

NEPAL

Review of the Implementation of the Beijing Platform for Action and the Outcome Documents of the Twenty-Third Special Session of the General Assembly¹

An Overview of the Implementation of BFPA and the Outcome Document

Nepal may be one of the first countries in the world to implement actions stipulated in the Beijing Platform for Action soon after the government delegate returned back home, by establishing the Ministry of Women & Social Welfare as the highest level national machinery for the advancement of women in October 1995. The establishment of the Ministry and its mandate of coordinating and monitoring of development programmes targeted to women provided the ground work for a national level coordination mechanism to ensure implementation of BFPA in all sectors. As a follow up of its mandate, the Ministry of Women & Social Welfare initiated the formulation of the national plan of action in a participatory approach with a broad based populace consisting of government officials of all concerned sectors, NGO implementers, academics, legal professionals, media personnel and women activists. The "National Plan of Action (NPA) for Gender Equality and Women's Empowerment" was officially endorsed by the Cabinet in 1997².

The Ninth Five Year Plan (1997) identified women's development and empowerment as a key development thrust and clearly stated that the development programmes will adhere to the National Plan of Action for Gender Equality and Women's Empowerment formulated to implement the Beijing Platform for Action. However, lack of adequate dissemination and the reluctance of sectoral agencies to comply by the NPA saying that the targets are too ambitious and that it did not really comply with the reality of the sectoral mandates, the Ministry has undertaken a revision of the NPA. The revision work was completed in 2003 but has not received Cabinet endorsement due to the political deadlock after the Parliamentary adjournment and the subsequent dismissal of the elected prime minister by the King in October 2002.

Although the revised NPA is yet to receive the Cabinet endorsement, the Tenth Five Year Plan (2003) goes ahead without really taking into account the details of the NPA. Nevertheless, the Plan identifies the empowerment of women as one of the focused areas of development and recognizes the gender equality as a key factor in the poverty analysis. The Plan targets to achieve the GDI=0.55 (from 0.452 in 2001) and GEM=0.50 (from 0.385 in 2001). In order to achieve gender equality and the empowerment of women, the Tenth Plan strategies are identified as, (i) harmonization of all women targeted programmes, implementation, coordination, monitoring & evaluation to make them more effective; (ii) women's participation in all cycles of local level poverty alleviation and income generation projects; (iii) sensitization about gender equality to all

¹ Paper prepared by Chandra Bhadra, pH. D., Associate Professor, Women's Studies Programme, Tribhuvan University in the request of Ms Indu Pant, Mainstreaming Gender Equity programme, Ministry of Women, Children & Social Welfare. May 2004.

² Ministry of Women & Social Welfare. 1997. National Plan of Action for Gender Equality and Women's Empowerment.

sectors and at all levels; and iv) revision of discriminatory laws against women on the basis of equality and international commitments.

The Millennium Development Goals (MDG)³ also seems to have set its targets without really considering the NPA-BPFA for addressing the critical areas of concern. Hence resulting in exclusion of important gender concerns in its situational analyses, targeting, proposition of supportive environment and prioritizing development assistance. So much so, Goal 3 targets only on elimination of gender disparity in the primary and secondary education. Other important sectors that are key to establishing gender equality and achieving the empowerment women such as representation in the positions of power and decision making, access to and control over productive resources and the gender equality in the legal quarter is completely missed out.

As a signatory of CEDAW, Nepal submitted its initial report in 1999 and the second and third periodic reports in January 2004. The main triumph of the report submitted in 2004 was on the legislative reform concerning women with the 11th amendment of the Civil Code on March 2002. It is taken as a step forward in eliminating legal discrimination against women, which was emphasized in CEDAW committee concluding comments in 1999 and also specified in the Beijing + 5 outcome document. Among others the highlights of the amended Civil Code are that it has treated sons and daughters as equal inheritors of the ancestral property (until daughters get married) and has legalized abortion under certain conditions. Nevertheless, 137 different legal provisions still persist that are discriminatory against women⁴. The highlight of the shadow report submitted by the civil society against discriminatory laws was the right of conferring citizenship by the mother to her children, which is still legally barred for women.

In some sectors specific legislative efforts have been/are being taken to enhance women's representation and/or to enhance the empowerment of women. Mention is a must of the Local Self-Governance Act, 1997, ensuing 20% seat for women, which brought about 40,000 women in the local governance. Similarly, the First Civil Service Amendment Act, 1998, provisioned an addition of five years up to the age of forty to enter the civil service (for men it is 35 years), with a probation period of only six months (for men it is one year) and eligibility of promotion in four years (for men it is five years). Additionally, *de-facto* effort to facilitate women to enter the civil service is done by conducting coaching classes for women examinees. Furthermore, the Foreign Employment Bill is in the process of being devised by the Ministry of Labour and Transportation, which ensures gender equality in foreign employment opportunities and additional provisions for the empowerment of female migrant workers towards safe migration and security in the work condition.

Gender mainstreaming has been/is being carried out in Agriculture Perspective Plan and Population Perspective Plan. Similarly sectors like education, health, forestry, environment and local development have incorporated gender. However, the incorporation of gender concerns in these sectoral plans, policies and programmes depend on their level of comprehensions and commitments to gender mainstreaming, resulting in extensive mainstreaming in some sectors while in others addressing some women's issues in the name of gender mainstreaming.

³ HMG/N & UN Country Team. Progress Report (2002): Millennium Development Goals/Nepal.

⁴ CEDAW Monitoring Committee/FWLD. 2003. Shadow Report on the Second and Third Periodic Report of Government of Nepal on CEDAW Convention.

The engendering of the Census 2001 carried out by the Central Bureau of Statistics received regional attention as a pioneering action in South Asia. The exercise took three whole years of sensitization of the Bureau officials, gender mainstreaming in Census schedules, recruitment of 20% female enumerators, training of district census officials and enumerators, before the final enumeration was done in June 2001. This exercise not only resulted in making women's economic activities visible in the national accounting system but in revealing the negligibility of women's ownership of assets at the national level.

During South Asian Association of Regional Cooperation (SAARC) conference, Convention on Combating Trafficking in Women and Children for Prostitution was adopted in 2002, which is still not ratified by Nepal despite the advocacy of civil society⁵. The Ministry of Women, Children & Social Welfare has adopted a National Plan of Action against trafficking in children and their commercial sexual exploitation. With assistance from the United Nations System Task Force against Trafficking, the Ministry is administering a Project called Beyond Trafficking: A Joint Initiative in the Millennium Against Trafficking in Girls and Women since 2001.

