <li>• Support mass awareness efforts on sexual harassment law in workplace law, ensuring effective reporting mechanisms and holding to account perpetrators</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage schools to incorporate economics-related information within curricula that promotes youth understanding and engagement</li> <li>• Support holding accountable private sector entities and duty bearers throughout government and private sector to ensure outreach of resources and facilities to women/young girls, youth and marginalized groups.</li> <li>• Use convening role to facilitate dialogues between government, private sector and CSOs promoting innovative measures for women, youth and marginalized groups' engagement and market access and promoting engagement and leadership of young women/women and marginalized groups</li> <li>• Promote GESI audits to increase inclusive participation and leadership</li> <li>• Build women and marginalized groups'</li> </ul>	<ul style="list-style-type: none"> <li>• GESI disaggregated data in national census on women and marginalized groups demonstrating their economic contributions – household to national levels, across sectors – leads to shift in their social status</li> <li>• Enhanced economic empowerment of girls/women, youth and marginalized groups results in their agency building and change in power dynamics</li> <li>• Government, private sector and CSO entities are held to account by parliamentary committees for ensuring budgetary allocation and their effective outreach and implementation</li> <li>• Girls/women, youth and marginalized groups challenge and raise voice against sexual harassment and discriminations within workplaces</li> <li>• Sexual harassment law</li> </ul>

	<p>products, challenges in accessing markets, and lack of knowledge of potential women/girls, youth and marginalized group entrepreneurs</p> <ul style="list-style-type: none"> <li>• Lack of access to loans and credits</li> <li>• Non recognition of women and marginalized groups' contributions, within and outside homes</li> </ul>	<p>sector leadership</p> <ul style="list-style-type: none"> <li>• Non monitoring of private sector institutions on the implementation of Sexual Harassment Law in the Workplace, and holding institutions and perpetrators to account; Lack of access to justice and compensation by survivors</li> <li>• Absence of promotion of girls/women and marginalized groups towards private sector enterprises and entrepreneurship opportunities</li> <li>• Non accountability of government, non-government and private sector bodies</li> </ul>	<ul style="list-style-type: none"> <li>• Work with women entrepreneur networks (e.g. FWEAN) to negotiate with local and provincial government for budgetary allocation for women and marginalized groups' engagement in entrepreneurship development and private sector</li> <li>• Enhance parliamentary committees' capacity in policy, financial and field oversight to ensure accountability of government, CSOs and duty bearers across sectors</li> <li>• Support efforts to conduct GESI audits within private sector institutions and systems</li> </ul>	<p>agency to overcome social and structural barriers to economic empowerment</p>	<p>in workplace is effectively implemented; all private sector enterprises are regularly monitored for ensuring non exploitation and abuse in workplace</p>
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## Domain 4: Access to and Control Over Assets and Resources

a. What is considered a resource for men and women of different social groups?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>• Food security</li> <li>• Social capital</li> <li>• Information and knowledge (laws, policies and programs)               <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> <li>○ Education</li> <li>○ Health</li> <li>○ legal rights,</li> </ul> </li> <li>• Economic opportunities               <ul style="list-style-type: none"> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and leadership</li> </ul> </li> <li>• GESI and disability-friendly infrastructure, human resources, and quality services in               <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> <li>○ Education</li> <li>○ Health</li> <li>○ legal rights,</li> </ul> </li> <li>• Economic opportunities               <ul style="list-style-type: none"> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and leadership</li> </ul> </li> <li>• Technology, and knowledge on utilization of resources:               <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Inadequacy of consolidated GESI disaggregated data on resource gaps, across sectors and 3 tiers of governments, encountered by women and marginalized groups</li> <li>• Inadequate and isolated government and CSO interventions targeting challenges encountered, by women, youth and men of different social groups and building their agency and social capital</li> <li>• Poor or non-implementation of policies and programs, and non-accountability of duty bearers</li> <li>• Unequal power dynamics, corruption, non-accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Promote and undertake dialogues between women, marginalized groups and governments to promote advocacy for ensuring their rights across sectors</li> <li>• Undertake mass campaigns that highlight laws, policies, action plans, programs, special provisions targeting women and marginalized groups, across sectors and provinces</li> <li>• Support including GESI-relevant laws and rights in school curriculum as relevant to each sector (e.g. economics, agriculture, etc.)</li> <li>• Provide trainings to women, youth and marginalized groups in political</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthen social capital (building social networks, organizations, communities, CSO) of women, youth and marginalized groups and their knowledge about sectoral laws, policies, and rights</li> <li>• Promote inclusive governance that addresses accountability of duty bearers across sectors</li> <li>• Support engagement of parliamentary committees in ensuring policy, financial and field oversight across sectors, and hold duty bearers accountable – equip with necessary technical knowledge, financial resources and authority</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced knowledge and ability to access and claim sectoral resources by women, youth and marginalized groups</li> <li>• Enhanced interface between women, youth and marginalized groups and elected representatives and institutions result in shift in power relations, and their access and utilization of resources</li> <li>• Availability and accessibility of resources, is effectively monitored and tracked by local government, to revise interventions accordingly.</li> </ul>

<ul style="list-style-type: none"> <li>○ Education</li> <li>○ Health</li> <li>○ legal rights, Economic opportunities</li> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and leadership</li> <li>● Available financial resources in federal, provincial and local governments, and their access and utilization</li> <li>● Administrative institutions and civil service employment opportunities</li> <li>● Natural resources - water resource, conservation area, land and accruing related benefits, and their utilization</li> <li>● Agriculture (crop production, livestock production)</li> <li>● Industries and financial institutions, small cottage and industries</li> <li>● Employment opportunities</li> <li>● Educational institutions and quality services</li> <li>● Health institutions and quality services</li> <li>● Physical infrastructure (roads, airport, hydropower)</li> <li>● Social capital (networks, political linkages)</li> </ul>	<p>resulting in inequitable resource distribution and opportunities across sectors</p> <ul style="list-style-type: none"> <li>● Lack of access to justice reinforced inequitable power dynamics</li> <li>● Inadequate investment on women, youth and marginalized groups and ensuring their access to available resources and opportunities.</li> </ul>	<p>leadership positions with technical knowledge to increase agency</p> <ul style="list-style-type: none"> <li>● Strengthen or build GESI-sensitive monitoring system that regularly tracks progress and gaps encountered by diverse social groups.</li> </ul>	<ul style="list-style-type: none"> <li>● Support building effective monitoring systems at local and provincial government levels to ensure inclusive governance in the distribution of resources and increase the accountability of duty bearers.</li> <li>● Support target groups to build their agency and social capital (e.g. Dalit Madheshi women in Province 2; Women, men and the non-binary groups: All provinces)</li> <li>● Promote use of indigenous dialects and culture</li> <li>● Invest in girls, women and marginalized groups to promote access to quality services, across sectors</li> <li>● Promote women, youth and marginalized groups' meaningful participation, voice</li> </ul>	
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				and agency in governance	
b.	Who has access and control over which resources? (W=women, M=marginalized group, DGW=dominant group women, DGM=dominant group men)				
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<p>Access and control over resources:</p> <ul style="list-style-type: none"> <li>• Food security: DGW, DGM</li> <li>• Social capital: DGW, DGM</li> <li>• Information and knowledge (laws, policies and programs): DGM <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> <li>○ Education</li> <li>○ Health</li> <li>○ legal rights,</li> </ul> </li> <li>Economic opportunities <ul style="list-style-type: none"> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and leadership</li> </ul> </li> <li>• GESI and disability-friendly infrastructure, human resources, and quality services: DGM <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> <li>○ Education</li> <li>○ Health</li> <li>○ legal rights,</li> </ul> </li> <li>Economic opportunities <ul style="list-style-type: none"> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Unequal power relations, norms and practices within households and communities, and within and among social groups affect women and marginalized groups' agency and ability to access and control resources</li> <li>• Existing/new structures, laws and policies, electoral mechanisms and governance structures, formulated by DGM reinforce differential power dynamics within system and structures</li> <li>• Absence of GESI disaggregated data demonstrating national opportunity cost (e.g. cost to</li> </ul>	<ul style="list-style-type: none"> <li>• Support piloting of local level monitoring mechanism to identify existing resources, track women and marginalized groups' access and control over resources, and change practices</li> <li>• Support innovative sectoral interventions to promote women, youth and marginalized groups' access to and control over resources, across different sectors and at different levels</li> <li>• Promote dialogues between women, marginalized groups and decision makers within systems and structures</li> </ul>	<ul style="list-style-type: none"> <li>• Underwrite formulation/reform of laws, policies and structures to include GESI-related provisions across sectors to ensure broad information on, access to and control over diverse resources.</li> <li>• Support women and marginalized groups' agency building to enhance capacity, voice and decision-making power to access and control resources</li> <li>• Promote effective monitoring mechanisms at municipality/village municipality levels to track government and non-governmental efforts to address</li> </ul>	<ul style="list-style-type: none"> <li>• Identified gaps in sectoral laws, policies and structures are addressed and overcome through tailored interventions</li> <li>• Enhanced access and control over sectoral resources, with women, youth and marginalized groups (especially most marginalized) to higher level of value chain</li> <li>• Enhanced and effective monitoring reduces corruption, and results in greater access to information and knowledge on</li> </ul>



