

The background of the entire page is a photograph of a woman in a shop. She is smiling broadly, wearing a black t-shirt under a bright pink sari. She has a bindi on her forehead and is wearing gold jewelry, including hoop earrings, a necklace with red and white beads, and bangles. The shop shelves behind her are filled with various goods, including jars and packaged items.

Overview of Gender Equality and Social Inclusion in Nepal

Asian Development Bank



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Abbreviations

ADB	–	Asian Development Bank
AEPC	–	Alternative Energy Promotion Centre
CPS	–	country partnership strategy
DDC	–	district development committee
EFA	–	Education for All
GESI	–	gender equality and social inclusion
HDI	–	Human Development Index
ICPD	–	International Conference on Population and Development
ILO	–	International Labour Organization
LGCDP	–	Local Governance and Community Development Program
MDG	–	Millennium Development Goal
MLD	–	Ministry of Local Development
MWCSW	–	Ministry of Women, Children and Social Welfare
NGO	–	nongovernment organization
NORAD	–	Norwegian Agency for Development Cooperation
REDP	–	Rural Energy Development Programme
RETA	–	Regional Technical Assistance
SMC	–	school management committee
SNV	–	Netherlands Development Organisation
UNSCR	–	United Nations Security Council Resolution
VDC	–	village development committee
WCSC	–	Women and Children Service Centre
UN	–	United Nations
UNDP	–	United Nations Development Programme
UNFPA	–	United Nations Population Fund
UNICEF	–	United Nations Children's Fund
UNIFEM	–	United Nations Development Fund for Women

Background

In April 2006, Nepal's decade-long conflict came to an end and swept in vast political changes with the promise of more inclusive democracy and greater attention to disparities based on gender, caste, ethnicity, and religion. The successful conclusion of the Constituent Assembly elections and the declaration of Nepal as a federal republic on 28 May 2008 fostered hope for greater progress. However, the peace process has been complex and challenging and the Constituent Assembly faces the daunting task of drafting a new Constitution that will address the deep-rooted and systemic discrimination and exclusion that are seen to be the main cause of the conflict.

The restoration of peace provided opportunities to further the development and poverty reduction agenda. Nepal has aligned its development strategy and priorities with the Millennium Development Goals (MDGs). It is on track to achieve its MDG target for poverty reduction but faces difficulties in reaching the targets for universal primary education, environmental sustainability, and child nourishment. A critical challenge for the peace-building process will be the establishment of mechanisms to ensure that excluded groups have equitable access to the benefits and opportunities of development.

The objective of this report is to provide an overview and update of gender equality and social inclusion issues in Nepal and their impact on development outcomes. Recent policy and legal frameworks to address gender equality and social inclusion will also be reviewed.

Context of Gender and Social Exclusion in Nepal

Historical Context of Social Exclusion

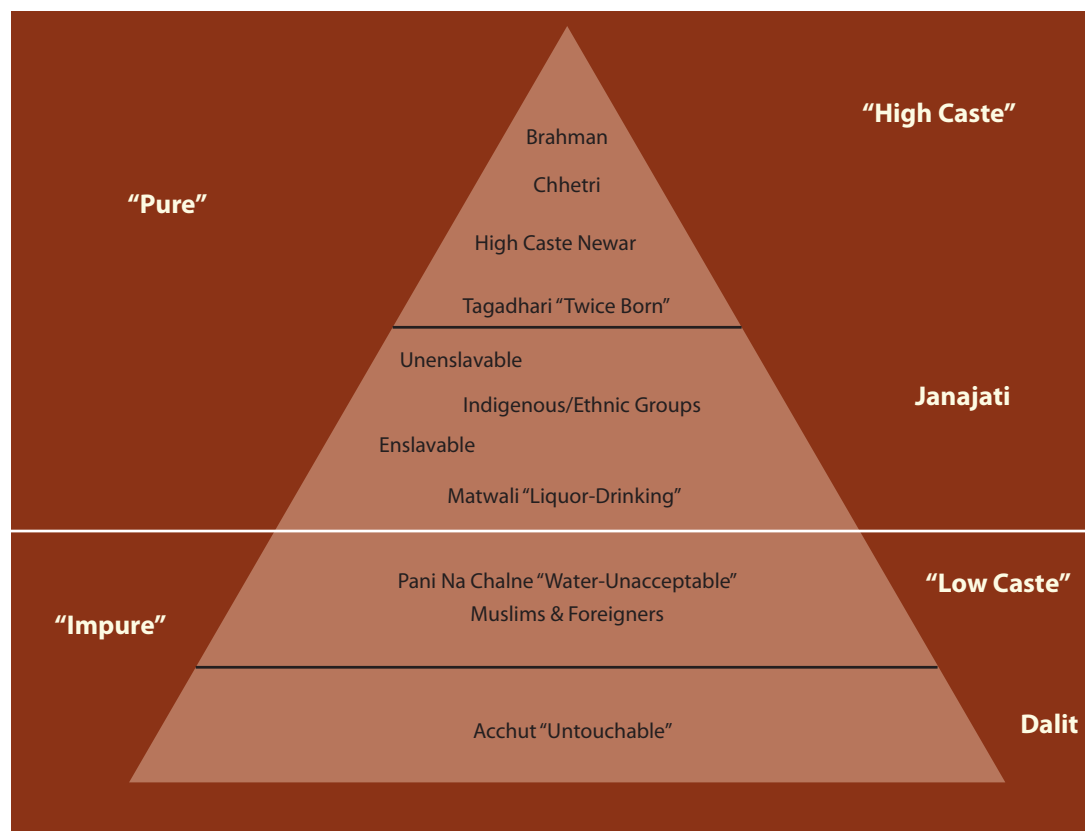
Social exclusion is entrenched in the political, economic, and social fabric of Nepal and has been a defining feature of its historical development. In the context of Nepal, the Hindu caste system traditionally categorized people into four groups (Figure 1): Brahmin (scholars and priests) at the top, Chhetri (warriors) just below, then the Vaishya (merchants and traders), and lastly, Sudra (peasants/laborers). Below everyone were the occupational groups considered impure—the “untouchables,” who now refer to themselves as Dalits. The Muluki Ain (Civil Code) of 1854 legally formalized the highly rigid and hierarchical caste system and brought the Adivasi Janajatis (non-Hindu indigenous nationalities) into the system with middle-rank status. Despite the abolition of caste-based discrimination in 1963, the social hierarchies and divisions remained, vesting more power and privilege in the Brahman, Chhetri, and Newar¹ caste groups in the hills region. The consolidation of economic and political power by these groups led to further marginalization of the non-Hindus (i.e., Adivasi Janajatis and Muslims)

and the Madhesis, the southern plain dwellers of the Tarai belt (the plains region of Nepal), who were not even included in the Muluki Ain. The patriarchal system also assigns women a subordinate status and position in society, which was reflected in state-based discrimination.

The new Constitution formulated after the establishment of multiparty democracy in 1990 described Nepal as a multi-ethnic, multi-lingual, and democratic state and declared all citizens equal. Democracy provided space for diverse groups and civil society organizations, especially those based on ethnicity and caste, to assert their identities and rights. However, the political parties, who were dominated by the Brahmans, Chhetris, and Newars, did not address their disproportionate representation in governance structures, but rather maintained the status quo. The inability of government to effectively ensure more equitable political representation and inclusive development for the marginalized groups allowed the Maoist insurgents to exploit social disparities to their advantage in their People’s War. The Maoist ideology of gender and class equality was able to attract a large number of women and Janajatis to

¹ Newars are an ethnic group with a common language and caste system and whose ancestral home is the Kathmandu Valley.

Figure 1 The Caste Hierarchy in Nepal (1854 Muluki Ain)



Source: World Bank. 2009. *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal*. Washington, DC.

their movement despite the fact that their leadership comprised primarily of elite groups.²

The armed conflict established the space for a more inclusive democracy and provided an opportunity to address issues of social exclusion. The government has amended several discriminatory laws and provisions. It has shown its commitment to gender equality and social inclusion by

signing a number of international conventions. Moreover, it has recognized that the barriers to inclusion are due to not only gender, caste, and ethnicity but also to language, religion, disability, geography, and regional identity. However, unless sociocultural norms and attitudes toward gender equality and inclusion change, there will be limited real change in discriminatory practices.

² Aasland, Aadne and Marit Haug. 2008. *Social Exclusion in Nepal – Stronger or Weaker?* pp. 13–14. <http://en.nibr.no/publications/notes/989/>

Explanation of Key Terms

Social Exclusion: Describes the experience of groups that are systematically and historically disadvantaged because of discrimination based on gender, caste, ethnicity, or religion. Exclusion occurs in public (formal) institutions such as the legal or education system, as well as social (informal) institutions such as communities and households.

Social Inclusion: The removal of institutional barriers and the enhancement of incentives to increase access by diverse individuals and groups to development opportunities. This requires changes in policies, rules, and social practices and shifts in people's perspectives and behavior toward excluded groups.

Gender: Refers to the socially constructed roles and identities of men and women as well as the relationships between them. These roles change over time and vary by culture. In Nepal, women face unequal power relations and gender-based barriers due to a patriarchal society.

Caste: Refers to the Hindu hierarchal system, which originated by categorizing people into caste groups according to the division of labor, roles, and functions. In Nepal, the "upper" castes refer to the Brahmins and Chhetris and the "lower" castes refer to the Dalits who suffer from caste- and untouchability-based practice and religious, social, economic, political, and cultural discrimination. The Dalits comprise 13% of Nepal's population and can be classified into 6 subcaste groups from the hills (Hill Dalits) and 10 subcaste groups from the Terai (Madhesi Dalits).

Adivasi Janajatis: People or communities having their own mother tongue and traditional customs, distinct cultural identity, social structure, and written or oral history. Interchangeably referred to as "Janajatis," "ethnic groups," and "indigenous nationalities." The government identified 59 groups as indigenous nationalities and these are categorized into 5 groups based on their economic and sociocultural status.^a These include "endangered," "highly marginalized," "marginalized," "disadvantaged," and "advanced" groups. Newars and Thakalis are the only two groups classified as "advanced" groups.

Madhesis: The definition of "Madhesi" is politically contested, but in broad terms it refers to the people who have languages such as Maithili, Bhojpuri, Awadhi, Urdu, and Hindi as their mother tongue and are considered of Madhesi origin. They include Madhesi Brahman Chhetris (2% of the population), Madhesi other caste groups (13% of the population), and Madhesi Dalits.^b Their exclusion is based primarily on regional identity and language.

Muslims: A religious group who comprises 4.3% of Nepal's population.

^a The official list of indigenous nationalities is contested and the government has formed a List Renewal Task Force to reexamine the official list in response to the concern expressed by the United Nations Committee on Economic, Social and Cultural Rights on the lack of clarity about the criteria used to identify the groups. The Task Force is composed of nine indigenous representatives with the participation of the main Adivasi Janajati organizations.

^b Figures from the Gender Equality and Social Inclusion Strategy of the Local Governance and Community Development Programme, 2009.

Source: Adapted from the Gender Equality and Social Inclusion Strategy of the Local Governance and Community Development Programme. Ministry of Local Development. 2009.

Policy and Legal Framework

National Gender Equality and Social Inclusion Mandates

Nepal's laws, Constitution, and Civil Code contain a number of provisions that discriminate on the basis of gender, caste, ethnicity, and religion, including the provisions that formalize the caste system. Some changes were made in 1963 and 1990 to address these issues, but the Constitution continued to include discriminatory provisions, particularly in relation to citizenship and nationality, inheritance, ownership, marriage and family, employment, and education. Significant changes have been made in recent years as a result of the changed political environment and extensive policy dialogue between government, civil society organizations, and development partners.³

The Interim Constitution of Nepal (2007) includes provisions that support gender equality and social inclusion. It has a separate article for women's fundamental rights (Article 20) and is more inclusive toward Janajatis, Dalits, and Madhesis (the last was not even mentioned in the previous Constitution). It sets forth the right to equality and to rights against untouchability, racial discrimination, and exploitation (e.g., forced labor). It refers to the need for all groups to be proportionately represented in the state structure (Article 21) and the right to education in one's mother tongue (Article 17). It also authorizes the State to implement measures for the "protection, empowerment and advancement of women, Dalits, indigenous nationalities, and Madhesis" (Article 13).⁴

In 2007, the government took several policy actions to increase the representation of women and excluded groups in political institutions and

the civil service. The Constituent Assembly Member Election Act allocates seats to women, Dalits, ethnic groups, Madhesis, and the differently abled among others for the 240 electoral seats under the proportional electoral system. Similarly, the 2007 amendment to the Civil Service Act reserves 45% of vacant posts for excluded groups, allocated as follows: women (33%), ethnic groups (27%), Madhesis (22%), Dalits (9%), differently abled (5%), and backward regions (4%) to increase the effectiveness and responsiveness of the civil service. In addition, an action plan has been prepared to strengthen the registration of birth, death, marriage, divorce, and migration to promote more inclusive planning and to facilitate the acquisition of legal identity by all citizens.