At the national level, women representatives in two houses of the Parliament formed Women Politicians Caucus in 2002. Similarly, Federation of Elected and Nominated Women Ward Representatives (ENWWR) was also formed in 2002 by women representatives of local bodies. UNDP assisted Mainstreaming Gender Equity Programme in the Ministry of Women, Children & Social Welfare facilitated women politicians' organizations. Although these bodies are defunct since 2003 due to the adjournment of the Parliament and the local bodies, the established structure is going to be active as soon as elections are conducted. Furthermore, former representatives of these bodies have placed their demand for 33% representation of women in the national and local level governance.

⁵ The CEDAW Monitoring Committee, Nepal (2003). Shadow Report on the Second and Third Periodic Report of Government of Nepal on CEDAW Convention.

Achievements Made in the Implementation after 2000

This section specifies the initiatives, achievements and existing gaps or constraints in the implementation of BFPA only after 2000, i. e., after the country reporting in UNGASS, Beijing+5.

Women and poverty

In the policy front the Tenth Five Year Plan (2003) identified gender equality as a key to poverty analysis and emphasized on expediting poverty alleviation through the empowerment of women by ensuring their socio-economic development, ensuring their access to productive resources and by bringing them in the decision making positions.

Legislative endeavour was done by amending the Civil Code in 2002 and establishing equal inheritance right, which is vital in inheriting land that is a key productive resource. Nevertheless, the condition of disinheritance in the case of marriage of the daughter has bars women's right to land ownership.

Picking on the best practices of micro-credit programmes like Production Credit for Rural Women (PCRW) and Micro-Credit Project for Women (MCPW), the Ministry of Women, Children & Social Welfare initiated *Jagriti* Women's Empowerment and Income Generation (WEIG) programme with an additional flavour of sustainability and local ownership in the fiscal year 1999/2000. Known as Women Development Programme, the combination of micro-credit programmes are covered in all 75 districts after the fiscal year 1999/2000. In addition to women development programmes, there are various non-governmental organizations, community based organizations and sectoral programmes that initiate savings and credit activities for/by women in rural areas, which have impacted on poverty alleviation.

Remittance plays an important role in alleviation of poverty in Nepal and women contribute 11% of the remittance and they remitted Rs. 12.9 billion in 2002⁶. In this respect, legislative and *de-facto* initiatives are in the process for empowering migrant women workers.

Initiation of a multi-donor funded Poverty Alleviation Fund in 2003 to provide support poverty reduction efforts of various non-governmental organizations and community based organizations and allocation of budgets to address women's poverty especially affected by the armed insurgency is an important initiative to address women and poverty.

In spite of the initiatives mentioned above, achievements in addressing the "feminization of poverty" are very limited. The government initiated micro-credit programmes are found to lack both the coverage and the adequacy of the amount⁷. The so-called right to inheritance is

⁶ Nepali Women Workers in Foreign Lands: Mapping the Migration Process and Contribution to Nepali Economy and Society. (2003) A study conducted for UNIFEM/Nepal by Nepal Institute of Development Studies, Kathmandu.

⁷ Bhadra, et al. (2003). Study on the Effectiveness of Programmes Targeted to Women (a policy research). Study commissioned by National Planning Commission, His Majesty's Government of Nepal and study conducted by the Central Department of Home Science & Women's Studies, Tribhuvan University, Nepal.

conditional and women lose their entitlement upon marriage, while men retain their entitlement even after marriage. The negligibility of women's access to and control over assets/resources is revealed by Census 2001 where only 11% of the total households reported of women owning land, 7% of households reported owning livestock and mere 5% households reported owning the house.

The Census data further made a stark revelation of the "feminization of poverty". The indices show Mid and Far-Western development regions along with a few districts in the Central region having the least developed poverty rank and the same regions and districts in the Central Terai (plain) having the lowest ranks in the gender discrimination index⁸. It implies that although "feminization of poverty" is pervasive in the country, women from Mid and Far Western regions face the major brunt of poverty due to the existing gender discrimination.

It calls for a gender perspective in addressing the issue of "feminization of poverty". It is sad that even at this stage of advocacy, sensitization and awareness, aforementioned Poverty Alleviation Fund Committee consist just one woman as a token, who is by profession neither an economist nor a sociologist or a gender expert. This creates a danger of addressing feminization of poverty from a welfare approach rather than a right-based approach. Furthermore, the Millennium Development Goal 1 for the eradication of extreme poverty and hunger, analysis of the urban-rural and regional disparity and the inter-household inequalities are made but the intra-household and/or gender inequality and the issues of "feminization of agriculture" and "feminization of poverty" are completely ignored.

Education and training of women

A UNDP assisted Community Owned Primary Education Programme (COPE) was launched in August 2000 as an innovative and alternative for providing equitable and quality primary education with a special focus on girls. A special feature of these primary schools is that all teachers are female.

In 2000, assessment of gender sensitivity in the monitoring and evaluation (M&E) system of four ministries was conducted. The M&E system of the education sector was found to be the most gender sensitive among the four agencies. However, the need for further improvement was recognized⁹.

The Mainstreaming Gender Equity Programme, Ministry of Women, Children and Social Welfare performed detail gender assessment of the education sector in 2001¹⁰. Based on the assessment recommendations were made with proposed action plan including gender orientation and programme formulation for the upcoming Tenth Five Year Plan.

The Women Education Unit of the Education Division conducted a three-day gender orientation workshop in June 2002 participated by 76 high level officials in policy making positions of the

⁸ ICIMOD, CBS/HMGN & SNV (2003). Mapping Nepal Census Indicators 2001 & Trends. Kathmandu: ICIMOD.

⁹ Exercise of Mainstreaming Gender Indicators in Some Sectoral Monitoring and Evaluation Systems conducted by MGEP/MOWCSW.

¹⁰ MOWCSW/MGEP/UNDP (2001). Gender Assessment in the Education Sector. Kathmandu: MGEP.

Ministry of Education. Action plans were charted out for inclusion of women in education sector policy, planning and management; supply of female teachers; equal access to girls and women in education; gender sensitive curriculum and textbook and inclusion of women in decentralized planning and implementation¹¹. The Women Education Unit is engaged to incorporate and implement gender sensitization and series of gender orientation programmes to orient mid level and lower level officials and staffs.

In November 2002, the Minister of Education made a public announcement to prohibit fee during the beginning of the academic year and the use of local language in primary education, which is expected to increase girls' enrolment in primary schools especially in Terai region. The Education Regulation (2002) has stated that the community schools should provide free education to poor, disabled, girls, *dalit* and the indigenous students who are below the poverty line.

The Tenth Plan policy on education (2003) states its objectives to provide functional and income generating literacy and post-literacy programmes to uplift the standard of living of women. Furthermore, it aims for special provisions for women's access to education to achieve the "education for all" (by 2015) target. Additionally, the education policy strategizes to develop gender sensitive indicators and incorporate gender auditing of teaching-learning, examination, policy making and the management of the education sector. The policy also spells out its programme of incorporating gender perspective in the curriculum at all levels, strengthening scholarship programme to women in higher education and providing free education to girls up to the secondary level. Through all these interventions, the Tenth Plan education sector expects to contribute in the government's policy of bringing gender equality.