<p>leadership</p> <ul style="list-style-type: none"> <li>• Technology: Some DGM <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Land/housing</li> <li>○ Education</li> <li>○ Health</li> <li>○ Legal rights</li> </ul> </li> <li>Economic opportunities <ul style="list-style-type: none"> <li>○ Agriculture</li> <li>○ Political, cultural and religious rights and leadership</li> </ul> </li> <li>• Available financial resources in federal, provincial and local governments and their access to, and utilization of: DGM with social and political capital</li> <li>• Administrative institutions and civil service employment opportunities: DGM</li> <li>• Natural resources - water resource, conservation area, land: DGM, DGW</li> <li>• Agriculture (crop production, livestock production): DGM, and some DGW</li> <li>• Industries and financial institutions, small cottage and industries: DGM</li> <li>• Employment opportunities: DGM</li> <li>• Educational institutions and quality services: DGM, DGW (varies across provinces, urban/rural areas)</li> <li>• Health institutions and quality</li> </ul>	<p>national economy) of unequal access and control over diverse resources</p> <ul style="list-style-type: none"> <li>• Women and marginalized groups at bottom of value chain, across sectors</li> <li>• Absence of regular monitoring of international commitments, national laws, policies and action plans aimed at redistribution of access and control over resources</li> <li>• ‘Bad’ governance – corruption, lack of integrity, non-accountability prevents women, youth and marginalized groups’ access and control over resources, across sectors</li> <li>• Absence of long-term programs aimed at building agency and social capital of women, and marginalized groups agency, social capital,</li> </ul>	<ul style="list-style-type: none"> <li>• Support capacity building of parliamentary committees in policy, financial, and field oversight, and hold duty bearers accountable</li> <li>• Support dialogues and discourses between women, marginalized groups and ‘dominant’ groups to highlight need and value of redistributing access and control of resources</li> <li>• Promote language, cultural diversity of marginalized groups through efforts to incorporate within curriculum from primary levels onwards.</li> <li>• Support in allocation of budgetary resources to address GESI gaps on available resources, across sectors</li> <li>• Engage political representatives, parliamentarians,</li> </ul>	<p>gaps in women, youth and marginalized groups’ access and control over resources; gaps are addressed through systemic reformulation</p> <ul style="list-style-type: none"> <li>• Support capacity strengthening of CSOs and CBOs to build resilience of women, youth and marginalized groups (e.g., CSOs build DRR champions)</li> <li>• Support close monitoring of government and CSO programing at local and provincial level to reduce endemic corruption, hold duty bearers accountable and increase access and control over resources.</li> <li>• Promote cultural and linguistic diversities through incorporation within curriculum from primary levels onwards.</li> </ul>	<p>resources, and their control</p>
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	<p>services: DGM, DGW possessing social and political capital</p> <ul style="list-style-type: none"> <li>• Physical infrastructure (roads, airport, hydropower): DGM, DGW</li> <li>• Social networks: DGM, DGW, Women and marginalized groups with social and political linkages</li> <li>• Political linkages: DGM, DGW, women, men – however, women have inadequate voice, control and decision-making power</li> </ul>	<p>influence and control</p>	<p>and opinion makers in oversight and ensuring respect for cultural diversity, enforcement of rule of law, and hold accountable those breaking the rules.</p>		
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c. How has access to and control over resources changed for women and marginalized groups over last five years?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Increased representation of women and marginalized groups due to establishment of proportional representation system – however, almost all women elected to lower position of Deputy Mayor</li> <li>Women and marginalized groups' representatives in decision making positions – many remain unable to hold meaningful participation; limited space, enabling environment and capacity to voice opinions.</li> <li>Adoption of National Labor Act – provides for equal pay for work of equal value, prohibits discrimination on basis of sex, provides minimum remuneration and public and weekly holidays for domestic workers</li> <li>Introduction of Sexual Harassment at the Workplace (Elimination) Act, 2015</li> <li>Introduction of policies to promote land ownership by women and selected marginalized groups</li> <li>Drafting of National Action Plan on UNSCRs 1325, 1820 and subsequent resolutions – forwarded to cabinet to address needs of</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate monitoring of implementation of laws, policies, action plans and programs to ensure their reach to target groups, and non-accountability of duty bearers</li> <li>Absence of information, and knowledge on process of accessing available sectoral rights, provisions for women and marginalized groups</li> <li>Inadequacy of budgetary allocation for realizing inclusive development across sectors</li> <li>Inadequate efforts to build agency of women, youth and marginalized groups and establish their linkages with existing structures and facilities, across sectors</li> <li>Non-accountability of duty bearers for non-prioritization of GESI concerns, and effort to implement and reach out to women and marginalized groups, across government and non-governmental institutions</li> <li>Corruption and non-transparency across sectors leading to</li> </ul>	See b, above	See b, above	See b, above