International Gender Equality and Social Inclusion Commitments

Nepal has undertaken a number of international commitments to nondiscrimination, gender equality, and social justice. The Convention on the Elimination of All Forms of Discrimination against Women, which was ratified by Nepal in 1991, includes articles on the elimination of discrimination in public life, civil status, education, employment, health care, and other aspects of social and economic life. Parties to the convention must report every 4 years to a United Nations (UN) committee on the measures they have taken to give effect to the convention. The UN committee that reviewed Nepal's progress in 2004 recommended expedited action to amend discriminatory laws. Nepal's progress will be reviewed again in 2011 and the report already submitted reviews steps taken and remaining challenges.⁵

³ See section on Development Planning on page 5 for more detailed assessments and discussion of policies, programs, and other initiatives.

⁴ Government of Nepal, Nepal Law Commission. 2007. *Interim Constitution of Nepal 2063 (2007)*. www.lawcommission.gov.np/index.php/en/constitution

⁵ For the committee's 2004 comments, see Report of the Committee on the Elimination of Discrimination against Women. 30th Session, 2004, paras. 179–225. www.un.org/womenwatch/daw/cedaw/reports.htm. For the report submitted for the next review, see Government of Nepal. 2009. *Combined fourth and fifth periodic report of States parties*. Document CEDAW/C/NPL/4-5 (January 2010), paras. 1–3 and 43–44. <http://www2.ohchr.org/english/bodies/cedaw/cedaws49.htm> Also see section on Property Rights on page 10.

The 1995 Beijing Platform for Action has also provided impetus to address gender inequality. The Government of Nepal formulated a national plan of action to implement the 12 critical areas of concern, including women's poverty, access to education, health services, participation in decision making, and violence against women. Progress in these areas continues to be monitored through periodic international discussions and by nongovernment organizations (NGOs), most recently for the 2010 Beijing+15 meetings.⁶ Other important international agreements related to gender equality include the outcome of the 1994 International Conference on Population and Development (ICPD) and ICPD+10, which set out commitments to ensuring women's reproductive health and rights as well as other health services. The 2000 Millennium Development Goals (MDGs) set out targets for poverty reduction, universal primary education, gender equality and women's empowerment, and maternal health. The United Nations Security Council Resolution (UNSCR) 1325 establishes legal standards to ensure the meaningful participation of women in the peace process.

Nepal has also undertaken commitments to address other grounds for disadvantage. The International Convention on the Elimination of All Forms of Racial Discrimination, 1971, obliges Nepal to secure the human rights of Dalits, who have faced caste-based discrimination for centuries and continue to do so despite its legal prohibition. Nepal's 2007 ratification of the United Nations Declaration on the Rights of Indigenous People and International Labour Organization (ILO) Convention 169 (Indigenous and Tribal Peoples Convention) shows its commitment to the rights of indigenous nationalities. Article 3 of the

Declaration, in particular, states that indigenous peoples have the right to self-determination, and by virtue of that right they can freely determine their political status and freely pursue their economic, social, and cultural development. A task force that includes representatives of relevant ministries as well as organizations representing indigenous nationalities⁷ has been formed to support implementation of ILO Convention 169. The government plans to review current laws and policies that contradict the provisions of this convention and to amend them as required. However, mainstreaming the rights of Adivasi Janajatis as affirmed in Convention 169 will pose challenges as contentious issues related to land reform, territorial aspects of self-determination, and management of natural resources will need to be addressed.⁸

Development Planning

The Government of Nepal has been committed to addressing gender discrimination since its first Five-Year Plan in 1956. This plan pursued a welfare approach focused on women's reproductive role. This was continued in subsequent plans until the Sixth Five-Year Plan (1980–1985) introduced an approach with an efficiency and equity orientation (often referred to as women in development approach). However, a paradigm shift from women in development to gender and development was evident in the Ninth Five-Year Plan (1997–2002), the subsequent Tenth Five-Year Plan (2002–2007), and the current Three-Year Interim Plan (2008–2011). These periodic plans have pursued gender equality and women's empowerment through a gender mainstreaming strategy.

⁶ National Network for Beijing Review Nepal. 2009. Nepal NGO Report on Beijing +15. www.beijing15.org/?page_id=194

⁷ The National Federation of Indigenous Nationalities and the National Foundation for Development of Indigenous Nationalities.

⁸ See Anaya, James. 2009. *Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people: Report on the Situation of Indigenous Peoples in Nepal*. United Nations Human Rights Council http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add3_E.pdf

Issues of social exclusion and discrimination against Dalits, Adivasi Janajatis, Muslims, and Madhesis have come to the forefront more recently, once the post-1990 democratic movement opened the space for public debate on Nepal's ethnic groups. These are groups that are not integrated into the Hindu caste system, but had ties to specific locations and distinct languages and cultures. The government began to address the concerns of the Adivasi Janajatis in the Ninth Five-Year Plan (1997–2002). The Tenth Five-Year Plan (2002–2006), which was also Nepal's Poverty Reduction Strategy Paper, was the first and most comprehensive statement about inclusion. It identified social exclusion as a fundamental development challenge and acknowledged that exclusion and the lack of voice and political representation were major reasons for the deprivation experienced by women and certain caste and ethnic groups and one of the factors fueling the conflict. The strategy paper included separate chapters on Dalits and Adivasi Janajatis and identified specific programs to be implemented. However, it failed to specify targets to be achieved, particularly in important sectors such as education and health, and it failed to reach or benefit highly marginalized Janajati groups and Dalits.

The government's Three-Year Interim Plan (2007–2010) and the National Development Strategy (2009/10–2011/12) aim to redress these implementation gaps. Improved access to services for the excluded groups may be achievable within the time frame, but the institutional and attitudinal changes that are needed will require more

time.⁹ The UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people also found that government ministries (other than the Ministry of Local Development) have yet to make significant progress in developing and implementing policies, programs, and action plans to address the needs of Adivasi Janajatis.¹⁰

Institutional Framework

The Ministry of Women, Children and Social Welfare (MWCSW) is the key ministry for the promotion of gender equality and women's empowerment. It also coordinates initiatives related to children and social welfare (which includes the elderly and people with disabilities). The Department of Women Development under the MWCSW looks after women's and children's programs and implements them through its Women Development Offices, which are the key gender focal points in the districts.¹¹ At all levels—ministry, department, and district—effectiveness is constrained by inadequate resources and weak capacity. The main issue is that the key agencies are not adequately equipped to operate in three different areas (gender equality, children, and social welfare). Another shortcoming is that the women-targeted programs of the Department of Women Development and the Women Development Offices do not adequately address issues of diversity among women, although there is increasing awareness of the need to do so. However, there have also

⁹ The government's July 2009 budget initiated a program of cash grants of NRe50,000 (approximately \$635) for widow marriages and NRe100,000 (approximately \$1,270) for intercaste marriages. There has been much debate about whether this policy improves the status of widows and Dalits or contributes to further social stigmatization and humiliation. While the initiative to address these issues through policy is encouraging, implementation risks, such as financially motivated marriages, may be counterproductive and lead to more burdens without effectively achieving attitudinal change.

¹⁰ See footnote 8.

¹¹ For an overview of the institutional capacity of the Women Development Offices, see ADB. 2008. *Nepal: Institutional Audit of the Department of Women Development and Its Women Development Offices*, (TA 4767-NEP). Manila.

been some successes: the MWCSW's Mainstreaming Gender Equity Program, funded by the United Nations Development Programme (UNDP), contributed to a more gender-aware approach to the 2001 national census and in the Tenth Five-Year Plan.¹²

Gender Equality and Social Inclusion Units have been formed in the ministries of health and population, and agriculture and cooperatives, education and, more recently, the Ministry of Local Development. Central agencies have also taken initiatives to guide the government in its approach to gender mainstreaming. The Ministry of Finance established the inter-ministerial Gender-Responsive Budget Committee with the mandate to design a methodology to monitor sectoral budget allocations and public expenditures from a gender perspective and to assess the impact of development policies on women and men. The National Planning Commission formulated a "gender management system" and a classification system of programs and projects using the gender code in 2005–2006. The Ministry of Local Development developed a Gender Budget Audit Guideline (2008)¹³ to guide local bodies in mainstreaming gender into the planning and program cycles. With the support of the Asian Development Bank (ADB) (under RETA 6143: Technical Assistance for Promoting Gender Equality and Women's Empowerment), the Ministry of Agriculture and Cooperatives, the Ministry of General Administration, and the Ministry of Education and Sports have prepared gender strategies that focus on alleviating constraints and creating new opportunities in their sectors for women. However, all these initiatives focus on gender and omit the other dimensions of exclusion. There are also continuing institutional gaps in key sectoral min-

istries such as those working with infrastructure development (including the ministries of physical planning and works, energy, labor, irrigation, and water resources).

Another potential key actor in promoting and protecting women's rights is the National Women's Commission, which was established by statute in 2007. Although the commission is in principle an autonomous body, it has been highly politicized since its formulation. Other problems include an unclear mandate, overlapping of responsibilities with the ministry, and limited resources.

The National Foundation for Development of Indigenous Nationalities is an autonomous body that works for the betterment of the Adivasi Janajatis. The National Dalit Commission represents the political interests of Dalits but is under the authority of the Ministry of Local Development rather than an autonomous body, which diminishes its ability to defend Dalit rights. It also lacks a clear mandate and resources and remains highly politicized. The National Committee for Development of Dalit Community receives funds from the Ministry of Local Development to implement programs targeted at Dalits.

Role of Development Partners in Gender Equality and Social Inclusion

Most development partners have adopted gender equality and social inclusion as crosscutting issues in their programs. More recently, development partners have formed a Social Inclusion Action Group to share knowledge and experience and to influence policy development at the national level. A general view among development partners is that a common framework or mapping of

¹² United Nations Population Fund. 2007. *Gender Equality and Empowerment of Women in Nepal*. p. 38. <http://nepal.unfpa.org/pdf/Gender%20Equality.pdf>

¹³ This is currently being revised to include social inclusion and will be renamed the Gender and Social Inclusion Budget Audit Guideline.

social inclusion and socially excluded groups is needed to improve and harmonize targeting and outcome monitoring. The World Bank, Department for International Development of the United Kingdom, and SNV (the Netherlands development organization) have led research and knowledge generation on social-exclusion issues. The United Nations Development Fund for Women (UNIFEM) has been providing assistance to the Ministry of Finance on gender budgeting.

Organizational commitment to diversity and inclusiveness has yet to be reflected in the staff composition of many organizations. A recent survey of selected organizations (including inter-

national and other nongovernment, bilateral, and multilateral organizations) found an overrepresentation of Brahman and Chhetri and an underrepresentation of Dalits and Janajatis. Dalits were only 3.8% of employees but 17.7% of the overall population and Janajatis were 18.3% of employees but 34.2% of population. On the other hand, Brahman and Chhetri were 54.2% of employees but only 31.7% of the population, and Newars were 23.7% of employees but 5.7% of the population.¹⁴ UN agencies and the Swiss Agency for Development Cooperation are among the agencies that have developed workforce diversity policies to promote inclusiveness in their organizations.

¹⁴ Save the Children/INSEC. 2004. *Is There Room Enough?* Kathmandu.

Gender and Social Exclusion in Nepal and Its Development Outcomes

Improvements in social and economic conditions in recent years include greater access to roads, irrigation, safe drinking water, schooling, and health care. The government has also made notable efforts with regard to gender equality and women's empowerment. However, discriminatory institutions and structures, ideology, and social norms continue to limit women's progress. The United Nations Development Programme (UNDP) Gender Empowerment Measure, which considers whether women are active in public and economic life, indicates that women's participation and representation remain lower than that of men in the political, economic, and professional domains.¹⁵ Although there has been an increase in the proportion of economically active women, their earned income is about one-third that of men and women continue to have low access to property ownership, financial credit, and political power.¹⁶

Caste, ethnicity, and regional identity and geographical location are also strong determinants of poverty and unequal development outcomes. While Nepal succeeded in reducing poverty rates from 42% in 1996 to 31% in 2004, some groups benefited more than others. Poverty

monitoring by the Central Bureau of Statistics¹⁷ shows that poverty remains high in the mid-western and far-western regions, and that poverty rates are higher in rural areas (35%) than in urban areas (10%). The advantaged groups experienced greater declines in poverty (with current rates among Newars of 14% and Brahman and Chhetri of 18%) than socially excluded groups (with current rates among Dalits of 46%, Muslims 41%, hill Janajati 44%, and Tarai Janajati 35%).