The Millennium Development Goal 3 to promote gender equality and empower women focuses in the education sector and targets on elimination of gender disparity in the primary and secondary education preferably by 2005 and to all levels of education no later than 2015.

In spite of the above efforts and expectations, education sector is the hardest hit by the Maoist insurgency especially after the mishap of going into armed insurgency. Girls were impacted differently than the boys because of their gender. Impact manifested as abduction from schools to join the insurgency; early marriages by parents due to the fear of losing family honour because of increasing sexual violence against adolescent girls; displacement due to the fear of abduction or sexual abuse/assault in the villages; loss of financial support for schooling due to the death of fathers/brothers/mothers; or loss of education opportunity due to the destruction of the school building in the villages, where boys are sent to district headquarters or to the cities for schooling while girls are kept at home.

Women and health

All through the times during late 1990s and early 2000s' of heated debate about the so called "women's bill" (11th Amendment of the Civil Code Bill), personnel in the health sector were directly or indirectly involved in the advocacy with women's activists for the passage of the Bill

¹¹ Women Education Unit, Education Division/Ministry of Education and Sports (2002). A Report on Gender Sensitization for Policy Level Personnel of MOES.

especially for establishing women's reproductive right of abortion under certain conditions. The passage of the bill in 2002 ensured women's right to terminate unwanted pregnancy under certain conditions such as abortion on demand up to 12 weeks of pregnancy; up to 18 weeks in case of rape or incest; any time in cases of danger to the mother or the child, or if it leads to the birth of a disable child with the advice of a medical practitioner. However, sex selective abortion or abortion without the consent of the mother is still criminalized.

An Abortion Task Force was formed in the Family Health Division, Department of Health Services, Ministry of Health in February 2002 to draft Regulations, plan and implement abortion services¹². Under the Comprehensive Abortion Care (CAC) Services, two year training strategy 2003-2005 has been developed and being implemented. This training is aimed to extend CAC services up to the Primary Health Care Centre (PHCC) level¹³. Since March 2004, a government maternity hospital in the Capital and regional hospitals are offering abortion services. The government is planning to extend the services to all districts eventually. It is reported that in the Capital City maternity hospital alone abortion services are provided to more than 200 women since March 2004 (television report by the administrative chief in May 2004).

The project "Releasing women imprisoned in charge of abortion and related offences" started in March 2003 and by November 2003, 20 women had been released out of 53 women languishing in jail for the offence¹⁴. Those women still in jail are accused of infanticide rather than abortion (Government's response to the CEDAW Committee's query about those women in the 30th Session, 13 January 2004).

Till late 1990s Nepal was the only country in the world where the life expectancy of women was less than that of men. However, Census 2001 showed increment in overall life expectancy from 54.4 years in 1991 to 60.8 years in 2001; and the life expectancy of women became more (61 years) than that of men (60.6 years). It is an indication of increased access of women to health services.

Nevertheless, gender assessment of the health sector conducted in 2002 concluded that major health sector programmes/projects lacked gender sensitivity in the overall process of design, implementation, monitoring and evaluation. Hence recommended and made action plans that included orientation of policy makers and programme personnel in gender mainstreaming¹⁵.

The health sector policy aims in contributing to "gender equity" envisioned in the Tenth Plan (2003). Considering women's health in general and reproductive health in particular as women's right, the policy aims to prevent unwanted pregnancy, to raise awareness of adolescents, to meet the unmet needs of contraceptives and ensuring equal participation of both women and men in reproductive health and family planning. The health sector assigns No. 1 priority to programmes like safer motherhood programme, family planning programme, adolescent reproductive health

¹² FWLD/The Asia Foundation (2003). Implementation Status of the Outcome Document of Beijing Platform for Action.

¹³ Ibid

¹⁴ CEDAW Monitoring Committee, Nepal (2003). Shadow Report on the Second and Third Periodic Report of Government of Nepal on CEDAW Convention.

¹⁵ MWCSW/MGEP/UNDP (2002). Gender Assessment in the Health Sector. Kathmandu: MGEP.

programme and women health volunteer and midwife programme. The targets of some indicators are as follows:

	Status in 2002	Tenth Plan Target	
		Expected increment	Ordinary increment
Proportion of women receiving ANC for 4 times	14.3%	18%	17%
Proportion of women (14-44 years) receiving TT	45.3%	50%	49%
Delivery services by trained health personnel	13%	18%	17%
Total fertility rate (TFR)	4.1	3.5	3.6
Maternal Mortality Rate (MMR)	415	300	315

Source: National Planning Commission. The Tenth Plan (2003-2008).

Although the Tenth Plan aims to bring TFR to a replacement level only by 2017, i.e. by the end of the Twelfth Plan, it is estimated that provision of contraceptives to meet the unmet needs would bring the TFR to a replacement level much earlier than targeted¹⁶. The unmet needs of contraceptives are mainly in the rural areas.

The Ministry of Environment and Population has proposed the Population Perspective Plan and gender-mainstreaming framework is completed with the proposed action plan¹⁷. The proposed framework aims to address the women's sexual and reproductive health in a holistic manner with a rights based approach as committed in ICPD, CEDAW and BFPA.

Various NGOs have developed IEC materials and are engaged in awareness raising to empower women to have control over their bodies emphasizing in the preventative health measures in general and about HIV/AIDS in particular¹⁸.

The Millennium Development Goal is regressive in targeting women's health in the sense that it neither takes into account the general health situation of women nor does it consider the reproductive health problem of women in a life cycle approach as stipulated in the BPFA. MDG 5 targets the reduction of maternal mortality rate by two-thirds between 1990 and 2015, stating that the MMR will be reduced to 129-213/100,000 by 2015; percentage of deliveries to be attended by trained health personnel from 10.8% (in 2001) to 100% by 2015; and contraceptive prevalence rate from 38.9% (in 2001) to 100% by 2015. However, MMR is greatly contributed by lack of nutrition, heavy workload and a high TFR, which are the result of existing gender discrimination. All these necessitate that reproductive health problems need to be addressed in a more holistic socio-economic approach rather than mere medico-clinical approach. Additionally, MDG 6 of combating infectious diseases like HIV/AIDS, malaria and others is gender sensitive in its analysis of HIV/AIDS situation to some extent but is gender blind in its targeting. It is obviously so when the target is for general contraceptive prevalence rate as 100% by 2015 as if contraceptives other than "condom" prevents HIV infection. There are no gender analyses about the TB and malaria situation, so the targeting is also gender neutral.