	<p>CRSVs</p> <ul style="list-style-type: none"> <li>• Introduction of judicial committees to facilitate access to justice</li> <li>• Inadequate financial and human resources prevent their functioning, despite establishment of commissions for marginalized groups</li> <li>• Government inefficiency, politicization of society and institutionalization of corruption challenge women, youth and marginalized groups' ability to access and control resources, across sectors</li> <li>• Reservation and quota system to address GESI gaps in government employment, party lists of candidates, representation in political systems, use of local languages for primary education and ensuring social justice</li> <li>• Introduction of Agriculture Development Strategy (2015-2035) addresses food and nutrition security for disadvantaged populations, including lactating and pregnant women, indigenous and excluded communities, and people in disadvantaged regions; recognizes female farmers and has a budget to address</li> </ul>	<p>withholding of information by those in positions of power and knowledge.</p>			
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	<p>women's empowerment</p> <ul style="list-style-type: none"> <li>• GON launched the School Sector Development Plan (2016/17-2022/23) to provide equitable right to quality education for all</li> <li>• The constitution allows for primary and secondary students to learn in their mother tongue; despite efforts to increase educational outcomes there is insufficient teaching materials and instructors to teach in different languages</li> <li>• GoN enacted the Human Rights for Persons with Disabilities Act (2074) which states people with disabilities should have the right to obtain an education or training to prepare them for employment opportunities, and necessary infrastructure for their support – implementation yet to be visible.</li> <li>• LGBTQI continue to face challenges availing citizenship according to their orientation</li> <li>• Low financing for health sector (5.7%) of national budget</li> <li>• Introduction of National Health Policy 2014, to reduce maternal mortality and morbidity; but women</li> </ul>				
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	<p>and marginalized groups face challenge in accessing services; Inadequate skilled human resources and infrastructure, discriminatory behavior of service providers, social norms that deny services and corruption challenge qualitative health services</p> <ul style="list-style-type: none"> <li>• Inadequate access to funds, of women and marginalized groups, to cover weather related issues and losses</li> </ul>				
<b>d. To what extent do women and men of different social groups have different access to and control over assets and resources?</b>					
	<b>Issues</b>	<b>Gaps</b>	<b>Interventions</b>	<b>Strategic Opportunity</b>	<b>Outcome</b>
	<ul style="list-style-type: none"> <li>• Control within households: Women, youth and marginalized group members such as LGBTQI, Dalit (inter-caste daughter in law) are discriminated and have little say or choice in access to and control over resources (mobility, property, economic rights, etc.)</li> <li>• Within communities: Lack of knowledge, information and low level of confidence and self-esteem among women, youth and marginalized groups undermine their ability to access and control resources, and prevent them from taking up leadership positions across sectors</li> </ul>	<ul style="list-style-type: none"> <li>• Inability to transform power dynamics within households</li> <li>• Inadequate knowledge about existing laws, policies, programs, provisions and right to information</li> <li>• Lack of sustained efforts and consolidated efforts from government and non-governmental bodies to build agency of women, youth and marginalized groups to demand and claim rights.</li> <li>• Absence of regular monitoring system to track progress, gaps and challenges and best practices faced by different social groups</li> <li>• Discriminatory behavior of</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake agency-building activities targeted at women, youth and marginalized groups aimed at shifting power dynamics</li> <li>• Identify existing resources within and outside communities beneficial for women, youth and marginalized groups and establish linkages to build their solidarity and social capital</li> <li>• Build resilience of women, youth and marginalized groups to respond to potential vulnerabilities and</li> </ul>	<ul style="list-style-type: none"> <li>• Support regular dialogues, debates between 'dominant' groups and women, youth and marginalized groups, across sectors to highlight opportunity costs to all social groups, and the nation – and to shift power dynamics.</li> <li>• Enhance parliamentary committees' technical capacity to enable effective oversight of laws, policies, and programs' effective outreach to women, youth and</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced capacity of women, youth and marginalized groups to access, claim and control resources across sectors - resulting from regular dialogues between duty bearers and right holders, women/marginalized and 'dominant' groups</li> <li>• Enhanced accountability of duty bearers, across sectors, ensure quality services to women, youth and marginalized groups</li> </ul>

	<ul style="list-style-type: none"> <li>• Within household and workplace (government and non-governmental entities): Women and marginalized groups face financial discriminations - unequal/ unpaid/ undervalued work, lack of property rights.</li> <li>• Women, youth and marginalized groups in remote areas are challenged by distance to infrastructure, organizations, market, and lack of knowledge to access and control these resources</li> <li>• Women, youth and marginalized groups in disaster prone areas possess inadequate knowledge about measures of managing risks and vulnerabilities</li> <li>• Non accountability of duty bearers and endemic corruption - across sectors, horizontally and vertically - challenge women, youth, and marginalized groups in access and control over resources.</li> </ul>	<p>duty bearers, their non accountability, as well as corruption, political and social capital of 'dominant' groups prevent access and control of resources – women, youth and marginalized groups claiming it face threats (e.g. claim to justice).</p>	<p>risks in disaster prone areas and establish linkages with existing structures for mitigating risks.</p>	<p>marginalized groups promote adequacy of budgetary allocation and duty bearers' accountability</p> <ul style="list-style-type: none"> <li>• Support local governments to ensure budgetary allocation to identify and address DRR needs of women, youth and marginalized groups</li> </ul>	
<b>e.</b>	<b>Is violence used as form of control over assets and resources?</b>				
	<b>Issues</b>	<b>Gaps</b>	<b>Interventions</b>	<b>Strategic Opportunity</b>	<b>Outcome</b>
	<ul style="list-style-type: none"> <li>• Within household: Verbal, physical, mental and psychological violence used to control mobility, information, services, property rights, access to</li> </ul>	<ul style="list-style-type: none"> <li>• Inadequate support from family, community, social and political leaders and duty bearers to prevent social, economic, political violence</li> </ul>	<ul style="list-style-type: none"> <li>• Engage social, political, economic, religious leaders as 'champions' to promote women and marginalized groups'</li> </ul>	<ul style="list-style-type: none"> <li>• Support use of GESI disaggregated evidences to understand power relations and different forms of</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced understanding and agency of women, youth and marginalized groups identify, challenge and overcome diverse forms of violence</li> </ul>

	<p>citizenship, education opportunities, economic and livelihood opportunities of women, youth and marginalized groups</p> <ul style="list-style-type: none"> <li>• Violence and discriminatory norms and practices promote untouchability, discriminatory nutrition practices, child marriage, displacement</li> <li>• Sexual exploitation and abuse, cyber-crimes - within and outside homes, in workplaces, public spaces - prevent use of resources</li> <li>• Exploitation of women, children and marginalized groups in disaster victimize and prevent control of assets and resources</li> <li>• Endemic corruption, lack of integrity within duty bearers and impunity of perpetrators prevent access to justice and timely compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental and non-governmental interventions work in silo and target short term outcomes – inadequate consolidated commitment to address and eliminate various forms of violence that promote control over assets and resources across sectors</li> <li>• Non monitoring and tracking of progress of implementation of existing laws, policies and programs aimed at eliminating violence contributing to control over assets and resources</li> <li>• Corruption, social capital and political linkages exercised to influence authority and power over women, youth and marginalized and control assets and resources</li> </ul>	<p>control over assets and resources</p> <ul style="list-style-type: none"> <li>• Support local and provincial government for budgetary allocation to inform and establish linkages between women, youth and marginalized groups and existing assets and resources and measures of controlling them</li> <li>• Support monitoring system at local government level to track forms of violence used to control assets and resources across diverse social groups, and tailor interventions to address these</li> <li>• Identify various forms of verbal, physical, sexual, psychological, social and economic violence across sectors, which deter women, youth and marginalized groups' access and control over resources and undertake mass behavioral change campaign on eliminating them</li> </ul>	<p>violence adopted to control assets and resources from women, youth, marginalized groups, and integrate interventions</p> <ul style="list-style-type: none"> <li>• Promote advocacy against endemic corruption as directly and indirectly influencing and preventing women and, youth and marginalized groups' access over assets and resources</li> <li>• Promote ownership and commitment to eliminate violence against women, youth and marginalized groups among elected leaders and political parties</li> </ul>	<p>preventing claim over assets and resources across sectors</p> <ul style="list-style-type: none"> <li>• Increased understanding among elected leaders, bureaucrats, duty bearers support in overcoming women, youth and marginalized groups' control over assets and resources, across sectors</li> <li>• Evidences of opportunity cost of linkages between violence and control over assets and resources are effectively diffused to transform mindsets</li> </ul>
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			<ul style="list-style-type: none"> <li>• Conduct a cost of violence study at the local level where communities themselves can calculate the cost and understand the economic, social and physical repercussions of violence</li> </ul>		
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## Domain 5: Patterns of Power and Decision Making