Other social development indicators also reveal unequal outcomes for women in different groups and regions. The Gender-related Development Index, which adjusts the Human Development Index (HDI) to reflect the extent of gender disparity, shows that gender disparity is high overall, but highest in rural areas, the mountains, and the mid-western development region.¹⁸ The interaction between gender and other factors of exclusion is also evident in literacy rates. Dalit women from the Tarai belt have the lowest literacy rate at 17%, compared to the national female average of 55% and male average of 81%. The gender gap in literacy is highest among the Madhesi other caste groups, with men three times as likely to be

¹⁵ UNDP. 2009. *Nepal Human Development Report 2009: State Transformation and Human Development*, p. 38. Kathmandu. <http://hdr.undp.org/en/reports/nationalreports/asiathepacific/nepal/name,19112,en.html>

¹⁶ Ibid.

¹⁷ Ibid, pp. 45–46, quoting Central Bureau of Statistics. 2005.

¹⁸ Ibid, p. 37.

literate as women (72% versus 24%).¹⁹ The Social Exclusion Index developed by the National Planning Commission found that the most excluded caste and ethnic groups have higher gender differentials as well, with the highest gender differentials among the Dalits, followed by Muslims and Tarai Janajatis.²⁰

Differences among groups are also evident in that the HDI is higher in urban than rural areas (0.630 versus 0.482), in the central region compared to the mid-west (0.531 versus 0.452), and among Brahman and Chhetri (0.552) compared to Dalits (0.424) and Muslims (0.401).²¹ Other human development indicators show that Brahmans and Newars generally also do better than the Dalits, Adivasi Janajatis, Madhesi other castes,²² and Muslims on health indicators, including antenatal care, total fertility rates, and early childhood mortality.²³

Due to legal and sociocultural norms in Nepal, women and socially excluded groups experience poverty and inequality to a greater degree. The government, development partners, international and national NGOs, and civil society have undertaken policy and institutional reforms in various sectors to promote increased and more equitable development outcomes. This section considers gender and social exclusion by sector, together with current institutional capacity and approaches to addressing the challenges identified.

Citizenship

In Nepal's Constitution of 1990, women were prevented from transmitting citizenship to their children. This changed through the Nepal Citizen-

ship Act (2006), which allows children to claim citizenship in their mother's name. Children may now also claim citizenship if the father is a foreigner. Still, the 2007 Interim Constitution and certain articles and provisions of the Citizenship Act continue to limit the rights of women on the issue of citizenship based on matrimonial status.

Property Rights

Due to the patriarchal and patrilineal system, women in Nepal had been denied access to and control over familial property. The legal framework maintained this discrimination until the 11th Amendment of the Civil Code (commonly referred to as the Women's Bill, 2002), which repealed several discriminatory provisions of the Civil Code along with other acts and entitled women to significant rights. The amendment provided equal inheritance rights to unmarried daughters and sons (where previously an unmarried daughter had inheritance rights only if she was over 35 years of age) and removed discriminatory conditions that prevented women from having full access to property. Women were granted the right to their husband's property upon divorce and the provision of receiving monthly or yearly support in lieu of property. Widows were given full rights to their property allowing them to use it even if they remarry (where previously they were required to return property to the deceased husband's household upon remarriage).

The Gender Equality Act (2006)²⁴ advanced the property rights of women even further. It removed and amended discriminatory language

¹⁹ Ibid, p. 47, Annexes 2, 3.

²⁰ Ibid, p. 45.

²¹ Ibid, pp. 34, 44.

²² Though all Madhesi face discrimination because of their social identity, the wide disparity in socioeconomic well-being within Madhesi is evident in HDI values: Madhesi Brahman and Chhetris have the highest HDI (0.625) while Madhesi Dalits have the lowest (0.383) among all castes and ethnicities in Nepal; Madhesi other caste groups also have a low HDI value (0.450). Ibid., p. 44.

²³ Ibid, p. 43, Annexes 2, 3.

²⁴ Government of Nepal, Nepal Law Commission. *Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006)*. www.lawcommission.gov.np/index.php/en/acts-english (search "gender equality").

and provisions. It entitled women to use property freely without the consent of male family members (as was previously required) and included daughters within the definition of family under the act related to land. However, while the 2007 Interim Constitution provided equal inheritance rights to sons and daughters, this only applies while the daughters remain unmarried.²⁵

Family Law

The low status accorded to women has been evident in family law provisions that discriminated against women in relation to parental rights, adoption, and conditions for divorce. Reforms through the Gender Equality Act include raising the age of consent for marriage for both women and men to 20 years without parental consent and 18 years with parental consent.²⁶ Women are now allowed to divorce their husbands on the grounds of rape. A man can no longer divorce his wife on the grounds of her inability to bear a child. However, there are still many other discriminatory provisions on whose ground the husband can divorce, e.g., if the husband can prove that the wife has a sexually transmitted disease, or that she is having an affair with another person. In Nepal society, it is likely that the husband's accusations will not be questioned by others and the wife will not be given the chance to disprove such accusations. With regard to adoption, anyone is able to adopt if they have no children of their own. A number of terms that discriminated against both women and men were also removed or revised to promote gender equality in the law.

The Police

The Nepal police have established separate women's cells in the Kathmandu headquarters and in district police offices. In addition, a Women and Children Service Center (WCSC) has been established at the central police headquarters and in several districts with the objective of investigating crimes against women and children, including sexual offenses, human trafficking, child marriage, polygamy, and domestic violence. As of 2007, there were 25 WCSCs across Nepal. Almost 90% of the WCSCs are run by a female police officer.²⁷ There are also efforts to increase the representation of women and other excluded groups through the police: amendments to the Police Regulation and to the Armed Police Regulation (2007) provide for reservations for recruitment as follows: 32% Adivasi Janajatis, 28% Madhesis, 15% Dalits, 20% women, and 5% from backward regions.

Employment and Labor Migration

The proportion of economically active women in Nepal is quite high compared to other South Asian countries. This is in part due to the predominance of subsistence agriculture and male migration from the hills, but it also reflects efforts by the Central Bureau of Statistics to ensure that women's work is recognized.²⁸ According to the 2008 Labour Force Survey, 80.1% of women are economically active (compared to 87.5% of men).²⁹ Of those employed, 89% of women are engaged in agriculture and forestry compared to 70% of men.³⁰ However, women's wages lag well behind those of men. In

²⁵ If there is no partition of property before the daughter marries, then she cannot claim a share in the property.

²⁶ Earlier, the minimum age had been 16 years for girls and 18 for boys.

²⁷ Government of Nepal, National Human Rights Commission, Office of the National Rapporteur on Trafficking in Women and Children. 2008. *Trafficking in Persons Especially on Women and Children in Nepal: National Report (2006–2007)*. Kathmandu. www.unodc.org/pdf/india/Nat_Rep2006-07.pdf

²⁸ See footnote 12, p. 38.

²⁹ Government of Nepal, Central Bureau of Statistics. 2009. *Report on the Nepal Labour Force Survey 2008*, Table 6.1. www.cbs.gov.np/Surveys/NLFS-2008%20Report.pdf

³⁰ *Ibid.*, Table 7.6.

2004, daily wages for women in agricultural work were NRe65 compared to NRe85 for men.³¹ In non-agricultural wage employment women are concentrated in low-paying and less-productive jobs of low capital intensity, with average daily wages of NRe101 for women compared to NRe137 for men.³²

With more women entering the labor market, there has been greater recognition of sexual harassment at the workplace as an issue requiring attention. A recent study found that 54% of women face sexual harassment in the workplace.³³ Weak and inadequate laws make it difficult for women to register cases. However, a bill against sexual harassment in public workplaces, drafted by the Ministry of Women, Children and Social Welfare, was approved by the cabinet in October 2009 and will be put before Parliament.³⁴

Changes in the nature, scope, and dimensions of international labor migration in the last 15 years have raised critical issues and challenges for Nepal. In particular, women migrant workers are more vulnerable than men and face greater exploitation in all the processes of migration (from pre-departure, departure, and transportation to the destination). Poverty, the 10-year conflict, and the search for better life opportunities are some of the push and pull factors that have contributed to the increase in migration. Female migration is increasing, with official figures reaching 11,007

in 2008 (of the total of 266,666 migrants), though this probably understates the volume given the numbers migrating without official permission.³⁵ Remittances constitute about 18% of gross domestic product³⁶ (or about 25% including estimated inflows through unofficial channels)³⁷ with about 30% of households receiving remittances.³⁸ It has been estimated that 11% of total remittances is received from women migrants.³⁹

The Foreign Employment Act, 2064 (2007) aims to protect the rights of workers and professionals.⁴⁰ The high-level steering committee on policy issues and implementation provided for in the act includes representatives from different line ministries and the National Women's Commission. The act ends gender-based discrimination in sending workers for foreign employment, provides for special facilities and security for women workers, and requires sending institutions to allocate 10% of foreign employment opportunities to women, Dalits, Adivasi Janajatis, disadvantaged groups, and people from remote areas. Nepali women traveling to work abroad now receive information about the contractual obligations of employers and details about migrant centers that provide assistance in destination countries, including Nepal's embassies in countries with large numbers of Nepali immigrants. A Foreign Employment Welfare Fund has been created,

³¹ See footnote 12, p. 16

³² See footnote 12, pp. 9, 16, and 19.

³³ Forum for Women, Law and Development and ILO. 2004. *Study on Sexual Harassment at the Workplace, Executive summary*. www.fwld.org/pdf_files/Sexual_harassment_study.pdf

³⁴ *Republica*. 27 October 2009: www.myrepublica.com/portal/index.php?action=news_details&news_id=11110

³⁵ Nepal Institute for Development Studies. 2008. *Nepal Migration Year Book 2008*, pp. 9–10. www.nids.org.np/publications.htm.

³⁶ Another source (Gorkhapatra Daily 8 Aug 2010) says remittances contribute more than 22%–23% of the total gross domestic product of the country. UNIFEM claims that women migrant workers contribute around 15%–20% of total remittances.

³⁷ ADB. 2009. *Country Partnership Strategy: Nepal, 2010–2012*. Manila.

³⁸ See footnote 29, p. 166.

³⁹ Government of Nepal, Central Bureau of Statistics. *National Living Standard Survey, 2003–2004*. Kathmandu.

⁴⁰ Government of Nepal, Nepal Law Commission. *Foreign Employment Act, 2064 (2007)* www.lawcommission.gov.np/index.php/en/acts-english/doc/10/raw

and the government is considering ways to more effectively regulate the recruiting agencies that convince women to take foreign jobs. While the act introduces significant improvements, issues that still need to be addressed include the lack of representation of Nepali migrant workers on the board of the Foreign Employment Welfare Fund and the absence of punitive measures for violence against women in relation to foreign employment.⁴¹

Trafficking

Trafficking of children and women in Nepal is a pressing issue. Nepal is a source country for women and children trafficked for commercial sexual exploitation and other exploitative purposes including domestic servitude, begging, criminal activities, forced marriages, debt release, the circus industry, garment and carpet factory work, and organ transplants. Unsafe foreign labor migration has resulted in exploitation and trafficking. Reliable and authentic data is scarce as there is no institutionalized system for generating data on trafficking. Data is often speculative, but estimates from various studies indicate the magnitude of the problem:⁴² a commonly cited estimate is that between 5,000 and 7,000 girls and women are trafficked to India every year; a 2001 study by the International Labour Organization's International Program on the Elimination of Child Labour estimated around 12,000 children under 18 years are trafficked annually to India; a MWCSW study showed that 40,000 girls are working in 1,200 cabin and dance restaurants in the Kathmandu Valley; the WCSC reported that 1,355 children were missing from December 2006 to June 2007; and the Esther Benjamin Trust (2007) estimated

that about 600 children were trafficked for the circus industry in India.

International conventions and treaties related to trafficking that have been ratified by Nepal include the⁴³

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949;
- Convention on the Rights of the Child, 1989;
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000; and
- South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002; International Labour Organization (ILO) Convention, 1999 (No. 182), the Worst Forms of Child Labour Convention; and ILO Convention 1930 (No. 29), Abolition of Forced Labour Convention.

The interim Legislature Parliament has also approved the ratification of several international conventions and optional protocols relevant to anti-trafficking.

At the domestic level, the major tools are⁴⁴

- the National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation, which was approved by the government in 1999 and reviewed in 2001 for the addition of new issues and crosscutting themes;
- the Ten-Year National Plan of Action for Children (2004/05–2014/15) and the

⁴¹ See footnote 35, pp. 10–13.

⁴² See footnote 27, p. 11.

⁴³ See footnote 27, pp. 106–107.

⁴⁴ See footnote 27, pp. 58–61.