¹⁶ Bhadra, C. (2004). Gender Mainstreaming in the Population Perspective Plan. A report submitted to Population Division, Ministry of Population and Environment.

¹⁷ Ibid

¹⁸ FWLD/The Asia Foundation (2003). Implementation Status of the Outcome Document of Beijing Platform for Action.

The real service delivery for women's health in general and reproductive health in particular needs to be at the rural health posts level; and that the Maoist insurgency has made it very difficult to deliver health services to women due to Maoists targeting health post personnel; taking away medicines and destroying health posts; or women simply unable to travel to health posts due to security reasons. Many pregnant women have lost their lives unable to reach hospitals for delivery due to Maoists' ban on movement of people and/or vehicles.

Violence against women

Violence against women was recognized to be a development issue since the Ninth Five Year Plan (1997) in Nepal. Reiterating the recognition, the Tenth Plan (2003) aims towards legal reform to address traditional violence against women and to provide legal aid, rehabilitation and reintegration of girls/women affected by trafficking. Similarly, the Plan aims towards protection, community based rehabilitation and income generation for women and children affected by the current armed conflict/Maoist insurgency.

The Ministry of Women, Children & Social Welfare has adopted a National Plan of Action against trafficking in children and their commercial sexual exploitation. With assistance from the United Nations System Task Force against Trafficking, the Ministry is administering a Project called Beyond Trafficking: A Joint Initiative in the Millennium Against Trafficking in Girls and Women since 2001. The Ministry also forwarded two bills for combating violence against women. Those are the Bill on Domestic Violence and the Bill on Human Trafficking Control; both the bills were passed by the Lower House of the Parliament and were under consideration in the Upper House when the Parliament was dissolved in May 21, 2002.

In January 2002, SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted during the 11th SAARC summit in Kathmandu, which the member countries will ratify after some amendments concerning human rights of affected persons and charting out a comprehensive definition of the trafficking. It is judged to be a strong Convention against trafficking as it has brought forward the extradition jurisdiction¹⁹.

A National Rapporteur on Trafficking has been appointed and placed in the Human Rights Commission office in January 2003 to oversee and monitor implementation of anti-trafficking activities with a rights-based approach. UNIFEM assisted Institute of Integrated Development Studies (IIDS) to conduct a national study on trafficking of girls/women in 2003. This study demystified many myths related to the issue of trafficking, which is expected to be helpful in taking measures to prevent and eliminate trafficking of girls/women in the future.

The 11th Amendment of the Civil Code in 2002 has taken significant steps in addressing the violence against women by raising the imprisonment term for rape and additional term of imprisonment for gang rape and rape against pregnant and disabled women. Considering the sensitivity of the issue victim's statements are arranged to be taken only by female police and access to the courtroom during these hearings are restricted for general people²⁰.

¹⁹ Ibid

²⁰ Ibid

Two landmark court decisions were made on May 2, 2002 in relation to violence against women. The first was that rape within the marriage was criminalized, judging the practice as discriminatory against the spirit of CEDAW and also that of the Constitution. Similarly, the (less) punishment for the rape of the prostitute was contested for its discriminatory provision against specific category of women for which the court declared as unconstitutional and discriminatory against women²¹.

Women and the armed conflict

The Tenth Plan (2003) policy states that women affected by the armed conflict, especially singled due to their husbands' death will be given separate quota for income generation and employment. Accordingly, the Poverty Alleviation Fund Committee is working in close association with Women for Human Rights, Single Women's Group (WHR) to extend financial support for income generation to conflict widows.

Two police forces and the army have their own compensation plan for the widows and dependents of the deceased security personnel who die on the line of duty.

Women's participation in the peace process has been none or negligible. In the first peace talk (in 2001) women were absent from both the sides. In the second peace negotiation (in 2002), a woman minister participated in the government's team. However, in terms of the general peace process and the woman minister's participation in particular, it was a failed negotiation (personal communication with the concerned minister).

Civil society like *Nagarik Awaz* (Citizen's Voice) and a few others are extending victim-support and victim participatory advocacy for the peace. Women for Human Rights, Single Women's Group, work for the human rights of the single woman and is active in dealing with those women singled due to the death of their husbands in the armed conflict/Maoist armed insurgency. The Poverty Alleviation Fund Committee has extended financial assistance to this group to extend financial support for income generation to the insurgency affected single women. However, whatever efforts these organizations are making to bring women's agency to the forefront of peace building in spite of all the adversities, their contribution seems to get little value, as these organizations dearth resources without adequate support from those concerned.

Women and the economy

Census 2001 for the first time sex disaggregated the ownership of land, livestock and the house to measure the access to and control over resources, which showed that women had ownership of land in 11% of total households; ownership of livestock in 7% of households and ownerships of the house in only 5% of households. It was very revealing of the low level of ownership of the economic asset by women. Furthermore, Census 2001 also made hitherto invisible work of women visible by counting those as "extended economic activities".

During 2000s, Department of Women Development continued extension of savings and credit; income generation and awareness creation through the "Women Development Programme" in all

²¹ Ibid

75 districts targeted poor women. Apart from it, Rural Development Banks named "Grameen Bikas Bank" established in all five development-regions extended credit to poor women. The government passed the Financial Intermediary Act (1999) and various non-governmental organizations were licensed as development banks to extend credit to poor women.

The 11th Amendment of the Civil Code asserted daughter's right to inheritance until her marriage; widow's right to husband's property even upon remarriage; woman's full right to husband's property upon marriage and entitlement to her share of husband's property and live separately; and divorced woman's right to husband's property.

The Tenth Plan (2003) has identified "gender equality" as one of its goals of poverty alleviation. The Plan asserts that there is a shift from a welfare approach to a rights based approach in the overall gender mainstreaming in development and stresses on women's access to employment, entrepreneurial technology and productive resources. Furthermore, recognizing the 10% participation and contribution of women in the remittance through foreign employment, the Plan emphasizes on facilitating women in foreign employment, especially those affected by insurgency, poor, oppressed and those from the indigenous ethnic groups.

Although, the Tenth Plan (2003) Tourism sector policy is gender blind, the Tourism Board in assistance from UNDP is conducting Tourism for Rural Poverty Alleviation Project, which is targeted to empower rural women in tourism industry for poverty alleviation.

In view of Nepal's accession to WTO, South Asia Watch on Trade, Economics and Environment (SAWTEE) conducted a research about the "gender implications of Nepal's accession to WTO" in 2001-2002. The research was supported by UNIFEM and the study recommends gender sensitivity in the overall process of accession and the empowerment of female workers and female employers in the pre, during and the post accession to WTO membership. UNIFEM was also instrumental in facilitating the women entrepreneurs' association "WINNER National Coordination Unite" to access ICT training to develop its capacity to compete in the global market.