a. To what extent are men and women, and different social groups represented in senior level decision making?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcomes
	<ul style="list-style-type: none"> <li>• Patriarchal mindsets negatively influence women and marginalized groups' self-esteem, self-confidence and capacities, including of elected representatives</li> <li>• Men continue to dominate; women, youth and marginalized groups possess little voice, authority and decision-making power</li> <li>• Women and marginalized groups are not economically empowered; many who earn by challenged in balancing have little decision-making power over expenses</li> <li>• Women have limited say on matters such as choosing own health care, larger household purchases, mobility and participation in community activities</li> <li>• Most powerful executive positions</li> </ul>	<ul style="list-style-type: none"> <li>• Women and marginalized groups' rights enshrined in the constitution, laws and policies - yet to be translated into practice within homes, institutions, communities and decision-making levels</li> <li>• Gap between advocacy efforts on women and marginalized groups, and practice</li> <li>• Established political parties and male leaders unwilling to share leadership and decision-making position with women, youth and marginalized groups</li> </ul>	<ul style="list-style-type: none"> <li>• Engage with men and boys at household levels to promote gender equality (?)</li> <li>• Conduct capacity building / mentoring for women, youth and marginalized groups, across sectoral institutions vertically and horizontally</li> <li>• Work with influential sectoral leaders (e.g. social/religious leaders, political leaders, sports persons, etc.) as change agents</li> </ul>	<ul style="list-style-type: none"> <li>• Promote GESI-focused planning and budgeting processes at local and provincial levels to building leadership and decision-making capacity of women, and marginalized groups across sectors via governments and political parties</li> <li>• Convene and promote intergenerational dialogues and seek opportunities throughout programming that generate support for women, youth and marginalized leadership</li> </ul>	<ul style="list-style-type: none"> <li>• Increased budgetary allocations at local and provincial level enhances women and marginalized groups' leaders' capacity, across sectoral institutions, to exercise authority and decision making.</li> <li>• Enhanced accountability of duty bearers through GESI audit and public hearings.</li> </ul>

<p>occupied by men; Significant progress of women and marginalized group representation in parliamentary system political process (41% local government officials: women; State and federal assemblies: 33% women officials; Dalit representation in House of Representatives increased to 7.27% but not in proportion to Dalit percentage of population (13.6%); Dalits: only 3% of local representatives)</p> <ul style="list-style-type: none"> <li>• Political parties possess no confidence in women and marginalized groups and do not allot direct seats: Only 6 out of 165 directly elected seats are women (no Dalits and marginalized)</li> <li>• Discriminatory treatment between directly elected and proportionally allotted leaders – the latter (mostly women and marginalized) perceived and treated as secondary (even in budgetary allocation) and disregarded, and have limited voice</li> <li>• Public and private CSOs: Women and marginalized group representatives are generally at decision making levels within respective organizations; their voice and decision-making authority less visible in other organizations - lack of enabling environment to support women and marginalized groups voices to be heard.</li> <li>• Madheshi and Muslim women have low capacity and less acceptance (Province 2)</li> </ul>	<ul style="list-style-type: none"> <li>• Elected women and marginalized leaders – direct and proportional election, encounter non-support from male colleagues, and face threat of character assassination; potential risk of decline of women and marginalized elected leaders in future elections</li> <li>• Elected women and marginalized group leaders represented due to quota system, but not accepted as decision makers.</li> <li>• Women, youth and marginalized groups yet to reach decision making positions - Public Service Commission not creating adequate number of positions for marginalized groups despite reservations and quota system –</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct gender audit to promote accountability of duty bearers and decision makers and hold PSC accountable</li> <li>• Strengthen women and marginalized group-related commissions to hold sectoral institutions accountable for enhancing women and marginalized groups decision making capacity</li> <li>• Initiate a youth movement that builds leadership of young women, and marginalized groups for social transformation.</li> <li>• Engage men, boys and dominant groups, religious leaders, popular culture figures (sports icons, actors, singers) as change agents</li> </ul>		
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	<ul style="list-style-type: none"> <li>• Intersectionality concerns relating to women, youth and marginalized: PWD, LGBTQI, conflict Victims, single women, people living with HIV, etc. remain under-addressed</li> <li>• Public Service Commission quota system – Inadequate effective implementation (a 2019 vacancy required creation of over 9000 positions for allotted groups - Janajatis only 508 were created out of 1113; only 4 were created for persons with disabilities)</li> </ul>				
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b. To what extent do women and marginalized groups have influence in decisions made by public, private and CSOs?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Inadequate influence of women, youth and marginalized groups' representatives at the national level, and within political parties</li> <li>Inadequate voice and influence of women and marginalized groups in private sector organizations</li> <li>Leadership position in government bodies occupied by 'dominant male'; women and marginalized groups have little or no say</li> </ul>	<ul style="list-style-type: none"> <li>Shift in power dynamics to promote women and marginalized group leadership yet to occur – within household, communities, public, private and CSOs and national bodies</li> <li>Inadequate support and enabling environment for women and marginalized groups leadership. horizontally and vertically, across sectors and provinces.</li> <li>Paucity of data on challenges faced by women and marginalized group leaders and best practices for overcoming these</li> <li>Absence of data on LGBTQI, women home based workers, and women entrepreneurs in the national census.</li> <li>LGBTQI, women home based workers, and women entrepreneurs in the national census.</li> </ul>	<ul style="list-style-type: none"> <li>Bring women and marginalized group leaders and public and private organizations' decision makers in one platform, to share experiences, challenges and opportunity costs</li> <li>Recognize and reward public, private sector and CSOs with high representation of youths, women and marginalized groups.</li> <li>Engage youth across different social groups from urban and rural in dialogues and debates to influence decision making</li> <li>Conduct leadership trainings for women, youths and marginalized groups to influence public, private and CSOs decision making</li> <li>Lobby and provide technical support to Census bureau (CBS) for upcoming census</li> <li>Use social media to highlight and promote women and marginalized groups' leadership</li> </ul> <p>Intergenerational experience sharing between women, youth and marginalized groups for influencing decision making across public, private and civil society organizations</p>	<ul style="list-style-type: none"> <li>Promote improved understanding of the value of incorporating more perspectives across society through experience sharing and dialogues</li> <li>Strengthen solidarity among youths, women and marginalized groups to influence GESI-sensitive decisions in public, private and CSOs organizations</li> <li>Support women, youth and marginalized groups' decision-making capacity and enabling environment at household and community levels through change agents</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced capacity of women, youth and marginalized across sectors to claim position at decision making levels</li> <li>Enhanced solidarity of women, youth and marginalized groups, including elected leaders, enables them to influence decisions within organizations</li> </ul>
c. To what extent do women and marginalized groups have influence in community and household level decision making					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome

	<ul style="list-style-type: none"> <li>Women and marginalized groups have little say and decision-making authority within households and communities – years of conditioning based on patriarchal mindsets, and social norms and practices</li> </ul>	<ul style="list-style-type: none"> <li>Discriminatory norms and practices that undermine their self-confidence and self-esteem, and capacity to make decisions.</li> <li>Dominant groups undermine marginalized groups and disregard their decisions at the community level.</li> </ul>	See b, above	See b, above	See b, above
<b>d. To what extent do women and marginalized groups have control over the use of resources in family and community?</b>					
	<b>Issues</b>	<b>Gaps</b>	<b>Interventions</b>	<b>Strategic Opportunity</b>	<b>Outcome</b>
	<ul style="list-style-type: none"> <li>Low level of confidence and self esteem among women and marginalized groups and their traditionally accepted subordinate positions prevents control over resources in family and community</li> <li>Inadequate trust in women, youth and marginalized groups' capacity to control and use family and community resources</li> </ul>	<ul style="list-style-type: none"> <li>Lack of skills, capacity and confidence among women, youth and marginalized groups, and fear of the potential friction within families and communities to demand and claim rights</li> <li>Discriminatory behavior of duty bearers across sectors, and their non accountability, towards women and marginalized groups inability to use community resources</li> <li>Corruption, political and social capital and influences of 'dominant groups' and absence of good governance practices prevent control over resources.</li> </ul>	<ul style="list-style-type: none"> <li>Encourage 'champions' from 'dominant' groups to create enabling environment for sharing more broadly control over resources</li> <li>Provide space for information sharing, dialogues and discussions (laws, policies and programs) to overcome discriminatory practices within households and communities that prevent control over resources</li> <li>See also interventions described earlier regarding influence in household, community, public, private and CSOs</li> </ul>	<ul style="list-style-type: none"> <li>Invest in women, youth and marginalized groups' capacity building to access and control resource in family and community</li> <li>Support implementation of effective mechanisms that hold duty bearers to account to ensure control and use of resources within families and communities</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced capacity of women, youths and marginalized groups to exercise their agency and claim their rights.</li> <li>Local governments ensure budgetary allocation to empower women and marginalized groups for their leadership building in political, social and economic arena</li> </ul>

e. Are different forms of violence (e.g. physical, emotional, psychological, economic) used to exercise power over women or marginalized groups?					
	Issues	Gaps	Interventions	Strategic Opportunity	Outcome
	<ul style="list-style-type: none"> <li>Domestic violence</li> <li>Harmful practices (Dowry, <i>Chhaupadi</i>, Child or Early marriage, discriminatory nutritional practices)</li> <li>De-valuing of girls and women, youth and marginalized groups and their contributions</li> <li>Higher value placed on men and masculinity; women, marginalized groups considered subordinates, and outcast (LGBTQI)</li> <li>Caste based discrimination (?)</li> </ul>	<ul style="list-style-type: none"> <li>Traditional forms of awareness raising are not yielding expected results; efforts remain superficial and unable to realize transformation</li> <li>Non monitoring or non-tracking of violence related existing laws, policies, and action plans.</li> <li>Corruption, social and political influences, 'dominant groups' protection of 'own people', absence of integrity among service providers foster continuity of harmful practices.</li> <li>Abuse of social media to promote GBV practices</li> </ul>	<ul style="list-style-type: none"> <li>Support increase in budgetary allocation for women and marginalized groups, at 3 tiers of government</li> <li>Promote access to quality services (e.g. One Stop Crisis Management Centers) and control of resources for violence survivors and at-risk persons</li> <li>Support undertaking innovative initiatives with budgetary allocation at local and provincial levels to prevent harmful GBV practices (e.g. child marriage) facing women, youth and marginalized groups</li> <li>Support effective violence reporting mechanism within public and private domains</li> <li>Engage with religious leaders to generate support for changing violence based harmful practices</li> <li>Include violence-related information /laws and its national cost in school curriculum</li> </ul>	<ul style="list-style-type: none"> <li>Promote governmental budgetary allocations technical support to support GESI-sensitive outcomes.</li> <li>Convene discourses on diverse forms of violence to generate support for substantive transformation from government and CSOs to integrate norm-changing strategies within governmental programs</li> <li>Address information on legal provisions, access to justice and compensation in school curriculum from the primary level onwards</li> <li>Increase transparency (e.g. violence reporting mechanism) and accountability of service providers across sectors</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced local and provincial government ownership to eliminate violence against women, youth and marginalized groups.</li> <li>Improved knowledge and attitudes related to violence against women and marginalized groups prevent violence</li> <li>Young girls, marginalized groups, youth and children and social leaders and men/boys collaborate as change agents to eliminate violence based harmful cultural practices, and promote access to justice</li> <li>Social media is effectively used to diffuse and eliminate violence and their opportunity cost across different sectors.</li> </ul>

## Appendix F: Climate Change

Nepal was ranked the fourth most vulnerable country to climate change in the world by Maplecroft's Climate Change Risk Atlas 2010. The country has a total surface area of 147,181 square kilometers, and 4,000 sq. km of this is comprised of water.

### Appendix FI : The Climate Risk Index for 2017: the 10 Most Affected Countries

Ranking 2017	Country	CRI Score	Death Toll	Deaths Per 100,000	Absolute Losses (M, US\$ PPP)	Losses Per Unit (GDP in %)	Human Development Index 2017
1 (105)	Puerto Rico	1.50	2 978	90.242	82 315.240	63.328	-
2 (4)	Sri Lanka	9.00	246	1.147	3 129.351	1.135	76
3 (120)	Dominica	9.33	31	43.662	1 686.894	215.440	103
4 (14)	Nepal	10.50	164	0.559	1 909.982	2.412	149
5 (39)	Peru	10.67	147	0.462	6 240.625	1.450	89
6 (5)	Vietnam	13.50	298	0.318	4 052.312	0.625	116
7 (58)	Madagascar	15.00	89	0.347	693.043	1.739	161
8 (120)	Sierra Leone	15.67	500	6.749	99.102	0.858	184
9 (13)	Bangladesh	16.00	407	0.249	2 826.678	0.410	136
10 (20)	Thailand	16.33	176	0.255	4 371.160	0.354	83

PPP = Purchasing Power Parities. GDP = Gross Domestic Product.

Source: Briefing Paper, Global Climate Risk Index 2019, Who Suffers Most From Extreme Weather Events? Weather-related Loss Events in 2017 and 1998 to 2017, David Eckstein, Marie-Lena Hutfils and Maik Wings.

One of its eight strategic pillars is also gender equality, social inclusion and poverty reduction. In 2012 the GON, with the assistance of International IUCN, developed the Climate Change Gender Action Plan to “address adverse impacts of climate change on the vulnerable and marginalized communities with focus on climate adaptation and impact mitigation.