National Master Plan on Child Labour (2004–2014), both of which include measures to protect children against abuse, exploitation, and violence;

- the Human Trafficking and Transportation (Control) Act, 2007, which is considered to be more comprehensive than its 1986 predecessor and provides for the protection and rehabilitation of trafficking victims; and
- the Interim Constitution, which includes the right against exploitation and states that no person shall be subjected to human trafficking, slavery, or bonded labor (Article 29, 3).

Several organizations implementing anti-trafficking initiatives are as follows:⁴⁵

- The MWCSW. This is the focal ministry that deals with trafficking issues. It has formed a National Task Force against Trafficking of Women and Children and an 18-member district task force in 26 districts. However, the effectiveness of the task forces has been hampered by limited budget allocations; frequent transfers of the women development officers who serve as district task force secretaries; and the lack of representation from relevant groups such as human rights organizations, paralegal committees, women’s pressure groups, and Dalit, Janajati, and Madhesi organizations.
- The Office of the National Rapporteur on Trafficking in Women and Children. Established in 2002 as part of the National Human Rights Commission, it

is mandated to monitor the incidence of trafficking; coordinate national, regional, and international efforts to combat trafficking; and generate high-level commitment to the efforts to improving the human rights situation of women and children.

- The Ministry of Home Affairs. The special law enforcement agencies against trafficking of women and children fall under this ministry: the Nepal police (the WCSC and the community police), Department of Immigration, and Interpol Nepal. The WCSC is responsible for collating information relating to crimes against women and children, including trafficking; it is located at the police headquarters in Kathmandu and has 25 centers around the country.

In addition, several government and NGO-managed programs and shelters provide legal protection; medical and psychosocial support; and housing and shelter for victims of trafficking in persons.⁴⁶

Nepal has made progress in combating trafficking, especially in the area of amending and enacting legislation. However, the Office of the National Rapporteur’s recent national report points out the need for a comprehensive policy on protection that includes rescue, repatriation, rehabilitation, and reintegration of victim-survivors. The report also highlights the need to empower marginalized communities and trafficking survivors, to develop an institutionalized reporting system, and to sensitize the law enforcement agencies.⁴⁷ According to the Trafficking in Persons Report compiled annually by the United States Department of State, Nepal remains a Tier 2 country—a country that is not

⁴⁵ See footnote 27, p. 61.

⁴⁶ United Nations Office on Drugs and Crime. 2009. *Global Report on Trafficking in Persons – Nepal Country Profile*. p. 201. www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf

⁴⁷ See footnote 27, pp. 143–151.

fully complying with the minimum standards for eliminating trafficking, although it was assessed as making “significant efforts” to bring themselves into compliance.⁴⁸

Conflict, Reconciliation, and Peace

The armed conflict had a deep impact on women, children, and the elderly. Women and girls became victims of violence from the insurgents and security personnel and of third parties who took advantage of the prevailing security lapses.⁴⁹ Many women and elderly persons were left with responsibility for managing households and agricultural production. However, the conflict also provided an environment conducive to challenging discrimination based on gender, caste, and ethnicity. Women and members of other socially excluded groups were combatants in the conflict and the women who were left behind assumed leadership roles in the household and the community. In the post-conflict period, the government has sought to mainstream these groups in peace building and governance processes. The Ministry of Peace and Reconstruction is leading efforts to involve women in accordance with the United Nations Security Council Resolution (UNSCR) 1325. A national plan of action on the implementation of UNSCR 1325 will be prepared in consultation with stakeholders. The development partner coordination group formed in 2006, named the UNSCR 1325 Peace Support Working Group, focuses on ensuring cooperation and coordination between donors on gender mainstreaming and inclusion and the protection of women in the peace process. Some joint activities have been

implemented according to jointly agreed priorities and a work plan has been prepared to focus the group’s activities.

Local Peace Committees have been formed under the Ministry of Peace and Reconciliation, with the objective of sustaining peace by providing a forum for people to implement national peace agreements at the local level. New terms of reference for the peace committees were issued in 2009 to respond to concerns about duplication with the “all-party” mechanisms that wield all the decision-making powers and the underrepresentation of women and Dalits. As a result, the peace committees must include individuals from the Dalits, Janajatis, Madhesi, and Muslim communities and at least one-third of all members must be women.⁵⁰

Gender-Based Violence

The Gender Equality Act (2006) brought tangible changes in laws related to sexual violence against women. A major achievement of this act is the provision that an offender convicted for rape must compensate the victim for mental and physical damage. Also important is the 2009 Domestic Violence (Crime and Punishment) Act, which for the first time recognizes domestic violence as a crime punishable by law. However, while the act recognizes domestic violence as a crime, it contains provisions for negotiations through police offices, which seems contradictory.⁵¹

There is increasing awareness of the need to address violence against women. Domestic violence is widespread in all communities and has far-reaching physical and psychological impact

⁴⁸ United States Department of State, *Trafficking in Persons Report June 2009*: www.state.gov/g/tip/rls/tiprpt/2010/index.htm

⁴⁹ Bhadra, Chandra and Mani Thapa Shah. 2007. *Nepal: Gender Country Profile*. Kathmandu. www.jica.go.jp/activities/issues/gender/pdf/e06nep.pdf

⁵⁰ See footnote 15, p. 62.

⁵¹ Government of Nepal, Nepal Law Commission. 2009. *Domestic Violence (Crime Punishment) Act 2066 (2009)*. www.lawcommission.gov.np/index.php/en/acts-english

on women's well-being.⁵² The Nepal Demographic and Health Survey 2006 found that acceptance of wife beating was high among women and men—23% of women and 22% of men agreed that there were at least some situations in which a husband was justified in beating his wife—although there was considerable variation among regions.⁵³

Violence prevention and the protection of individuals require a multipronged approach that includes steps to raise awareness and to challenge social norms and values, measures to increase women's economic opportunities and reduce economic dependency so that they can better protect themselves, appropriate legal and judicial frameworks, and inter-sectoral support. The MWCSW, with the support of the United Nations Population Fund (UNFPA) and other donors, has a lead role in developing a conducive policy environment to prevent and respond to gender-based violence and to ensure multisectoral services are provided for survivors. In 2009, UN agencies drafted a framework to map joint and agency-specific activities for the Office of the United Nations High Commissioner for Human Rights, UNDP, UNFPA, the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), and the World Food Programme. The Domestic Violence (Crime and Punishment) Act 2066 (2009), which was initially endorsed in 2002, was reintroduced into the legislature in 2008 and became law in 2009.⁵⁴ At the district level, UNICEF supports an extensive network of paralegal committees in 23 districts. These comprise women from different cultural, socioeconomic, and religious backgrounds and they deal with a broad range of cases, including domestic violence, trafficking,

early marriage, and property disputes. The government and other UN agencies are including the paralegal committees in their own programs and projects. As part of their joint program on gender-based violence, UNICEF, UNFPA, and UNIFEM are planning to expand the paralegal committees in 60 village development committees (VDCs) in four districts. Similarly, the Local Governance and Community Development Programme (LGCDP) under the Ministry of Local Development has used the paralegal committees to mobilize community participation in local planning processes.⁵⁵

Social Security and Protection

The Interim Constitution recognizes the right to social security,⁵⁶ targeting "women, laborers, the aged, disabled as well as incapacitated and helpless citizens" (Article 18). The major social security programs in Nepal are social assistance programs (elderly allowance, widow's allowance, and disabled allowance), scholarship programs, and cash or in-kind transfers such as food for work. The benefit levels of the social assistance programs are generally low and have a history of budgetary shortfalls, but the government showed its commitment by expanding its social security program in its 2008/09 budget. The elderly allowance was first introduced in 1994 with a universal pension of NRe100 to all citizens aged 75 or older, and was later increased to NRe200 per month. The program was expanded in September 2008 to provide NRe500 per month to persons aged 70 (60 years old in the Karnali Zone, because of its low development level, and for Dalits in all regions because of their lower

⁵² Forms of domestic violence can include battering of the woman during pregnancy, dowry-related abuses and death, wife beating, marital rape, and control over the reproductive role of women.

⁵³ Government of Nepal, Ministry of Health and Population, 2007. *Nepal Demographic and Health Survey 2006*, pp. 233–235. www.measuredhs.com/pubs/pub_details.cfm?ID=669

⁵⁴ See footnote 51.

⁵⁵ See footnote 15, p. 61.

⁵⁶ This section is based on LGCDP (2009) GESI Strategy and World Bank's (2009) review, *Targeting Systems for Safety Nets in Nepal: A Review*. The World Bank review was commissioned by the Government of Nepal to provide an overview of the social protection programs in Nepal with policy recommendations.

life expectancy). Other groups that are provided with social security include endangered groups among Adivasi Janajatis; single women (widows, unmarried, divorced) who are 60 years and above; people living with full disabilities (NRe1,000 per month); and people with partial disabilities aged 16 years and above (NRe300 per month).

A high-level senior citizen coordination committee has been formed and a welfare fund established. Likewise, there is a senior citizen policy and strategy (2004) and action plan. At the district level, district social protection coordination committees have been formed with 50% women and representation of different organizations. The government also formed a disability service national coordination committee with the adoption of the National Policy and Action Plan for Persons with Disability (2007) for this sector. Students with disabilities are provided scholarships and efforts to make government buildings and infrastructure disabled-friendly have been initiated.

Although the MWCSW has overall mandate for social welfare issues, current social protection programs are implemented by the Ministry of Local Development through the VDCs. The lack of elected representatives poses challenges for program implementation. Issues related to program impact include effective targeting methods, harmonization of government and donor programs, and monitoring and evaluation capacity. A task force on social protection is currently finalizing a compact to guide a coordinated approach by all active development partners.

Participation in Governance

Women's participation in governance over the last 10 years remained limited except at the grassroots level. In 1999, a mere 5.8% of members of the

House of Representatives were women. Women were better represented in local government institutions due to the provisions in the Local Self-Governance Act to reserve 20% of seats in the ward-level committees (for the period 1997–2002 when there were elected bodies). However, the act did not address issues of exclusion due to caste, ethnicity, or other factors. Only one woman representative was required in the executive bodies of the local governance structure, which was also inadequate. The major decisions regarding local development policy and budget allocation are made by district development committees (DDCs), where women's representation was also very low (around 7%) during the same period.⁵⁷ Caste and ethnicity also limit access to voice and representation in Nepal. Many women members of Parliament (1999) were from high-caste families or were close relative of the leaders.⁵⁸ Although the 1990 Constitution restored political freedom and civil rights, the participation of Dalits, Janajatis, and Madhesi in governance has been very limited. Dalits had only one representative during the multiparty period.

In the civil service, the Hill Brahmins, Chhetris, and Newars continue to dominate. Brahmins account for 58% of gazetted employees; Newar 14%; Chhetri 13%; Madhesi, Muslim, and Marwari 9.9%; Janajati (excluding Newar) 3.3%; and Dalit 0.9%.⁵⁹ Women's representation in the civil service in 2000 was only 7.8% (with the majority in the non-gazetted category), although this increased to 12.7% by 2007.⁶⁰ The 2007 amendment to the Civil Service Act should also have an impact. To increase the effectiveness and responsiveness of the civil service, it reserves 45% of vacant posts for excluded groups, with the following allocation: women 33%, ethnic groups 27%, Madhesi 22%, Dalits 9%, differently abled 5%, and backward regions 4%.

⁵⁷ See footnote 15, p. 164.

⁵⁸ See footnote 15, p. 72.

⁵⁹ See footnote 15, p. 163.

⁶⁰ Government of Nepal, National Planning Commission. 2008. *Three Years Interim Plan*. Kathmandu. p. 140. www.npc.gov.np/en/plans-programs/detail.php?titleid=19

More recently, the government has made several important commitments and efforts to increase and ensure the representation of women and excluded groups in government bodies. Comparing the Constituent Assembly with the 1999 Parliament, women's representation increased from 6% to 33%, that of Dalits went from 0% to 8%, Madhesi from 5% to 23%, and Janajati from 25% to 35%.⁶¹ The adoption of a mixed electoral system has contributed to greater inclusion and representation based on caste, ethnicity, and geographic area, but there are still challenges due to the highly centralized political culture, the exclusive structure of political parties, and the surge of identity politics.⁶² It will also be important to ensure that women who are elected to the various political bodies are able to voice their agenda and that woman from socially excluded groups and regions are effectively represented in the political processes.