Women in Power and Decision Making

The Tenth Plan (2003) has targeted 20% female in positions of decision-making. To meet this target, the government is facilitating female candidates for Public Service Commission entry examination by running coaching classes.

Additionally, the government has established a Reservation Committee in 2004, which has a mandate to conduct a situational analysis and develop mechanism for 25% representation of women in all sectors and at all levels. Considering the ecological and cultural diversity the Committee is mandated to consider the representation of indigenous and *dalit* women with additional consideration to the regional representation.

There has been awareness and some actions are taken through Acts and Regulations for the representation of women (though not fully satisfactory) in different committees. Though minimal, women's representation is made in National Poverty Alleviation Fund Committee,

Motion Pictures Censor Boards, Consumers' Groups/Committees, Protective Area Management Council, Academy Management and Executive Committees²². All these Acts, Regulations and inclusion of women were made after 2000.

At the national level, women representatives in two houses of the Parliament formed Women Politicians Caucus in 2002. Similarly, Federation of Elected and Nominated Women Ward Representatives (ENWWR) was also formed in 2002 by women representatives of local bodies. UNDP assisted Mainstreaming Gender Equity Programme in the Ministry of Women, Children & Social Welfare facilitated women politicians' organizations. Although these bodies are defunct since 2003 due to the adjournment of the Parliament and the local bodies, the established structure is going to be active as soon as elections are conducted. Furthermore, former representatives of these bodies have placed their demand for 33% representation of women in the national and local level governance.

Those women, who are not actively involved in the party politics but are advocates of representative and clean politics, established an Alliance for the Political Empowerment of Women, an NGO in 1999. In 2003 the Alliance is revamped by involving active women politicians from all major political parties. This main objective of this Alliance is to empower women politicians and to pursue a transformative politics. Additionally, South Asian Coordination Committee on Political Empowerment of Women (SACCPEW), a regional institution has its secretariat in Kathmandu, Nepal, through which both the current and potential politicians' capacity is enhanced in representative and transformative politics.

Human rights of women

The passage of the 11th Amendment of the Civil Code in 2002 ensures girls/women's human rights in the inheritance right (though conditional), reproductive rights relating to abortion (under certain conditions) and increase in the age of consent.

The Optional Protocol to CEDAW is signed in 2001, although it has not been ratified yet.

In 2001, the government formed a high level Committee under the chairmanship of the Secretary of the Judicial Council to review discriminatory laws against women and to formulate a draft to amend discriminatory provisions. The Committee completed its work in 2002, which has identified 137 discriminatory laws prevailing²³. The draft of amendment is not able to pass due to the absence of the Parliament.

As a result of constant and persisting advocacy from NGOs towards asserting women's right to employment, the government has lifted the ban on women for foreign employment in the Gulf countries (in the formal sector only) in 2003. The Ministry of Labour and Transportation is in the process of formulating a Labour Bill that guarantees equal employment right to women ensuring

²² FWLD/The Asia Foundation (2003). Implementation Status of the Outcome Document of Beijing Platform for Action

²³ CEDAW Monitoring Committee, Nepal (2003). Shadow Report on the Second and Third Periodic Report of Government of Nepal on CEDAW Convention.

safe migration and security in the work place. Even at the absence of the Parliament, the Ministry is envisaging to pass the Bill through ordinance in the year 2004.

Women's Commission has conducted research and brought forth cases of human rights abuse of girls and women in the present context of armed insurgency. Several actions are also taken to protect women's human rights by the Commission in its tenure of two years. One of such cases, which caught the national attention, is the Commission President's heroic effort to rescue a disabled daughter and handover to her mother reuniting them after 32 years' separation in 2004, hence asserting the rights of a mother and the child. However, the Commission remains vacant after 7 March 2004, when the tenure of previous members was completed.

Women and the media

Sancharika Samuha (Women in Media Group) that was active in disseminating issues on the critical areas in general and "women and media" in particular, since its formulation in 1996 has launched a website named *Mahilaweb* (Women in web) for sharing information on women and gender issues, nationally, regionally and globally in 2000. .

The government formed a committee of media organization representatives for assessing the problems faced by journalists and recommending solutions to the government in 2002, but there is no woman being represented in the committee²⁴.

The Tenth Plan (2003) policy on information and communication is gender blind. Although the Plan stresses about making use of the electronic media to transmit the Nepalese society's diversity in caste/ethnicity, culture and languages, the Plan is mum about these media as a strong medium to transmit the spirit of "gender equality" even though one of the goals of the Tenth Plan is fostering gender equal society. The Plan in its information technology policy states about establishing "community communication centres" in 1500 VDCs but the policy is silent about ensuring rural women's right to information.

The negligence of gender mainstreaming in the Information and Communication sector policy made *Sancharika Samuha* (Women in Media Group) submit a memorandum of twelve point policy relating to gender equity, gender equality and the empowerment of women in the media, to the Minister of Information and Communication in March 2003. The Minister forwarded the memorandum to the Cabinet and eight points out twelve received approval. These points include training of media personnel to portray positive image of women, women communicators' empowerment, gender equality to be made a part of information policy, publicity programmes for women's empowerment, scholarships for women journalists and media persons, gender sensitivity in annual programmes, and fostering positive image of women. However, the Council of Ministers was replaced by another Council of Ministers, which left the approval unimplemented.

²⁴ FWLD/The Asia Foundation (2003). Implementation Status of the Outcome Document of Beijing Platform for Action

Nevertheless, for the first time in media's history one woman each was appointed in the Radio Nepal Board of Directors in May 2003 and the Press Council in March 2004.

Women and the environment

Tenth Plan (2003) forestry and soil conservation sector policy states its objective as participatory approach to involve poor, women and the disadvantaged groups providing opportunities for income and employment generation, so as it supports the poverty alleviation. For the implementation mechanism the sector emphasizes on gender equality through effective participation of women in forest management and use; gender sensitization to eliminate disparity in access to and control over economic and social resources; and through women's participation in the leadership positions. Furthermore, it stresses that the forestry sector human development and training, the quantity and quality of gender training will be increased.

Similarly, the agriculture and cooperative sector policy states that women will be involved in the mainstream of agricultural and livestock extension to enhance their efficiency and income; for which targeted programmes will be launched for women and disadvantaged groups. The agriculture and cooperative sector envisages contribution towards gender equality as its outcome through women's overall participation 40% and more than 60% participation in specific activities such as seed development, vegetable and fruit (horticulture) activities and sericulture (cocoon production) activities. Additionally, the sector policy envisages contributing towards gender equality through increased efficiency of women's cooperatives and skill development of women's cooperative members and individual women farmers.

Furthermore, the environment sector working policy of the Tenth Plan (2003) states about adopting a policy of rewarding women's groups for their contribution to environment conservation. The sector envisages achieving gender equality through its policy of encouraging women.