## Appendix F2 : Strategic Pillars and Key Thematic Areas of the Forestry Sector Strategy (2016-2025)

Strategic Pillars of the FSS (2016-2025)	Key Thematic Areas of the FSS (2016-2025)
1. Sustainably managed resources and the ecosystem.	1. Managing Nepal's forests.
2. Conducive policy process and operational environment.	2. Managing ecosystem and conserving biodiversity.
3. Responsive and transparent organizations and partnerships.	3. Responding to climate change.
4. Improved governance and effective service delivery.	4. Managing watersheds.
5. Security of resource use by the community.	5. Promoting enterprise and economic development.
6. Private sector engagement and economic development.	6. Enhancing capacities, institutions, and partnerships.
7. Gender equality, social inclusion, and poverty reduction.	7. Managing and using forestry sector information.
8. Climate change mitigation and resilience.	



## Appendix G: List of Stakeholders Consulted

### List of KII Respondents

SN	Location	Name	Designation
1	Province 2	Ram Saroj Yadav	Provincial Assembly Leader -NC
2	Province 2	Chameli Devi Das	Provincial Assembly Member
3	Province 2	Bijay Kumar Yadav	Finance Minister
4	Province 2	Dr Bhogendra Jha	Vicechair
5	Province 2	Jainul Rain	Elected Provincial Member
6	Province 2	Sarada Thapa	Provincial Assembly Member
7	Province 2	Bir Bahadur Buda Magar	Human Rights Commission
8	Province 2	Ram Neg Sah	Nepal Bar Association
9	Province 2	Pardip Kandel	Chief District Officer
10	Province 2	Ramdev Banaut Yadav	District Coordination Committee
11	Province 2	Pradip Yadav	BDS
12	Province 2	Sadhana Ojha; Suniti Yadav	One Stop Crisis Management Centers
13	Province 2	Nawal Kishor Sah	Social Development Minister
14	Province 2	Kiran Paswan	President
15	Province 2	Dipendra Jha	Office of Attorney General
16	Province 2	Indrajit Mester	Mester Community
17	Province 2	Rameshwor Karki; Ashok Kumar Jha	Nepal Police (WCSC)
18	Province 2	Manoj Kumar Yadav	Mayor
19	Province 2	Meera Devi Mahato	Deputy Mayor
20	Province 2	Baiju Mahaseth	Ward Chairperson
21	Province 2	Mira Devi Mahato; Mahendra Sah	Judicial Committee members
22	Province 2	Satya Narayan Sah	Administrative Officer
23	Province 2	Ram Naresh Sah	Accountant
24	Province 2	Naresh Pd Yadav	Ward Chairperson
25	Province 2	Binda Devi Majhi	Ward member (ward no 2)
26	Province 2	Yogendra Sakhi	CBOs/Youth Clubs
27	Province 2	Krishna Kumar Yadav	Child Clubs
28	Province 2	Lal Babu Mahato	Community Mediators
29	Province 2	Ram Rati Mahato	Ward members
30	Province 2	Chudamani Pokhrel	Chairperson
31	Province 2	Bhim Ale	Community Mediators
32	Province 2	Mitthu Parajuli	Antraparti Mahila Sanjal

SN	Location	Name	Designation
33	Province 2	Santa Pariya	Activist
34	Province 2	Uddav Bd Chettri	Law Practitioner
35	Province 2	Raj Karan Mahato	Journalist
36	Province 2	Nisan Thapa	DSP
37	Province 2	Sarada Dahal	Human rights organizations
38	Province 2	Chandra Prasad Adhikari	Social Development Officer
39	Province 2	Sushma Thapa	Asst Women Development Inspector
40	Province 2	Chandra B. Bishwakarma	Judicial Committee
41	Province 2	Kabiraj Upreti	Chief Administrative Officer
42	Province 2	Kamala Waiba	Human rights organizations
43	Province 2	Krishna Maya Gautam	Deputy Mayor
44	Province 2	Deepa Lama	Conflict victims' network
45	Federal (KTM)	Hon. Niru Devi Pai	Women and Social Committee
46	Federal (KTM)	Hon. Jayapuri Gharti	Education and Health Committee
47	Federal (KTM)	Dr Kiran Rupakheti	National Planning Commission
48	Federal (KTM)	Dinesh Thapaliya	Election Commission
49	Federal (KTM)	Krishna G B Ghimire	Commission of Investigation on Enforced Disappeared Persons
50	Federal (KTM)	Dr. Buddhi Nepali, Director	Dalit Development Committee
51	Federal (KTM)	Bhakta Bishwokarma	Dalit NGO Federation
52	Federal (KTM)	Dr Bijay Dutt	Madheshi Commission
53	Federal (KTM)	Badri Prasad Tiwari,	Office of the Prime Minister
54	Federal (KTM)	Tham Maya Thapa, Minister	Ministry of Women, Children, and Senior Citizens
55	Federal (KTM)	Indra Gautam	Ministry of Health and Population
56	Federal (KTM)	Pralahda Karki; Bandana Karna	Ministry of Federal Affairs and Local General Administration
57	Federal (KTM)	Badri P. Paudel; Sushila Aryal	Ministry of Education, Science and Technology
58	Federal (KTM)	Sirish Pun	Ministry of Finance
59	Federal (KTM)	Chandra Bahadur Shrestha	Ministry of Agriculture
60	Federal (KTM)	Bishnu Bhattra	Ministry of Youth and Sports

SN	Location	Name	Designation
61	Federal (KTM)	Rita Khadka	Ministry of Energy
62	Federal (KTM)	Pitambar Adhikari	WCSC, Police
63	Federal (KTM)	Ram Kumari Jhankri	Representatives of NCP
64	Federal (KTM)	Manushi Bhattarai	Socialist Party
65	Federal (KTM)	Brikesh Chandra Lal	Rastriya Janata Party Nepal
66	Federal (KTM)	Uma Shah	NGOs working on gender-based violence
67	Federal (KTM)	Narbada Sorali Magar	Shakti Samuha
68	Federal (KTM)	Upasana Rana (Thapa) Mr. Krishna Hachhetu Renu Sijapati	WHR, TU, FEDO
69	Federal (KTM)	Lynn Bennett	GESI Expert
70	Federal (KTM)	Narendra Khadka	Federation of Nepalese Chambers of Commerce and Industries
71	Federal (KTM)	Darshana Shrestha	Federation of Woman Entrepreneurs' Association of Nepal
72	Federal (KTM)	Manju Tuladhar	Gender Advisor, USAID
73	Federal (KTM)	Prof. Yogendra B Gurung Mukta S. Lama Prakash Gyawali Binod Pokharel Meeta S. Pradhan	Central Department of Population Studies, Tribhuvan University/SOSIN
74	Federal (KTM)	Krishna Hachetu	Nepal Center for Contemporary Studies
75	Federal (KTM)	Deepak Thapa	Social Science Baha,
76	Federal (KTM)	Dr Meena Acharya	SAHAVAGI
77	Federal (KTM)	Indu Tuladhar	Advocate
78	Federal (KTM)	Sudip Bhaju Sujeev Shakya	PSE Team
79	Province 7	Puspa Raj Kuwar	FNCCI
80	Province 7	Nirmala Baral Joshi	
81	Province 7	Nirpa Oad	Dhangadi Municipality