The 2008 Local Governance and Community Development Programme of the Ministry of Local Development is a national program that aims to contribute to good governance and inclusive community development. DDCs must allocate 15% of the total annual block grant for the benefit of women, and another 15% for disadvantaged groups. The block grants for VDCs also earmark a minimum of 15% for the benefit of women, Dalits, Adivasi Janajatis, people with disabilities, Madhesi, Muslim, backward caste groups, elderly, children, and youth. These provisions are mentioned in the DDC/VDC block grant guidelines of the government which makes it mandatory for DDCs and VDCs to follow the guidelines and the budget allo-

cated. The Ministry of Local Development has now a gender equality and social inclusion policy that guides all programs and projects under the ministry; but no instructions have been issued on the allocation of the budget amongst these groups.⁶³ Ward- and village-level planning committees (integrated planning committees) will be established with representation from women's, Dalit, and Janajati organizations; NGOs; school management committee; social organizations; political parties; and line agencies, of which 33% must be women. Other inclusive forums for participation in governance include monitoring committees, community awareness centers, a citizen's service and information center, and restructuring of the existing Gender Mainstreaming Coordination Committee to make it more inclusive by including representatives from Dalit, Adivasi Janajatis, and other coordination committees and will be renamed the Gender and Social Inclusion Mainstreaming Coordination Committee. The gender equality and social inclusion desk will be established within the Social Development Unit of the DDC with representatives from the district Dalit, Adivasi Janajati, Muslim, and Madhesi Coordination Committees, and the Gender Mainstreaming Coordination Committee.

Health

Access to health services in Nepal continues to be restricted by poor infrastructure, lack of sufficient and qualified staff, and sociocultural and language barriers.⁶⁴ Ensuring service availability,

⁶¹ Department for International Development of the United Kingdom. 2009. *Country Business Plan (2009–2012)*. Nepal. p. 5.

⁶² The First-Past-the-Post system adopted in the 1990 Constitution does not favor small political parties but when combined with the proportional representation system it did allow caste and ethnic groups to be represented in the 2008 Constituent Assembly. See footnote 15, p. 73.

⁶³ VDC block grants can be topped up by up to 25% if the VDC declares itself a "child-friendly" and "no violence against women" VDC.

⁶⁴ See Bennett, Lynn, Dilli, Ram Dahal, and Pav Gvindasamy. 2008. *Caste, Ethnic and Regional Identity in Nepal: Further Analysis of the 2006 Nepal Demographic and Health Survey*. Calverton, Maryland, USA: Macro International. www.measuredhs.com/pubs/pdf/FA58/FA58.pdf

equal access by women and men, and quality of care remains a challenge, particularly in rural and remote areas. Women in rural and remote areas also suffer from reproductive health issues such as uterine prolapse⁶⁵ and chaupadi,⁶⁶ lack of menstrual hygiene management, and restricted feeding practices during menstruation and post-pregnancy, all due to sociocultural limitations that prevent women from seeking information, discussion, and treatment of these issues. An emerging women's health issue in far- and mid-western Nepal is the increased risk of HIV/AIDS as migrant spouses return from India.

Factors that contribute to lower health outcomes for women and girls include the low status of girls and women, son preference, patrilineal inheritance, low education levels among women, and female shame about the body and reproductive functions. However, significant progress has been made in the health sector, which has improved access to health care and decreased gender disparities. Women's life expectancy has increased to 65.7 years and is now slightly higher than the 61.9 years for men.⁶⁷ The total fertility rate decreased from 4.6 children born per woman in 1996 to 3.1 in 2006, although it remains high among Muslims (4.6), Dalits (3.9), and Tarai Mad-

hesi other castes (3.8).⁶⁸ The maternal mortality rate is high in comparison to many developed countries, but it has almost halved from 539 deaths per 100,000 live births in 1996 to 281 deaths per 100,000 in 2006.⁶⁹ The infant mortality rate and the under-five mortality rate have also decreased significantly, and gender disparities have decreased to the point that there is little difference in mortality between male and female children.⁷⁰

Discrimination on the basis of factors other than gender has only recently been acknowledged as a factor in health and access to health care. While life expectancy is nearly equal for males and females, advantaged groups such as Brahmans and Newars live longer than marginalized Dalits and Muslims. Infant mortality and under-five mortality rates also show considerable variation among groups: they are lowest for Newars and highest among Dalits, and also vary by development region and ecological zone.⁷¹

Access to maternal health care has increased, but it varies among groups of women. The percentage of women from urban areas who received antenatal care increased from 67.0% in 1996 to 80.9% in 2001. However, for rural women it increased from 39.4% to only 46.1% in the same time period.⁷² The 2006 Nepal Demographic

⁶⁵ Although this condition is common worldwide, it affects Nepalese women at a young age and is rarely treated. UNFPA states that as many as 10% of women in Nepal suffer from prolapse. (see www.unfpanepal.org/en/news/news.php?ID=7). Uterine prolapse is related to poverty and discrimination that women face. The prevalence of uterine prolapse increases due to a number of factors including early marriage and pregnancy, repeated pregnancy, difficulties during child birth, lack of skilled birth attendant, heavy manual labor, chronic under nutrition, ill-treatment by husband and mother-in-law during pregnancy and sexual relations immediately after childbirth.

⁶⁶ *Chaupadi* is the isolation of a woman from the household and community during her menstruation in usually dark, damp, and unhygienic sheds as a result of her "impure" condition during this time. Women risk contracting diseases and are exposed to other risks such as rape or accidental attacks by snakes or other animals. Chaupadi is also practiced after childbirth, which puts women and their infants at risk of disease and death. This is practiced especially in the far-western hills of Nepal. Due to the advocacy of several NGOs, a public interest litigation was successfully filed claiming that the chaupadi practice is inhumane, degrading, and discriminatory. In May 2005, the Supreme Court of Nepal directed the government to ban the practice.

⁶⁷ See footnote 15, pp. 37, 150.

⁶⁸ See footnote 53, p. 63.

⁶⁹ See footnote 53, p. 132.

⁷⁰ See footnote 53, p. 127.

⁷¹ See footnote 53.

⁷² See footnote 12, p. 29.

and Health Survey shows that Newar, Brahman, and Chhetri women have greater access to antenatal care than Janajati, Dalit, Tarai, and Madhesi women.⁷³ A similar pattern exists for the percentage of women who were assisted by skilled birth attendants during delivery. The groups with the highest proportion were the Newar (50%) and Brahman Chhetri (26%), compared to Tarai Madhesi castes (16%), Janajati (14%), Muslim, (13%) and Dalit (11%) women.

Major advances in health outcomes result from recognition of the link between gender and social inequalities and health and from greater efforts to address these inequalities. The government's Second Long-Term Health Plan (1997–2017) seeks to develop a health care system that provides equitable access and quality services in urban and rural areas. The Second Long-Term Health Plan and the Nepal Health Sector Programme–Implementation Plan (2004–2009) show their commitment to women's health and reproductive health through a gender equity-oriented, pro-poor, and inclusive approach. They give high priority to improving neonatal and maternal health outcomes and include a number of initiatives to improve access for the poorest and socially excluded.

Health outreach in Nepal has expanded rapidly and the institutional health delivery system has mobilized community participation through reproductive health committees, formation of mothers' groups, mother and child health workers, trained traditional birth attendants, and female community health volunteers. The system has increased rural women's awareness of health issues and their participation in local health development committees.⁷⁴ The Female Community Health Volunteer Program has expanded from an

initial 27 districts to all 75 districts in Nepal and has been successful in carrying out a number of government health programs, although the workers remain overworked and unpaid. The program is also limited to women, although men could be effective change agents if there were a similar program involving men. The volunteers tend to come from better-off families as they can afford to volunteer their time. The government should officially recognize this job and make provisions at VDC/DDC level to allocate funds (nominal) for them such that women from poor and marginalized groups could also be involved in program delivery. The Three-Year Interim Plan includes a special grant to VDCs to establish a female community health volunteer fund, which may provide opportunities to address these issues.

Although there has been an increase in health care facilities and programs, sociocultural norms and taboos continue to prevent women from seeking medical treatment for reproductive health problems such as uterine prolapse. The Support to Safe Motherhood Programme was established to promote greater access to maternal health care and has run an Equity and Access Programme in eight districts in Nepal where special efforts are made to address barriers, such as caste discrimination to maternal health care delivery through training and sensitization of health care workers. In January 2009, the government initiated its Aama Programme to save maternal and newborn lives by encouraging more women to deliver their babies in a health facility. It combines a free delivery service at any health facility with the Safe Delivery Incentives Programme already in place, which provides a lump-sum payment to offset travel costs.⁷⁵

⁷³ See footnote 64, p. 11. Differential access to antenatal care are as follows: Newar (68.4%), Brahman Chhetri (57%), Janajati (33.9%), Dalit (40.2%), and Tarai/Madhesi (40.2%).

⁷⁴ There is provision for one woman member in village health development committees.

⁷⁵ A brief from the Support to Safe Motherhood Programme website (www.safemotherhood.org.np/) states that the Aama Programme was developed on the basis of evaluations that showed the Safe Delivery Incentives Programme did not sufficiently protect women from the costs they had to pay for services at the health facility. This was also reinforced by the findings that in the 25 low human development districts, where free services were provided with the incentives, the increase in the percentage of women choosing to deliver in a health facility was much higher.

Poverty is another factor associated with low access to health care. The poor have higher levels of malnutrition, higher work burdens and time poverty, and lower education levels, they also lack funds for medical care and transport costs. Nepal recognizes health care as a basic citizenship right and the government has moved toward a sector-wide approach in health. Its decentralized approach to health includes locally managed health facilities through local health management committees, and inclusive governance and accountability in the committees have been identified as key issues. The government has undertaken commitments to providing free health services and has been implementing two pro-poor programs to date. The first provides free essential health care services to the poor at primary health care centers and district hospitals, and the second provides free essential health services for all citizens at health and sub-health post levels.⁷⁶

Significant advances have been made in the health sector, yet difficulties remain in mainstreaming gender issues. Despite the increased focus of policies and programming on women's needs, the patriarchal structures and ideology that limit women's access to reproductive and other health services still need to be tackled so that women can have the agency and opportunity to address their health needs. Apart from safe motherhood and female-based contraceptive-related indicators, the general health programs do not provide data disaggregated by gender, caste, or ethnicity on the incidence and treatment of various diseases. However, the Ministry of Health and Population has started using disaggregated data in its health management information system.

The health sector has been effective at mobilizing women workers and volunteers at the community and district levels. However, at the decision-making levels, almost all posts are filled by men. Women health officers constitute less than 5% in the first class level and are nonexistent at the special class level.⁷⁷ The ministry is in the process of finalizing its Gender Equality and Social Inclusion Strategy and has recently established a gender and social inclusion unit, which is situated in the Planning Division headed by the chief of planning. The unit is responsible for vetting all programs and policies of the ministry from an inclusion perspective and should contribute to increased gender and inclusion mainstreaming in health.

Education

Education is a key factor for poverty reduction and sustainable development. As is the case in the health sector, achieving equitable access to quality services remains a challenge. Factors limiting access to education include location, poor infrastructure, lack of well-trained teachers, socio-cultural norms, and language. Despite marked improvements in the education attainment of females and males, the gender gap persists. According to the Nepal Demographic and Health Survey, between 2001 and 2006 the percentage of women without any education declined from 60% to 50%; the decline for men was even more significant, from 32% to 18%.⁷⁸ The literacy rate has also improved to 81% for men and 55% for women.⁷⁹

⁷⁶ The targeted program provides free emergency and inpatient services to the poorest, elderly citizens over 65 years of age, and even to the female community health volunteers in 35 districts that rank the lowest in HDI. Outpatient services are provided as well. The universal program provides the 32 essential drugs at the health posts and 22 essential drugs at the sub-health posts to all for free.

⁷⁷ See footnote 12, p. 58. Special class officers indicate the highest level of appointed government officials. Secretaries are included as "special class officers," while joint secretaries are included as "first class officers."

⁷⁸ See footnote 53, p. 23.

⁷⁹ See footnote 73, p. 9.