The importance and the imperative of women's participation in environment management are recognized in the Biodiversity Conservation Strategy and Action Plan, 2002 and the Sustainable Development Agenda, 2002²⁵.

The Ministry of Women, Children & Social Welfare in 2002, commissioned a gender assessment of the agriculture sector. The study recommended redistributive policy, programmes and implementation for gender equity²⁶.

There are NGOs like HIMAWANTI, FECOFUN, WPLUS, WEPCO and GEWNET/CRT that work towards mainstreaming gender in different sub sectors of the environment such as forestry, land use, solid waste management, water and energy technology and empowerment of women through participation, capacity building and income generation from the use of these resources.

²⁵ Ibid

²⁶ Gender Assessment Study of Agriculture Sector. (2002). Mainstreaming Gender Equity Programme, Ministry of Women, Children & Social Welfare.

The girl child

The Ministry of Women & Social Welfare made an addendum of “Children” in the Ministry to focus the issue of children especially the girl child in April 2000, hence the Ministry of Women, Children & Social Welfare. In September 2000, the government signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in the armed conflict and sale of children for child prostitute and child pornography, hence protecting the rights of the child in general and that of the girl child in particular.

The 11th Amendment of the Civil Code amended or provisioned the following codes that were discriminatory against girl child. i) Offering for adoption was not permitted in case of having just one daughter, for which previously it was only restricted for the case of just one son. ii) The punishment for child marriage has been increased from six months to three years and the fine has increased from Rs. 1,000 to Rs. 10,000. iii) Sex selective abortion is still illegal conducted by means of amniocentesis tests.

In addition to the continuation of girls' education programmes, the government's announcement of elimination of the fee during the beginning of the academic year and use of local language for the primary education in 2002, opens avenues for girls' opportunity to the primary education more than before. Additionally, the government's pronouncement to reimburse the fee paid for girls' enrolment in the secondary schools ensures better opportunity for girls of secondary education.

The SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia adopted during the 11th SAARC Summit in 2002, which envisages the regional effort towards the development and protection of the rights of the South Asian child.

In order to protect the rights of children Nepal ratified two labour Conventions related to child labour in 2001, which are Convention Concerning Forced or Compulsory Labour and the Convention Concerning Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Based on this commitment, the objective of the Tenth Plan (2003) is to eliminate the worst forms of child labour, which is assumed to address the girl child's labour related issues.

Joint Initiative in the Millennium Against Trafficking in Girls and Women project launched since 2001 also addresses the preventative, rescue, rehabilitation and the reintegration (to family/community) of the girl child vulnerable to trafficking.

Notwithstanding the above initiatives the Tenth Plan (2003) policy on Child Right and Development is gender neutral (generically mentioned as children) and nothing specific regarding the girl child's concerns is addressed in the policy that leaves lots of gaps to address girl child's issues in programmes and legal actions. Furthermore, girl children are massively victimized in the present state of armed insurgency because of their gender, in terms of sexual violence from warring factions or the third party in the state of lawlessness, early marriages than before due to the fear of parents losing their family honour if being sexually violated, loss of

educational opportunities and displacement due to the fear of being abducted or sexually violated in the villages. All these need immediate and intense attention.

Women and ICT

The government allotted 20% quota in the government offered computer training since 2002 but no specific gender concerns are addressed in the ICT policy of the Tenth Plan (2003). The Plan envisages establishing 1,500 Community Communication Centres (CCC) with internet access, but no mention of women/girls' right to information is mentioned. In a Patriarchal setting of the community, the establishment of the CCC does not automatically ensure women/girls' access to CCC without deliberate interventions.

Women and HIV/AIDS

Although the Tenth Plan (2003) health sector policy mentions about creating awareness about HIV/AIDS and providing easy access to curative measures, no gender analysis of the existing situation and/or gender responsive programmes are proposed. Gender assessment in the health sector study concludes that the current HIV/AIDS programme does not cater the special needs of women although women are biologically more prone to HIV infection and that gender discrimination and low socio-economic status add to the social vulnerability and susceptibility to infection more than men²⁷.

In spite of the lack of gender sensitivity in the government's policy and gender responsiveness in programmes, a few NGOs are intensively engaged in dealing with women's HIV/AIDS problems especially those who are repatriated from brothels in neighbouring countries. ABC/Nepal, Maiti/Nepal, Shanti Griha and WOREC have demonstrated their relentless efforts in providing cure to HIV/AIDS infected women and children. Many of these NGOs are in dire need of resources to continue their services.

Women and the financing for development

During 2000s, Department of Women Development continued extension of savings and credit; income generation and awareness creation through the "Women Development Programme" in all 75 districts targeted to poor women. Apart from it, Rural Development Banks named "Grameen Bikas Bank" established in all five development-regions extended credit to poor women. The government passed the Financial Intermediary Act (1999) and various non-governmental organizations and non-governmental financial intermediaries were licensed as "development banks" to extend credit to poor women.

The Centre for Micro Finance (CMF) established in 2001, is a pioneer organization in conducting research, capacity building of micro-finance institutions by extending training and facilitating innovative practices in micro-finance. CMF and Rural Development Banks have introduced insurance schemes combined with the micro-credit activities to extend protection to women in case of accidents, sickness and death.

²⁷ Gender Assessment in the Health Sector. (2002). Mainstreaming Gender Equity Programme/Ministry of Women, Children & Social Welfare.

Based on its policy of focusing its service to women and with a view to contributing towards the government's policy in establishing gender equality, CMF in its fourth general meeting in 2004 increased its female shareholders making it 56% of the total shareholders; and elected two females in the board to make four females in a board of nine members.

The micro-credit programmes not only created avenues for women to access finance for development, but the supplementary component of the "social mobilization" guided towards women's collective empowerment leading to women's collective movement against social evils such as alcoholism and gambling and the violence against women. On the one hand institutional interventions targeted to poor women lead to organizations of poor women for micro-enterprise and social mobilization. On the other hand, the demonstration effect of this rippled out to relatively better off women motivating them to organize in self-initiated savings and credit organizations (SCOs) or Savings and Credit Cooperatives (SCCs) accumulating substantial amounts of savings.

Although it is said that there are currently 2,859 SCOs and SCCs and till January 2003 with 803,000 benefiting from the micro-credit, it is judged to be insufficient to reach the poor²⁸. There are still a vast majority of poor women who are excluded from access to micro-credit²⁹. On the one hand, those women who have surpassed in the social mobilization and micro-finance activities, they have not been actually able to graduate as entrepreneurs towards economic emancipation and/or get out of the poverty trap with the kind of extremely micro size of investment-enterprises they are currently engaged into³⁰. On the other hand, women have generated substantial amount of savings through self-initiated SCOs and SCCs but they have not been able to invest the amount in profitable enterprises with higher rates of return due to lack of investment capabilities, opportunities and technology options³¹.