SN	Location	Name	Designation
82	Province 7	Khem Raj Panta	Women, Children, Senior Citizens service center, Nepal Police
83	Province 7	Gauri Dutta Joshi, Dilip Shrestha	One Stop Crisis Management, Social Service Unit
84	Province 7	Kula Nanda Upadhaya	
85	Province 7	Krishna Chaudhary	Samajbadi Party
86	Province 7	Shiva Bahadur KC, Subash Uphadhaya	Bar Association
87	Province 7	Basanta Bahadur Bohara	Chure, GauPalika
88	Province 7	Jhankar Rawal	National Human Rights Commission
89	Province 7	Dirgha Bahadur Sodari	Social Development
90	Province 7	Nar Narayan Shah	Nepali Congress, Kailali
91	Province 7	Rupa Rai	Blind Association
92	Province 7	Jhapat Bohara	Finance Ministry
93	Province 7	Yaga Raj Bohara	
94	Province 7	Trilochan Bhatta	Chief Minister
95	Province 7	Nep Bahadur Chaudhary	Nepal Communist Party
96	Province 7	Deepa Saud	Chure Gaupalika
97	Province 7	Deepa Saud, Parvati Devi Air	Judicial Committee
98	Province 7	Chet Raj Joshi	Chure Rural Municipality
99	Province 7	Aan Singh Dhungana	Suhara, Project, Chure Rural Municipality
100	Province 7	Nar Bahadur Tamang	Khanidada
101	Province 7	Mayor	Chure Rural Municipality
102	Province 5	Hari Paykural	Nepalgunj
103	Province 5	Maya Sharma	Nepalgunj sub municipality
104	Province 5	Parsuram Kurmi	Ward- 19, Futaha
105	Province 5	Sukma Gartishae	Ward 19- Bangusra
		Tahira Shae	
106	Province 5	Meena Giri	Ward 19, Futaha
		Radeshyam Verma	
107	Province 5	Lokendra Raut	Nepalgunj, Sub Metropolitan
108	Province 5	Parina Chaudhary	LGBTI
109	Province 5	Pushpa Bhattarai	Judicial Committee
		Devmal Sunar	
110	Province 5	Uma Thapa Magar	Deputy Mayor
111	Province 5	Dhawal Shamsheer Rana	Mayor

### List of FGD Respondents

SN	Location	No of Respondents	Name	Institution
1	Province 2	5	Rosling Singh Bachhar; Manju Lama, Shila Jha, Januma Bhujel	WOREC
2	Province 2	6	Ram Babu Purbe; Ram Pd Yadav; Pre Kr Yadav; Lal babu Mahato; Md. Nasaruddin; Md. Akhtar Anasari	Social leaders/Religious leaders
3	Province 2	7	Simarati Ram; Bina Devi Ram; Chandrakala Devi Ram; Sanyachari Devi Ram; Goliya Devi Ram; Anita Devi Ram	Women and marginalized group organizations (Dalit)
4	Province 2	5	Shiv Kumari Yadav; Makar Lal Biswakarma; Dambar Biswakarma; Faud Singh Syangba	Social leaders/Religious leaders
5	Province 2	5	Sabina Lamgale; Ruja Biswakarma; Sabin Rai; Anish Bhandari; Milan Rasaini	CBOs/Youth Clubs
6	Province 2	4	Mahima Bishwakarma; Nirajan Kushawaha; Aasha Sah; Jamuna Sah	Child Clubs
7	Province 2	9	Tanka Maya Pariyar; Jal Maya Pariyar; Bimala Pariyar; Sharmila Pariyar; Meena Kumari Bishwakarma; Nitika Mahara; Geet Mahara; Barsha Mahara; Sunit Mahara	Women and marginalized group organizations (Dalit)
8	Federal (KTM)	14	Raju Basnet	National Disability Federation of Nepal (NDFN)
			Dr. Sunita Maleka	Autistic Nepal Society (ACNS)
			Sila Thapa	DSSN
			Kiran Shilpakar	Nepal Association of Physically Disabled (NAPD)
			Sanjaya Raj Neupane	Board member – Psychosocial Disability - NDFN
			Rabin Kumar Mainali,	Nepal shutter's Association
			Beda raj Dhungana	Nepal Hemophilia Society,
			Ganesh KC	Center for Independent Living
Rita Piya	Down Syndrome Association of Nepal			

SN	Location	No of Respondents	Name	Institution
			Rushna Maharjan	SDBN
			Rama Dhakal	VP – NDFN
			Krishna Gajurel	Board member – NDFN
			Dinesh Shrestha	SLI - NDFN
			Surya Bahadur Budathoki	General Secretary - NDFN
9	Federal (Kathman du)	7	Sangita Nirola	Sajhedari
			Samjhana Kachhyapati	FHI 360
			Neelam Dhanushe	SSBH
			Gitta Shrestha	IWMI
			Bindu Pokhrel Gautam	Suaahara
			Sangita Budhathiki	KISAN II
			Archana Tamang	NRA
10	Federal (Kathman du)	10	Tripura Oli	IOM/PD
			Aino Efrainsson	UN Women
			Ingerid Hansen	UNRCO
			Indra Gurung	Embassy of Finland
			Manohar Khadka	IWMI
			Lora Wuennenberg	Care/AIN
			Sofia Olsson	FCA/ACT Alliance
			Oda Misje Haug	UNRCO
			Anam Abbas	UN Women
			Sama Shrestha	UN Women
11	Province 7	5	Saraswati Bam,	Suhara II
			Nara Bahadur BK,	Suhara II
			Lokendra Thapa,	Suhara II
			Vinod Kumar Baral,	KISAN II
			Bhoj Singh Khadka	EGRP/MPPS
12	Province 7	10	Basanta Thakur	Dhangadhi Sub-Metropolitan City
			Yasodha Bhandari	
			Prem B.K	
			Prem Singh B.K	
			Nirp Bahadur Oad	
			Kalyani Singh	
			Rohini Chaudhary	
			Sita Devi Rana	
			Bhim Bahadur Raut	
			Jawla Chaudhary	
13	Province 7	12	HemKarna B.K	NFN
			Khadak Bahadur B.K	DNF
			Chet Man Saud	CSSD
			Suman Sharma	WHR
			Laxmi Chaudhary	Shanti Rehabilitation center
			Bimala Pant	Women Development Society
			Shanti Sharma	WDS
			Khema Joshi	RUWDUC
			Shiv Charan Chaudhary	Maiti Nepal