More women in Nepal are receiving some form of education, but there are vast disparities among castes, ethnic groups, and regions. Among the Tarai Madhesi Dalit, 85% of women are without any education, compared to 46% of men; among Tarai Madhesi other castes; 75% of women and 25% of men lack education; and for Muslims the figures are 78% for women and 42% for men. All these are well below the national averages of 53% for women and 18% for men.⁸⁰ Similarly, literacy rates also vary among women of different groups: hill and mountain women are nearly twice as likely to be literate as Tarai Madhesi women (63% compared with 36%). The largest gender gaps in literacy rates are found among the other caste, with men three times as likely to be literate as women (72% compared with 24%). In the Muslim group, men are nearly four times as likely to be literate as women (97% compared with 27%). There are also notable differences across subregions. The percentage of women who cannot read at all is highest in the Central Tarai (65.3%), far-western hills (65%), and western mountains (64.9%).⁸¹ The urban–rural divide also has an impact at all levels of education, with a gender gap of 23% for rural areas and 19% for urban areas; only 51 women per 100 men in the rural areas had a school leaving certificate, compared to 70 women per 100 men in urban areas.⁸²

Despite the marked educational disparities across gender, caste and ethnicity, regional identity, and subregions among adult men and

women, significant progress has narrowed the gender gap among children. In 2001, in the 6–9 years age group, 21% of boys and 34% of girls had no education. This declined to 10% of boys and 16% of girls in 2006.⁸³ From 2004 to 2009, the overall primary enrollment rate increased by 19%.⁸⁴ The gender parity index for primary school rose from 0.83 in 2003 to 0.98 in 2008.⁸⁵ The net enrollment rate for girls increased from 77.5% in 2003 to 90.4% in 2008.⁸⁶ Yet, the survival rate to grade 5 has not improved, and dropout rates remain a key concern.⁸⁷ Many of those children who do complete grade 5 do not continue into lower secondary. At this point gender and socio-economic gaps widen. Previously, enrollment rates were not disaggregated by caste and ethnicity, but more recent data shows that over the past 5 years the enrollment rate of Dalits and Janajatis has increased substantially. The total enrollment rates for Dalits increased by 63% and for Janajatis by 49%. The data also shows that 8.1% of primary age children remain out of school, in addition to children who are enrolled but have dropped out or have failed to attend regularly. Recent studies suggest that disadvantaged children (e.g., disabled children or those facing difficult circumstances such as extreme poverty, child work, migration, trafficking, and the impact of conflict or HIV/AIDS) constitute the majority of those who still do not have access to education. Likewise, more out-of-school children are girls than boys, and Dalits and disadvantaged Janajatis are overrepresented.⁸⁸

⁸⁰ See footnote 73, p. 8.

⁸¹ See footnote 73.

⁸² See footnote 12, p. 26.

⁸³ See footnote 53, p. 23.

⁸⁴ NORAD and Ministry of Education. 2009. *Joint Evaluation of Nepal's Education for All 2004–2009 Sector Programme*. NORAD Evaluation Report 1/2009, p. 18. www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=125146

⁸⁵ The Gender Parity Index compares access by gender; a value of less than 1 indicates that there are fewer girls than boys in proportion to the appropriate school-age population. Ibid. p. 18.

⁸⁶ The net enrollment rate is the number of children of official primary school age who are enrolled in primary education as a percentage of the total children of the official school age in the population. Ibid, Annex 3a.

⁸⁷ The survival rate is the percentage of children who start grade 1 and finish grade 5. Ibid.

⁸⁸ See footnote 84.

The Government of Nepal's education policy recognizes the challenges in the sector and is based on a firm commitment to eliminating gender disparity and ensuring equal opportunities to education for all, including girls, children in difficult circumstances, and ethnic and linguistic minorities. This is reflected in the Education for All (EFA) program (2004–2009), a comprehensive primary education initiative.⁸⁹ The gains made by the EFA program will be improved and strengthened by the School Sector Reform Plan (2009–2015), which aims to meet access, equity, and quality goals for primary schooling while expanding education coverage.⁹⁰

Overall, the EFA program has shown clear signs of progress in improving the enrollment rate in primary schools, narrowing the gender gap, and increasing the access to education opportunities for girls, Dalits, and Janajatis, as indicated by the data presented. Key strategies include free primary education, scholarships, incentives to overcome indirect and opportunity costs, alternative schooling and nonformal education, recruitment of female teachers and teachers from disadvantaged groups, expanding access through new schools and facilities with attention to equity concerns and campaigns, and enrollment drives and gender sensitivity in education management. Quality

strategies include training to increase awareness and support of inclusive education and differentiated teaching and diversity in the classroom, new curriculum and textbooks in larger minority languages, and new policy on mother tongue and bilingual education pilots.

Free primary education and incentives have been perceived as having a positive impact on enrollment of girls, Dalits, and disadvantaged Janajatis.⁹¹ However, effective targeting remains challenging within the complex socioeconomic environment. Districts and schools have found it difficult to cope with the different types of scholarships, identifying the right children, delivering the stipulated scholarship rate at the right time, and ensuring transparency.⁹² While targeted scholarships have been positive in redressing historic caste-based discrimination and improving access for Dalits, it has been suggested that it may concretize Dalit identity and cause resentment toward Dalits and other poor groups.⁹³ Other very poor and disadvantaged children who do not qualify for scholarships risk being excluded due to the opportunity cost for schooling.

The deployment of more female, Dalit, and Janajati teachers to help increase school attendance by girls and children from disadvantaged groups is still at an early stage,⁹⁴ but it seems that

⁸⁹ The EFA program is a 5-year strategic plan within the framework of the EFA 2015 National Plan of Action. The EFA program, which is being implemented under a sector-wide approach, is financed under a joint financing agreement by the Government of Nepal and the governments of Australia, Denmark, Finland, Norway, and the United Kingdom, ADB, the World Bank, and the European Union. The Japan International Cooperation Agency and UNICEF are non-pooling donors. Three objectives of the program are (i) ensuring access and equity in primary education, (ii) enhancing quality and relevance of primary education, and (iii) improving efficiency and institutional capacity. The EFA program builds on the previous education intervention Basic and Primary Education Programme.

⁹⁰ The SSRP will change the school structure from a three-tier system (grades 1–5, grades 6–8, and grades 9–12) to a two-tier system (grades 1–8 and grades 9–12).

⁹¹ Scholarships are targeted for all Dalits, 50% of girls per district, disabled children, and in some districts to other groups identified as particularly disadvantaged (e.g., in Jhapa district, four disadvantaged Janajati groups have been targeted for scholarships).

⁹² See footnote 84.

⁹³ Ibid, Chapter 4. The report also refers to a United Nations Education, Scientific and Cultural Organization (UNESCO) study that found some children were not happy to be singled out as Dalits; on the other hand, there were also some cases of poor Brahman, Chhetri, and Newar children being registered in school with Dalit surnames to gain a scholarship.

⁹⁴ See footnote 84, p. 33.

there is greater progress in increasing deployment of female teachers than Dalit or Janajati teachers. One review found that in 2006 only 35% of primary teachers were women, while Dalits and disadvantaged Janajatis comprised only 2% of the entire teaching force. In 2007–2008, the percentage of Dalit teachers increased to 4%, Janajatis to 24%, Madhesis to 8%, and disabled to 2%. The proportion of female teachers has increased from 1.2 per school in 2003–2004 to 1.8 per school in 2008–2009. Although districts are making genuine attempts to improve in this area, challenges remain: women teachers do not have equal status with men; some early childhood development (pre-primary) teachers are counted as female teachers but do not have equal salary or status within the schools; the female primary teachers remain concentrated in the lower grades and are underrepresented as head teachers and resource persons; there is a lack of new positions available; and female teachers are less willing to work in rural and remote areas due to issues of security, cultural acceptance, and housing. For Dalit and Janajati teachers, there is also a lack of posts and an overall lack of qualified persons available.

Other strategies to increase access have included social mobilization and advocacy.⁹⁵ The Welcome to School campaign was implemented to target out-of-school children and led to increased enrollment. However, as the necessary infrastructure was not in place to deal with the large influx of students, quality declined due to overcrowded classes, contributing to rapid dropout. These social mobilization interventions must also be context-specific to address the sociocultural and institutional barriers that limit female access to education opportunities, particularly in Tarai areas or remote mountainous nomadic areas. Similarly, initiatives have been made to mix girls and boys, and Dalits and non-Dalits to prevent

gender and caste-based discrimination. This is a positive step but it requires a willingness on the part of school leadership and management to change attitudes to implement new approaches such as this. Promotion of increased enrollment of children with disabilities remains low and progress on integrating them into mainstream education has been slow due to capacity constraints. It is acknowledged that the lack of sanitation facilities leads to increased dropout rates for girls. More resources are needed to build adequate infrastructure such as water supply and separate toilets to ensure privacy and allow girls and female teachers to manage their menstrual and hygiene needs.

Janajatis have been restricted in their access to education opportunities due to language barriers. The government aims to address this through adopting and implementing a trilingual (multilingual) education policy. It has also been included as an additional EFA goal. A few pilot projects are under way but it is too early to determine their impact. However, one assessment notes that difficulties have arisen in translating intention into practical strategies. Issues include the lack of proper training for teachers to cope with a multilingual situation, wherein they have to help children, who speak only their mother tongues, learn Nepali. District education plans also lacked direction and detail about the languages to be targeted and the resources required in terms of teachers and materials. Another issue is the perception from some communities that learning in one's mother tongue may disadvantage their children further.⁹⁶ The government has aimed to make the education sector more effective and participatory through community-managed schools that are managed by elected school management committees (SMCs). However, preventing "elite capture" of the SMC is a challenge. Members of the

⁹⁵ See footnote 84, Chapter 4.

⁹⁶ See footnote 84.

SMC are generally nominated rather than elected as required. There are very few women, Dalits, and marginalized Janajati members on the SMCs, and even fewer in leadership. Within the Ministry of Education and Sports, gender focal points have been appointed, and the Women's Education Section has been renamed the Gender Equity and Development Section and is responsible for developing policies and programs on women's education. The ministry has also established a gender and social inclusion unit and has been using gender, caste, and ethnic indicators in its management information system. Even though gender issues have received attention in the education management system, women's representation in decision making and administrative positions is low. Gender, caste, and ethnicity sensitization requires awareness raising among teachers and removal of stereotypes from the curriculum and textbooks. While policy is focused on decentralization, greater community participation, and more responsiveness to cultural and linguistic diversity, efforts are needed to develop implementation plans. Practical solutions also need to be applied for multilingual education to move toward inclusive education. Further efforts from communities, teachers, and education officials are required to mainstream gender and diversity into the education system.

Agriculture and Natural Resource Management

Agriculture and forestry are major sources of livelihood for the poor. Income from agriculture and agriculture wage labor makes up 60% of their

household income. Despite the importance of agriculture and forestry to the livelihoods of the poor, these are the neglected sectors for investment by the government and donors. Agriculture contributes the largest share (32%) of gross domestic product and it is the main source of employment for 78% of the poor.⁹⁷ Yet, the contribution to agricultural development of official development assistance (foreign aid) is only 4%, and the sector receives only 6% of public spending.

The ownership of land has a strong influence on food security and well-being and is a major factor determining the economic and social position and political power of most of the population. Conversely, economic status and social identity (gender, caste, ethnicity, etc.) also have a large impact on who gets access to—and control of—land. The present land tenure practices are based on the customary forms of land tenure. These are not based on the principle of equity, so huge inequalities exist in the distribution of land,⁹⁸ and a disproportionately large number of Dalits, Adivasi Janajatis, and women belong to the landless and near-landless groups of society. Of Dalits living in the Tarai, 95% are landless, and 49% of Dalits in the hills own less than 0.25 hectares.

Past experiences with land reform policies demonstrate that their implementation has not provided access of land for the landless, poor farmers, and smallholders to achieve economic growth and poverty reduction. The fourth amendment to the Land Act 1964 (1997) abolished dual ownership of land, but failed to acquire excess lands and redistribute them to the poor and landless due to its phased implementation of the land ceiling in districts. The struggle for tenancy rights supported

⁹⁷ Government of Nepal, Ministry of Finance. 2008. *Economic Survey, Fiscal Year 2007/08*, paras. 1.10, 7.04. www.mof.gov.np/publication/index.php

⁹⁸ About 21% of total land is under cultivation with an average holding size of 0.96 hectares, and 24.4% households are landless. The top 3% of agricultural households occupy more than 17% of the total cultivated land while the bottom 47% operates less than 15% of the land. Central Bureau of Statistics. 2003.

by civil organizations started in 1995 and has made some progress in addressing the issues of land rights for poverty reduction. However, many tenants and poor people have yet to receive their land rights; therefore the continuation of the land rights movement and effective land reform actions by the government are necessary.⁹⁹

The armed conflict and large-scale out-migration of men from rural areas increased the role of women in agriculture. However, women are still not recognized as independent and autonomous farmers by the social system and legal procedures. Though women have physical access to land as users, they do not have decision-making power regarding use of the land for agriculture and for other means of production.

As land is the most important source of collateral, access to formal credit for the rural poor is very limited. About 71.6% of smallholders are dependent on informal sources of credit, such as private money lenders and relatives, for loans. In contrast, about two-thirds of households with large landholdings often borrow money through formal credit services such as the Agricultural Development Bank and cooperatives.¹⁰⁰ Landless persons and smallholders are denied access to basic government and extension services. The extension agents are also more likely to contact men than women to provide them information and skills on technologies since women are not recognized as autonomous farmers due to their lack of legal ownership of land. As a result, agricultural extension and information on new technologies are almost exclusively directed to men, even though women are traditionally responsible for farming.