Migrant Women

Remittance plays an important role in alleviation of poverty in Nepal and women contribute 11% of the remittance and they remitted Rs. 12.9 billion in 2002³². In spite of this, due to gender women were barred from migrating to Gulf countries based upon the Cabinet decision made on March 1998. This decision not only took away the right of women for employment (CEDAW *article 11*) but also made women vulnerable to abuse, exploitation and trafficking as they were forced to take illegal alternative means and routes to reach destinations in Gulf countries.

As a result of constant and persisting advocacy from NGOs towards asserting women's right to employment, the government has lifted the ban on women for foreign employment in the Gulf

²⁸ Annual Report presented by the President, Centre for Micro Finance Pvt. Ltd., Kathmandu, 21 May 2004.

²⁹ Bhadra, C. "Study on the Effectiveness of Programmes Targeted to Women (A Summary)", *Hamro Sansar (A world of our own)*, A Journal of Women's Studies, Issue 3, March 2004.

³⁰ Ibid

³¹ Bhadra, C. "Theorizing Technology as a Means of Empowering Nepalese Women Towards Poverty Alleviation". Paper presented in **International Conference on Women, Science and Technology for Poverty Alleviation**. Organized by: Women in Science and Technology (WIST)/Nepal, Kathmandu, March 31-April 2, 2003.

³² Nepali Women Workers in Foreign Lands: Mapping the Migration Process and Contribution to Nepali Economy and Society. (2003) A study conducted for UNIFEM/Nepal by Nepal Institute of Development Studies, Kathmandu.

countries (in the formal sector only) in 2003. *Sancharika Samuha*, an NGO of women in media, launched a one-week media campaign in "Empowering Migrant Women Workers of Nepal", in 2002. Studies on "Policies, Service Mechanism and Issues of Nepali Migrant Women Workers" and "Nepali Women Workers in Foreign Lands: Mapping the Migration Process and Contribution to Nepali Economy and Society" were conducted in 2003. Adhering to the civil society advocacy and the findings of the research studies, the Ministry of Labour and Transportation is in the process of formulating a Labour Bill that guarantees equal employment right to women ensuring safe migration and security in the work place. Even at the absence of the Parliament, the Ministry is envisaging to pass the Bill through ordinance in the year 2004. Many of these activities were facilitated by UNIFEM, for which UNIFEM/Nepal received International AGFUND Award in 2004.

In recent armed insurgency situation, internal displacement and migration of women/girls have occurred in massive scale jeopardizing them in various forms and scales. Furthermore, males' out migration due to the armed insurgency leaving women behind in the villages has further impact on "feminization of agriculture" and "feminization of poverty". All these need to be addressed immediately in the context of the implementation of BPFA.

Older women

The Tenth Plan (2003) policy on elderly citizen is gender blind, which does not address older women's concerns of health and social welfare support.

Nepal's definition of elderly citizen is those people who have reached 60 years of age. The reproductive age of women is defined as 15-49 years of age. Addressing the reproductive health issues women up to 49 years of age are targeted, while addressing of elderly women starts only when they reach 60 years of age. This makes a large number of older women (50-59 years of age) falling in the crevasse between the reproductive age definition and the elderly citizen definition, hence being neglected for their reproductive health problems. In Nepal, a large proportion of women in these ages are suffering from prolapsed uterus and other related reproductive health problems, which needs to be addressed both at the policy level and the programme level³³.

Indigenous women

The Tenth Plan (2003) policy on the indigenous and ethnic people states that empowerment of indigenous/ethnic women will be done by reaching women development programmes to them. Furthermore, the policy states that indigenous/ethnic women's capacity will be build by legally ensuring their traditional rights to development concerns.

The government established the National Academy for Indigenous/Ethnic (People) Development in 2002. One woman is appointed as a member of the academy.

³³ Personal communication with Dr. Kanti Giri, a senior gynecologist and a researcher in reproductive health.

National Indigenous Women's Federation (NIWF), a NGO works towards empowerment of indigenous/ethnic women through their capacity building. These women are also empowered to conserve their identity and culture.

***Dalit* (Socially Oppressed) and Neglected Community Women**

The Tenth Plan (2003) is gender blind in its policy towards *Dalit* and Neglected Communities even though mention of these women facing the "triple jeopardy" based on class, caste and gender discrimination is made in the national report of racial discrimination³⁴. However, the Tenth Plan states in a "welfare approach" that the health services need to be provided to address *Dalit* adolescent girls and women's health problems. Similarly, the document recommends that priority should be given to *Dalit* women for the appointment of women health workers and volunteers in the villages.

The government established *Dalit* Commission in 2002 and nominated a woman in the position of the secretary of the Commission. However, the Commission lies vacant since the members' term terminated in 2004.

Feminist *Dalit* Organization (FEDO), a NGO works towards empowerment of *Dalit* women, as these women facing the "triple jeopardy" based on class, caste and gender discrimination.

³⁴ National Organization Against Racial Discrimination. (2001). Durban Declaration and National Plan: Racial Discrimination in Nepal. Third World Conference on Racial Discrimination, 31 August - 7 September, 2001.

Institutional Development for the Promotion of Gender Equality and Women's Empowerment

This section details the development after Beijing+5 in 2000.

The Ministry of Women and Social Welfare established in 1995 as the highest level national machinery for the advancement of women, incorporated "Children" within its institutional fold to focus on issues of children in general and that of the girl child in particular, hence the Ministry of Women, Children & Social Welfare since 2000.

The Ministry was instrumental in the establishment of Gender Focal Points (GFPs) in all development and administrative agencies, commissions and other governmental functionaries in 2001 and their capacity building process. Nevertheless, those appointed as focal persons have recommended that for GFPs to be effective, it has to change from individual oriented approach to institution oriented approach bestowing adequate mandate to mainstream gender in concerned agencies equipped with adequate human resources and physical infrastructure.

The Central Bureau of Statistics (CBS) has instituted gender sensitive national accounting system in Census 2001. The follow up of the Census enumeration are identification of gender sensitive development indicators, gender sensitive reporting and gender sensitive mapping.

From the fiscal year 2003, districts based Women Development Sections (WDS) of the Department of Women Development (DWD) were identified as focal points for facilitating and monitoring of mainstreaming gender in both the government and NGO activities, as a district level functionary of the Ministry of Women, Children & Social Welfare. Although it is an imperative for WDSs to act as focal points for gender mainstreaming in the district level, considering WDSs' current resource endowment in terms of human resources and physical infrastructure the bestowing of such a huge mandate may make WDSs incapable of assuming such a huge task. Hence, strengthening of the WDSs becomes the foremost urgency with adequate budget, human resources and the physical infrastructure.