SN	Location	No of Respondents	Name	Institution
			Chakra B.K	DHRC/NNDSWO
			Binod Ghimire	FEDO
			Kira]n Poudel	NNDSWO
14	Province 7	5	Karuna Nepal	LGBTI Group
			Nirang Chaudhary	
			Dhan Bahadur Chaudhary	
			Aasika Chaudhary	
			Lalmani Bhatt	
15	Province 7	22	Binita Bista(Raji)	Bhajani, Kailali (Razi Community)
			Mina Raji	
			Archana Raji	
			Dhanshara Raji	
			Niru Raji	
			Gauri Raji	
			Kushmi Raji	
			Ranjana Kumari Raji	
			Manti Raji	
			Nisha Raji	
			Soni Raji	
			Tara Raji	
			Juna Raji	
			Savitra Raji	
			Radha Raji	
			Sarmila Raji	
			Juna Raji	
			Raj Raji	
			Janti Raji	
			Rampati Raji	
			Raja Ram Raji	
			Tika Ram Raji	
16	Province 7	15	Bal Krishna Chaudhary	Tharu Community
			Hira Lal Chaudhary	
			Choti Chaudhary	
			Srijana Chaudhary	
			Suntali Chaudhary	
			Sompati Dangaura	
			Dauni Chaudhary	
			Parvati Chaudhary	
			Lahani Chaudhary	
			Badhu Ram Chaudhary	
			Fulrani Devi Chaudhary	
			Parvati Dagaure	
			Asha Tharu	
			Sarojini Dangaura	
			Dhani Ram Dangaura	
17	Province 7	15	Rekha Nepali	Badi Community, Tikapur

SN	Location	No of Respondents	Name	Institution
			Meera Nepali	Municipality-8, Suryapur, Kailali
			Savitri Nepali	
			Srijana Nepali	
			Soniya Nepali	
			Rupa Nepali	
			Bobby Nepali	
			Rekhi Nepali	
			Anju Nepali	
			Barsha Nepali	
			Payri Nepali	
			Radha Nepali	
			Geeta Nepali	
			Rukmani Nepali	
			Rashmi Nepali	
18	Province 7	4	Tulasi Dharmi	Mediators
			Double Bahadur Shah	
			Dumbari Kharti	
			Hira Devi B.K	
19	Province 7	5	Hikmal Singh Bhat	Rural Municipality, Chure Palika , Sahajpur
			Parvati Devi Air	
			Saraswati Devi B.K	
			Basandhari Sapkota	
			Ganga Ram Biswokarma	
20	Province 7	13	Kamal Pun Magar	Janajati Group
			Prem Rana Magar	
			Khadak Bahadur	
			Thadamagar	
			Khadak B. Thapamagar	
			Bisna palli Magar	
			Hukuma Upamagar	
			Chakra Sarumagar	
			Padam Ranamagar	
			Kalpana Devi Thapa	
			Chandrakala Sarana Magar	
			Phulmaya Magar	
			Reshma ThapaMagar	
			Om ThapaMagar	
21	Province 7	11	Resham Thapa	Marginalized Group
			Shyamlal Kami	
			Amar Sarki	
			Chandra Bahadur Sarki	
			Laxmi Sarki	
			Bhagwati Sarki	
			Saratali Devi Thapa	
			Maya Sarki	
			Bhabi Devi Sarki	



SN	Location	No of Respondents	Name	Institution
			Suraj Sarki	
			Deepak Sarki	
22	Province 7	11	Resham Thapa	Conflict Victims
			Shyamlal Kami	
			Amar Sarki	
			Chandra Bahadur Sarki	
			Laxmi Sarki	
			Bhagwati Sarki	
			Saratali Devi Thapa	
			Maya Sarki	
			Bhabi Devi Sarki	
			Suraj Sarki	
			Deepak Sarki	
23	Province 7	4	Tek Bahadur Ranamagar	Ward 5, Members, Khanidada
			Belmati B.K	
			Ram Bahadur Dhama	
			Nar Bahadur Tamang	
24	Province 7	4	Mohan ThapaMagar	Disable Community at the community level, Bayela, Chure Rural Municipality, ward 6
			Nar Bahadur Budathoki	
			Mohan Budhathoki	
			Armati Dhama	
			Karan Sinjali	
25	Province 7	10	Dila Saud	Shree Gwasie Primary School, Chure Rural Municipality
			Karishma Jaishi	
			Sapana Oli	
			Purnima Bohara	
			Kumari Bohara	
			Ganesh Sapkota	
			Prakash Khadayat	
			Mano Wozi	
			Min Bohara	
			Nisha Khadayat	
26	Province 5	6	Nankayi Pathani	Nepalgunj, Sub Metropolitan
			Seema Kasodhan Baisa	
			Devmal Suwar	
			Basanta Joshi	
			Kaushal Dhobi	
			Indira Shahi	
27	Province 5	6	Shiba Pandey	Suhara II
			Avantika Priyadarshani	SSBS
			Raju Archarya	Suhara II
			Deepak Kafle	NSAF
			Surya Bahadur Thapa	NSAF
			Laxmi Tiwari	IHRC
28	Province 5	5	Mayendra Nath Yogi (Hindu)	Hindu

SN	Location	No of Respondents	Name	Institution
			Mohamad Adbul Jabar Manjari(Muslim)	Muslim
			Benjamin Shrestha (Christian)	Christian
			Gun Bahadur Lama (Boudha)	
			Dambar Bahadur Thapa(Christian)	
29	Province 5	14	Shajid ali Sidique	Banke Unesco
			Laxmi Khanal	Shaki Samuha
			Papu Nepali	Tiny Hands, Nepal
			Keshab Koirala	Maiti Nepal
			Hem Raj Bhatta	BAS Nepalgunj
			Renuka Chand	
			Shova BC	Saathi, Banke
			Kamala Panta	WINROCK
			Prerana Giri	Youth Club
			Amrita Giri	NNDSWO
			Dila Ram B.K	NNDSWO
			Sidharaj Paneru	CWIN
			Prakash Upadhaya	
Moina Sidique				
30	Province 5	5	Shahabudin Halwai	Youth Club
			Prerana Giri	
			Diwa Bahadur Chettri	
			Yog Raj Godiya	
			Laxmi Vaishya	
31	Province 5	4	Jagadish Thapa	SAC Nepal
			Santa Pokherel	Bar
			Mohammad Ali Siddique	District Bar
			Som Gurung	Nepal Youth council
32	Province 5	10	Sukma Gartishae	Ward 19- Bangusra
			Tahira Shae	
			Najma Shae	
			Aliya Shae	
			Reshma Shae	
			Gudiya Shae	
			Sakina Pathan	
			Apsar Jaha	
			Ruby Shae	
			Gudi Shae	
33	Province 5	10	Saraswati Badai	Ward- 19, Futaha
			Sushila Verma	
			Saijaha Khan	
			Preeti Thakur	
			Kulmati Lodh	
			Sarita Verma	

SN	Location	No of Respondents	Name	Institution
			Saroj Bisokarma	
			Sunita Dixit	
			Rajmati Kahar	
			Nanki Verma	
			Mahandevi Kurmi	
			Sushma Verma	
34	Province 5	9	Bimala Chaudhary	BBC Nepali Sewa
			Nishu Joshi	Radio Sadvab
			Sandhya Sharma	Hatemalo FM
			Sushma Shrestha	Hatemalo FM
			Sapana Pariyar	Radio Rubaru
			Bhagat Ram Tharu	News 24 TV
			Som Gurung	NYC Nepal
			Javed Ahmad	Bageshowri TV
			Ajay Pathak	Online Khoj Khabar
35	Province 5	9	Mujafar Sesh	Conflict Victims
			Sunita Pathak	
			Gita Thapa	
			Kali Devi Pun	
			Chadra Kala Upreti	
			Tilawati Khadka	
			Geeta Shah	
			Tulasi Bista	
			Durga Prasad Tiwari	

## Appendix H: References

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