The national policies for agriculture (2004), irrigation (2003), and forestry (2000) and the Three-Year Interim Plan are the main policy documents that guide the government's strategy for

agricultural development and natural resource management. The agriculture policy aims to benefit the poor, women, and disadvantaged groups by promoting programs for cooperative-based production, rural agriculture employment, and agricultural credit at concessional interest rates. The policy also promotes proportional representation in farmers' consultative committees and equal numbers of women and men in mixed groups, and establishes gender focal points in government bodies. The irrigation policy mandates 33% participation of women and disadvantaged social groups in water users associations, and ensures financial concession and technical support to them for irrigation facilities. However, the policy lacks explicit institutional mechanisms for ensuring inclusion from program development to evaluation. Irrigation policy and programming have typically ignored gender, class, and caste-differentiated needs and priorities. It has tended to emphasize the construction and maintenance of systems, efficient distribution of water, and increased agricultural output rather than issues such as the impact of irrigation on labor markets and the coexistence of productive and consumptive water uses for women, the ultra poor, and socially excluded groups. In comparison with agriculture and irrigation, forestry has a stronger approach to inclusion: it has mandated that 35% of the income of community forests be allocated to uplifting the poor. It also promotes forestry-related microenterprises, membership of a male and a female member of each household in forest-related groups, proportional representation in executive committees, and capacity enhancement and positive discrimination for women and other marginalized groups.

All ministries and departments have appointed gender focal points to oversee mainstreaming of gender into sectoral program design

⁹⁹ See publications of the Community Self-Reliance Centre (CSRC): www.csrcnepal.org/Publication.htm

¹⁰⁰ See footnote 39.

and strategies. This is a substantial effort. However, the gender focal persons are not sufficiently senior in the bureaucratic hierarchy to have much influence, and gender focal points alone are inadequate to advocate for effective gender mainstreaming. The agriculture ministry established a separate gender division led by a committed woman, which significantly enhanced awareness and capacity of the staff to address women's problems in agriculture.¹⁰¹ In irrigation, major bottlenecks include the lack of appropriate institutional structures and mechanisms, and limited understanding and capacity for mainstreaming gender and social inclusion. The forestry sector has been comparatively successful in changing the attitudes of staff and in building their capacity to make effective institutional arrangements for increasing access by excluded communities to forest resources and development opportunities.

The Ministry of Agriculture and Cooperatives started integrating women into its training programs early on and has established institutional structures to support gender mainstreaming in its departments, divisions, policies, and programs.¹⁰² It has better women's representation among staff (6%) than the Ministry of Local Development or the Ministry of Women's Affairs, yet its Gender Equity and Environment Division still faces challenges in implementing its responsibilities due to a lack of gender sensitivity, small budgets, and the lack of a gender monitoring mechanism.¹⁰³ The Ministry plans to set up farmers' consultative committees and village agriculture committees to ensure farmers' participation in agriculture-related activities and decision-making processes. Proportionate representation of women, Dalits, Madhesi, and Adivasi Janajatis will be ensured in these committees.

The Federation of Community Forest Users is an example of a federation that has effectively influenced policy and development processes. It has established rules to include women in the decision-making arena and it supports local groups to include women and disadvantaged groups. By law, one-third of the executive-committee members of community forest user groups must be women, but there are no stipulations for Dalits and Janajatis. Despite its success in holding the government accountable to its citizens, community forestry is not without its challenges. Elite domination of executive committees marginalizes the poor, Dalits, and Janajatis. The National Federation of Irrigation Water Users Association Nepal is quite similar to the Federation of Community Forest Users in its purpose, but it has not yet been as successful in representing the voices of their women and poor members in the policy and development arenas. There is a great potential for developing organizational coalitions and networking activities in the agriculture sector for advocating the rights of women and small farmers and influencing policy.

The policy reform process needs to strengthen government capacity and introduce concrete implementation and accountability mechanisms to reinforce the inclusive policy statements. Though the forestry and agriculture sectors have made efforts to mainstream gender, effective institutional frameworks for gender and social inclusion are of utmost importance. The establishment of gender divisions and gender focal points could contribute to positive outcomes if they have adequate institutional authority and budgets. Improved accountability to gender and inclusion mainstreaming from the various department and division heads is also required. Institutional

¹⁰¹ Based on interviews with the staff of Gender Equality and Environment Section in March 2009.

¹⁰² The Gender Equity and Environment Division, under the Ministry of Agriculture and Cooperatives, has established a Gender Working Group under its district office network, and the Ministry of Agriculture and Cooperatives is setting up gender units in its departments of agriculture and livestock.

¹⁰³ See footnote 12, p. 41.

capacity needs to be strengthened in the irrigation sector, in particular, for inclusive policy design and service delivery.

Extension systems need to promote strategies, services, and technologies that address the needs of women, the poor, and the socially excluded. Greater efforts are needed to improve poor people's access to microfinance services and to ensure that socially excluded groups have access to project services and are represented on user and decision-making bodies. For this, promotion of linkages between the finance sector, rural development planning, and other relevant agencies for planning and implementation of specific targeted programs from the national to the local levels will be crucial.

Water Supply and Sanitation

Access to safe drinking water and sanitation facilities has a significant impact on social and human development and poverty reduction. It is now recognized that the sector cannot be approached from a technical perspective alone, but requires an approach that considers the ways in which gender roles and relations influence access to resources and participation in decision making. In Nepal and most other developing countries, women are the main users and providers of domestic water. Women spend up to several hours a day to collect water. Girls also contribute, which has a negative impact on their education opportunities. However,

the rights and access of women to water resources is defined by tradition, social relations, culture and customs, and legal frameworks. In addition to gender relations, other social factors such as caste, ethnicity, economic status, and disability influence an individual's access, control, and use of water. The concept of purity and pollution in the Hindu religion and ideology determine, along with caste-based hierarchies, the rights and access of women and certain other groups to water.¹⁰⁴ The sector has recognized the importance of considering gender relations in the provision and use of water, and policies and program interventions exist to address this. It is only more recently that other social issues are being addressed in the sector, particularly at the program level.

Data on water and sanitation vary, but a national survey found that 82.5% of the population has access to an improved source of drinking water and 24.5% has access to improved sanitation facilities.¹⁰⁵ When the figures are disaggregated by area, economic status, and caste and ethnicity, there is considerable variation. Generally, all castes and ethnic groups and regions have quite good access to water, but the Hill Dalits have the lowest access to improved drinking water at 70% compared to the national average of 82%.¹⁰⁶ Despite an increase in sanitation coverage, the poorest and most vulnerable are still not being reached. While 71.6% of Newars, 66.3% of Hill Brahmins, and 65.7% of Tarai Madhesi Brahmin/Chhetris have private latrines, only 4.6% of the Tarai Madhesi Dalits reported having private latrines.¹⁰⁷

¹⁰⁴ Within the Nepalese caste hierarchy, Dalits are considered *Pani Na Chalne*—"water-unacceptable," i.e., untouchable and impure. As such, if a Dalit touches a non-Dalit, then purification by sprinkling holy water is required. This ideology restricts their access to common resources such as water. Likewise, a woman is considered impure during certain times (i.e., menstruation and after childbirth) and cannot touch public water during those times.

¹⁰⁵ See footnote 53, pp. 17–18.

¹⁰⁶ See footnote 73, p. 7. This may reflect a combination of geographical barriers to access water and caste-based discrimination experienced by Dalits which may restrict their access to water.

¹⁰⁷ See footnote 73, p. 7. This is due to a combination of reasons including lack of land for Dalits as a result of poverty, low level of hygiene and sanitation awareness, and cultural beliefs and practices.

Three major policies shape the sector:

- The Water Resources Act (1992). Together with the 1993 Water Resources Regulation, the Water Resources Act is the umbrella act governing water resource management. It addresses the formation of district water resource committees, water users associations, and licensing. However, it does not refer to gender and social inclusion issues and is based on the assumption that all people will receive access to and benefit equally from water and sanitation services.
- The Rural Water Supply and Sanitation Policy and Strategy (2004). This policy and strategy defines community-based, participatory processes, pro-poor focus, gender dimensions, and service levels. It prioritizes access to drinking water and sanitation to backward people and ethnic groups, although it does not define these groups more specifically. It has provisions for 33% representation of women on the user committees and proportionate representation of caste and disadvantaged ethnic groups. However, several sector programs and organizations go beyond the national policy and stipulate 50% female membership of the user committees. Access to services and participation of disadvantaged groups are identified as indicators of progress for monitoring and evaluation. The policy also promotes a pro-poor approach by

stipulating a 10% non-cash community contribution instead of 20% by the poor households, which are defined as households headed by females, households with no adult members, and households with disabled members. The policy has a zero subsidy approach to sanitation, although most other sector agencies are applying various subsidy models, with the exception of the Community-Led Total Sanitation approach.¹⁰⁸

- The Urban Water Supply and Sanitation Sector Policy (2009). The 2009 amendment of the Urban Water Supply and Sanitation Sector Policy is a leap forward as social inclusion is embedded in the policy as one of its six core principles. It aims to ensure that access to services by the poor and disadvantaged groups is met and that these groups, especially women, are involved in all decision making that affects their needs and interests. Social inclusion strategies include cross-subsidies, flexible tariff payment options, service access for squatter settlements, and representation on water user committees by women, the poor, and marginalized groups.

The Local Self-Governance Act 2004 defines the district development committee (DDC) as the level at which all planning and monitoring of rural water supply and sanitation takes place. The act's provisions and regulations have created a positive policy environment for people's participation in

¹⁰⁸ This approach uses social ignition to raise awareness of the linkages between sanitation and hygiene practices and health outcomes at the household and community levels. As such, it encourages people to build latrines without subsidies using whatever materials they can afford. The concept is to have 100% coverage in the community. See ADB and WaterAid Nepal. 2008. *Money Down the Pan? Community Level Models for Financing Sanitation in Rural Nepal: A Sector Review* for an overview of the various sanitation subsidy modalities.

local governance.¹⁰⁹ The Three-Year Interim Plan also calls for “proportional representation of women in the decision-making (leadership) level of the users’ committees” and states that “priority will be accorded to ensure regional balance along with the inclusion of socially and economically disadvantaged groups” with regard to access to water and sanitation schemes.

The Ministry of Physical Planning and Works has the overall responsibility for the urban and rural water supply and the sanitation sector. The ministry’s Department of Water Supply and Sanitation is the lead agency for planning and coordination, developing technical standards, and managing design and construction activities for both urban and rural parts of the sector. The Ministry of Local Development is responsible for small village water and sanitation schemes (for villages with populations under 1,000) through the Department of Local Infrastructure Development and Agricultural Roads and its district technical offices and village development committees. The National Steering Committee for Sanitation Action and the National Arsenic Steering Committee were formed by the government to coordinate and promote sanitation and arsenic awareness, however no specific direction on gender and social inclusion is given to these two bodies. Despite the presence of gender focal points and social development units within the government agencies in the sector, gender and social inclusion issues remain limited to scheme-level activities that include reservations for women on user committees and subsidies to support poorer households.

Gender mainstreaming and a socially inclusive approach are still not fully understood and greater sensitization and capacity building on these issues is needed. There is also a visible lack of female professionals in the sector. Greater investment on human resource development of women through scholarships, training, etc., could fill this gap. The government’s reservation policy in the civil service could also be a driver for increasing opportunities for women in this sector.

The sector stakeholder group is meant to ensure coordination of sector reform and interventions and the exchange of information and progress.¹¹⁰ However, there is no clear and effective leadership in the sector from either the government or donors and each agency is focused on its own projects and areas with limited collaboration. At the same time, significant changes have taken place in the sector that have improved the participation of communities, particularly of women, in the planning, design, implementation, and management of schemes. Gender equality and social inclusion (GESI) strategies have been adopted based on sharing of best practices, but there is insufficient sharing on how to improve GESI practices.¹¹¹ Harmonization of working approaches in this area would be beneficial for the sector as a whole, and the sector stakeholder group is appropriately placed to play a lead role in this effort.

The Federation of Drinking Water and Sanitation Users Nepal is an apex body for water and sanitation user groups. One of its core values is inclusion, and this is reflected through representation of women and people from remote areas and

¹⁰⁹ There are a number of implementation gaps that the Local Governance and Community Development Programme (LGCDP) aims to address by increasing the capacity of communities to assert their rights and engage with local governments. Likewise, the LGCDP will strengthen the capacity of local governments to manage resources and deliver basic services in an inclusive and equitable manner.

¹¹⁰ The sector stakeholder group was established by the government and is chaired by the Minister of Physical Planning and Works. It meets twice a year and members include government ministries, development partners and civil society organizations. The members are the National Planning Commission, Ministry of Finance, Ministry of Local Development, Ministry of Health, Ministry of Water Resources, Ministry of Foreign Affairs, Department of Water Supply and Sewerage, Association of District Development Committee, Nepal, Fund Board, ADB, the World Bank, the Department for International Development of the United Kingdom, UNICEF, Water Aid, Helvetas, the private sector, and others.