The National Women's Commission was formulated in March 2002 from an executive order instead of a statutory order. It made the Commission weak in executing many women's rights related actions. Realizing this limitation, the Commission executives were working towards a Bill to provide statutory mandate to National Women's Commission. However, the Commission lies vacant after the termination of the members' two yearly term in March 2004. Even if the Commission gets occupied and the formulation of the Bill is completed, it may take a while to pass the Bill in this present state of political vacuum of the absence of the Parliament and the political turmoil due to Moist insurgency and the challenge lying ahead for the general election to be held soon.

The National Planning Commission for the first time in its history nominated a woman as a honourable member in 2003, in its five-member body.

Nepal Administrative Staff College (NASC), a training institute for government officials started its gender mainstreaming process since 2002 and has instituted a Gender Unit by hiring a gender

consultant. Gender mainstreaming is done in training programmes and the curriculum. Although, incorporated in the policy the representation of women in the institutional decision making structures is yet to be achieved. NASC is also involved in training of the gender focal points and coaching of Public Service Commission female examinees.

At the national level, women representatives in two houses of the Parliament formed Women Politicians Caucus in 2002. Similarly, Federation of Elected and Nominated Women Ward Representatives (ENWWR) was also formed in 2002 by women representatives of local bodies. Although these bodies are defunct since 2002 due to the adjournment of the Parliament and the local bodies, the established structure could be active if elections could be conducted in 2004/05 as proposed by the King. Furthermore, former representatives of these bodies have placed their demand for 33% representation of women in the national and local level governance.

Those women, who are not actively involved in the party politics but are advocates of representative and clean politics, established an Alliance for the Political Empowerment of Women (APEW), an NGO in 1999. In 2003 the Alliance is revamped by involving active women politicians from all major political parties. This main objective of this Alliance is to empower women politicians and to pursue a transformative politics by preparing a roster of present and potential candidates from different parties to fulfill at least the 33% minimum and building capacity of the candidates. Additionally, a South Asian Coordination Committee on Political Empowerment of Women (SACCPEW), a regional institution has its secretariat in Kathmandu, Nepal, through which both the current and potential politicians' (both women and men) capacity is enhanced in representative and transformative politics.

The Ministry of Women, Children & Social Welfare is currently in the process of strengthening its Monitoring & Evaluation System since 2001 and has established "Women and Child Infosys" in coordination with concerned line and administrative agencies. It is a cyber system with database on women and children encompassing BPFA, CEDAW, CRC indicators; with a provision for periodic updating so as to monitor progress in implementation. Additionally, the cyber system includes the District Information System (DIS) about different women and child related programmes being carried out downwards up to the Village Development Committee (VDC) level with information about targeted population, types of programmes and the area coverage. The DIS is based on geographical information system, hence enabling the Ministry to address the issues of the exclusion of the population and/or geographical area, avoiding the duplication of programmes and wastage of resources.

Gender Assessment studies have been performed in the Education, Health and Agriculture sectors in 2002. Similarly, Gender Budget Audit have been performed of the Ministry of Women, Children & Social Welfare and the Ministry of Local Development in 2003/04. These exercises have instituted the imperatives of sectoral gender assessment and gender budget audit by instigating donor agencies and sectoral agencies to go through gender assessment and gender budget audit of other development agencies.

A Reservation Committee has been formed in 2004 to address the issue of "exclusion". The government has forwarded its policy of the 25% representation of women in all sectors and at all levels in 2003 while forwarding the government's concept paper during the second peace talk

with the Maoist insurgents. However, the dissolution of the Cabinet has posed a serious question about the existence/continuation of the Reservation Committee.

Although, the coordination of WID/GAD NGOs with the Ministry of Women, Children & Social Welfare continued during post Beijing+5, consultations with these NGOs in 2003 revealed greater need of the collaborative partnership in policy formulation and implementation with the Ministry needing to develop the culture of responsibility sharing³⁵.

Challenges and Constraints in Implementing BPFA and the Outcome Document

Nepal is facing a serious political and military problem of the Maoist insurgency and the armed conflict, which has deep implications on women's development concerns and their human rights. On the one hand, the diversion of development budget towards the security purpose has curtailed many women development programmes³⁶. On the other hand, there is a massive need of relief, reconstruction and rehabilitation activities targeted to women/girls having further budgetary implications. Furthermore, the armed insurgency has resulted in many instances of human rights abuse of women and girls and displacement/dislocation of families and/or members of the family. All these have made implementation of BPFA paradoxical in the sense that on the one hand the critical areas become more essential to be addressed than ever before and on the other hand, diversion of budgetary resources, destruction of physical infrastructures and difficulty in service delivery make the implementation of BPFA more difficult.

Another political problem that Nepal is currently facing is the political deadlock arising after the King ousted the elected Prime Minister in October 2002. Generally during these situations, women's development agendas get sidelined. Interestingly events like these may also open up avenues for advocacy for women's representation and the appeal to the King made by some women activists on April 2004, for women's representation in peace building and the highest level political echelon was one positive example. However, the advocacy needs to be persistent till equal representation of women is implemented, which seems to be lacking in women's advocacy at the present context as this group of women activists failed to name a female candidate for the post of Prime Minister when the King solicited names in May 2004.

Furthermore, Maoists insurgents' basis of the political-ideological discourse lies on the "socio-economic exclusion" and that gender discrimination and exclusion of women is treated as an inseparable part of their ideological discourse. This has not only attracted females to join Maoist cadet (sadly) but also gaining moral support from women activists to their gender related discourse. However, the means of violence that the Maoists have retorted to and the infliction of violence against women have casted doubt upon their intent of gender justice. Nevertheless, the Maoists' rhetoric of gender justice has compelled the government to come up with the proposal

³⁵ Centre for Policy Research and Analysis (CRPA). (2004). Gender Budget Audit of the Ministry of Women, Children & Social Welfare. Commissioned by Mainstreaming Gender Equity Programme, Ministry of Women, Children & Social Welfare.

³⁶ Bhadra, C. (2003). "Need of Gender Sensitivity in Budget Allocation for the Empowerment of Women". Paper submitted to the President of *Mahila* (women's advocacy NGO) for discussion on "Budget and Gender Issues" just after budget release in 2003.

of 25% representation of women in all sectors and at all levels, in the government's concept paper during the second peace talk with the Maoists in mid-2003; and in the formulation of Reservation Committee to address the issue of exclusion in 2004. Although, it was a positive move towards eliminating gender discrimination and addressing women's exclusion issues, the breaking up of the peace talk in the later part of 2003 has resulted not only in the execution of the proposal but also resulting in intensification of negative impacts on women/girls especially for impeding the implementation of BPFA.