¹¹¹ This is based on discussion with various agencies working in the sector.

excluded groups in its organizational structure. Its Citizens' Action Program and other activities aim to support meaningful participation in decision-making processes by all, including marginalized groups, and the empowerment of user groups focusing on women. The federation can play an important role in enhancing accountability and responsiveness among user groups and service providers and in strengthening the voice and agency of those groups.

The rural water supply and sanitation sector has many agencies implementing their own modalities and processes; however, in general, they follow a demand-based participatory approach. Apart from minor differences in selection process and cost recovery strategies, the general modality being applied promotes a community-based approach that requires the participation and contribution of community members in the planning, construction, and management phase of the projects. Sector agencies have adopted several strategies to promote inclusion of women, the poor, and disadvantaged groups which generally include reservations for women on user committees and key decision-making posts, and proportionate reservation for other disadvantaged groups; subsidies for latrine construction and transport costs for non-local material; paid work opportunities for poor households; and technical training opportunities for women. Some projects include livelihood and savings and credit activities targeting women and poor households.

While access to water supply and sanitation facilities have improved overall due to a plethora of agencies working in the sector, there is the risk that vulnerable communities or groups are unable to voice their demands and are left out of schemes. It is usually the elites and the most educated men

in the communities that approach the local government office or project staff for support, and it is these groups that local government officials and project staff feel most comfortable speaking with. Political influence is also a factor in determining scheme selection.¹¹² Without specific interventions, groups such as women, the poor, Dalits, and inhabitants of remote settlements—who are the least able to articulate their needs and demands, and usually do not have access to the “right” social networks—will not be reached.

These government policies for the rural and urban water supply and sanitation sectors include measures that have increased access by women to community development processes and project benefits and have enhanced their participation in community user groups and committees. Factors that continue to constrain their ability to participate on the basis of full equality with men include illiteracy, low self-confidence, housework demands, low economic status, sociocultural norms, and the perceived costs and benefits of participation. Gender training packages that are usually delivered to communities and project staff are not sufficient in challenging and transforming the gender roles of men and women.

Similarly, social identity based on caste, ethnicity, and economic status also limits certain groups from exercising their voice and agency in development initiatives. Due to caste discrimination and prescribed social norms, even when Dalit men and women are on user committees they cannot always speak up and they feel less inclined to attend meetings.¹¹³ Although Dalits have access to drinking water facilities, their access can be restricted especially in mixed settlements, as they are made to stay at a distance or wait until the non-Dalits finish fetching water.¹¹⁴ Time poverty

¹¹² Shah, Saubhagya. 2009. *Reaching the Collaborative Threshold: The Impact of Water User Committee Performance on Social Inclusion and Empowerment and Overall Project Outcomes in Rural Nepal*.

¹¹³ WaterAid Nepal. 2008. *Seen but not heard? A Review of the Effectiveness of Gender Approaches on the Equity of Participation and Impact in WaterAid's Rural Programmes*. Kathmandu.

¹¹⁴ ActionAid. 2003. *Existing Practices of Caste-Based Untouchability in Nepal and Strategy for a Campaign for its Elimination*. Kathmandu.

limits the opportunities for poorer households to engage in project activities. Cost-sharing modalities and user group fees may also limit the ability of the poor to pay the operation and maintenance costs and join savings and credit groups. More remote settlements have less opportunity to be informed about and participate on user committees which require attendance in meetings. Likewise, committee members may need to travel long distances to reach the district headquarters for going to the bank and meeting with the local government offices, limiting the ability of women, in particular, to participate on user committees.

While project modalities and design aim to ensure access to water and sanitation facilities for the whole community, this is not always so at post-project. Research has shown that in some cases, individual households' access to water supply facilities were restricted despite having had equitable access at the start of the project.¹¹⁵ Similarly, the measures that were applied during the project to promote inclusive user committees may not necessarily be adhered to after the project is completed.

Hygiene and sanitation is another major sector challenge. While generally considered women's tasks, their concerns are rarely addressed in the provision of sanitation facilities. The lack of toilets forces women and girls to urinate and defecate outside and puts them at risk of physical assault and attacks from animals. Holding their urination also contributes to other health problems such as urinary tract infection. Inadequate sanitation facilities at schools have a negative impact on girls' education. Without separate and suitably equipped facilities (including water, washing, and drying areas), particularly for menstrual hygiene management, the attendance of girls tends to drop in higher classes. Sociocultural practices

related to menstruation also adversely affect the health and well-being of girls and women.¹¹⁶

In the urban context, limited access to water supply and sanitation facilities for squatter communities is tied with land rights issues. The government is hesitant to provide them with the facilities because it would legitimize their illegal status. Households and settlement clusters located further from urban centers tend to be excluded from scheme support because of the higher project costs entailed in reaching those clusters. Capital cost-sharing approaches and loan repayment arrangements also make it unaffordable for the poor to connect to the water systems and place an undue burden on them. Similarly, high tap connection fees and reduced service areas to lower project costs can lead to many ultra-poor households being excluded from urban drinking water and sanitation projects. Some agencies are aiming to address these challenges. An output-based aid approach will be applied in the Small Towns Water Supply and Sanitation Sector Project II, to which subsidies will be provided only after the delivery of the household connections has been verified through an independent verification agent. The beneficiaries of the subsidy will be targeted through wealth ranking or other methods.

At the project level, data is disaggregated by sex, caste, and ethnicity. However, efforts at monitoring the sector remain limited to the end users at the local level in terms of access to facilities and participation of women and disadvantaged groups at various stages of the project cycle. Process, impact, and outcome monitoring are therefore important. There is a dearth of evidence of the long-term impact of water availability on the lives of women and the poorest. Issues such as the impact and benefits of health initiatives and income-generating activities, the ability to

¹¹⁵ For examples in the Tarai where project-designed community tube wells had been blocked off by bamboo and brick walls and limited access to certain groups, predominately Dalits, see footnote 113.

¹¹⁶ Social practices such as chaupadi, discussed above in the health section.

apply training received, and the sustainability of user groups require further support. The Ministry of Physical Planning and Works has recently established a monitoring and evaluation unit for the rural water and sanitation sector, which could contribute to increased capacity for monitoring and assessing performance, particularly if relevant GESI indicators are developed for the monitoring framework.

Rural Transport Infrastructure

In Nepal, district roads have been the focus of the rural transport infrastructure works¹¹⁷ supported by various development partners.¹¹⁸ District and village development funds are primarily spent on roads. District and village roads improve rural connectivity and have helped increase agricultural production, improve transport services, and provide jobs through the labor-intensive approach to construction.¹¹⁹

Infrastructure investments have the potential to benefit women through providing new livelihood options and through reducing the time, energy, and opportunity costs of their household responsibilities. Infrastructure improvements also increase access and reduce travel times to health and education services and market centers.

Although local transport infrastructure services are generally considered to benefit men and women equally, gender-based differences exist in the demand for and use of infrastructure. However, challenges remain in meeting the transport needs of women, the poor, and excluded groups and ensuring that they benefit from infrastructure

investments. Poor subsistence farmers and women are least able to afford transport services. The ultra poor have been unable to benefit from employment opportunities in rural road construction as they depend on daily wages and cannot wait for payments. The heavy physical labor requirement of the labor-intensive approach also discourages women's participation. There has also been minimal mainstreaming of GESI issues in project cycles.

A draft "GESI folder" has been developed for the recent sector-wide approach (SWAp) for rural transport infrastructure to provide guidance for mainstreaming gender equality and social inclusion in all aspects of the SWAp. Several programs and projects have taken steps to ensure the representation of women and excluded groups in user groups and project activities. Other good practices include

- inputs to support livelihoods and empowerment;
- equal pay for equal work for women and men;
- well-being ranking;
- disaggregated data;
- affirmative action;
- labor-based, environment-friendly and participatory approach; and
- social accountability mechanisms.

Further areas of support to be considered in the sector include appropriate targeting to ensure inclusion of the poorest households in project area. Sustained engagement with ultra poor and marginalized groups is still lacking. Inability to pay, lack of time, and social discrimination limit the participation of these groups in savings and

¹¹⁷ This section is mainly based on *Rural Transport Infrastructure – Folder 2: Gender Equality and Social Inclusion* (Ministry of Local Development 2009) and the report on ADB's Decentralised Rural Infrastructure and Livelihoods Programme (DRILP).

¹¹⁸ These include District Roads Support Project, DRILP/ADB, Rural Access Improvement and Decentralization Project/World Bank, Rural Access Program/DFID, Rural Community Infrastructure Work/GTZ, Rural Reconstruction and Rehabilitation Sector Development Program and Trail Bridge Sub-Sector Project/SDC.

¹¹⁹ Ghimire, Seddon and Shrestha (2006) in *Rural Transport Infrastructure – Folder 2: Gender Equality and Social Inclusion*. Ministry of Local Development, 2009.

credit, income-generation activities, and literacy programs. Risks for the ultra poor are higher and insurance and support systems need to be improved. Interventions also need to address the low level of women's participation in decision-making processes, the lack of gender focal points in the government bodies with adequate authority and resources for decision making and follow-up, and the insufficient budgets for women's empowerment activities. District planning also requires more participatory and transparent processes to ensure that schemes are properly targeted.

Energy

Nepal's energy sector is characterized by large hydropower potential but poor exploitation of this energy source. Nepal depends heavily on traditional energy resources, with biomass (including fuelwood, agricultural residues, and cattle dung) accounting for 86% of the total energy consumption. (By comparison electricity accounts for 2% and renewable energy accounts for 1% of energy consumed.)¹²⁰ The reliance on biomass is even greater in rural areas, accounting for 98% of total energy consumption. Cooking accounts for 64% of rural energy consumption.¹²¹ Access to commercial sources of energy (i.e., electricity, coal, and petroleum) is largely limited to urban areas. Only 40% of the population has access to electricity, and urban residents, who account for only 15% of the population, use 73% of the electricity supply.¹²² There are also disparities among regions: the far-western region has the lowest access to electricity (28% of

households) and the central region the highest access (54% of households).¹²³ The development of large and small hydropower resources has been identified as key to the development of the power sector, in addition to institutional and regulatory reforms.¹²⁴ The Government of Nepal has also recognized the need to develop sustainable energy sources and has supported efforts to promote renewable energy systems such as micro hydropower; biogas energy (improved cooking stoves and biogas briquettes); solar photovoltaic (solar photovoltaic water pumping and solar battery charging); and solar thermal energy (solar water heaters, solar dryers, solar cookers, etc.) to reach unserved areas, particularly the rural population.

While energy policy is often approached from a technical perspective and assumed to be gender neutral, policy decisions have implications for equality between women and men and for the poor. Energy made available through rural electrification, micro hydropower, and alternative sources can lead to improvements in women's health, girls' education opportunities, household nutritional status, and livelihoods. Improved technology can lead to better health and well-being, but maximizing these benefits requires attention to the barriers that women and excluded groups face in accessing these technologies. Factors that should be considered in developing energy policy include adaptation to local conditions and needs, measures to address discriminatory sociocultural norms, high costs, and limited access to financial services.¹²⁵

Policy documents governing the energy sector include the Hydropower Development Policy

¹²⁰ Centre for Rural Technology Nepal. 2005. *National Energy Survey Report Nepal – Focus on Renewable Energy & Poverty Reduction*. Submitted to International Network for Sustainable Energy, p. 2. www.inforse.org/asia/word_docs/Nepal-sust-energy-poverty.doc

¹²¹ Ibid, p. 3.

¹²² UNDP. 2007. *Energy and Poverty in Nepal: Challenges and the Way Forward*, p. 2. www.unpei.org/PDF/Nepal-Energy-Poverty-UNDP-2007.pdf

¹²³ Ibid, p. 6.

¹²⁴ ADB. 2009. *Country Partnership Strategy: Nepal 2010–2012*. Manila.

¹²⁵ United Nations Division for the Advancement of Women. 2009 World Survey on the Role of Women in Development: Women's Control over Economic Resources and Access to Financial Resources, including Microfinance, p. 50. www.un.org/womenwatch/daw/ws2009/

(2001), the National Water Resources Strategy (2002), the Tenth Five-Year Plan (2002–2007) and the Three-Year Interim Plan (2008–2010), the National Water Plan (2005), and the Rural Energy Policy (2006). All these policies and strategies refer to the importance of meeting the energy needs of the people and promoting local body and community participation. The Tenth Five-Year Plan aimed to provide electricity from alternative energy sources to 12% of the rural population and emphasized the role of women in a participatory development process. Similarly, the Three-Year Interim Plan focused on increased investment for disadvantaged groups, regions, and women and their empowerment and inclusion. The revised Hydropower Development Policy (2001) directed increased attention to the social and environmental aspects of hydroelectric development to ensure that adverse effects on the environment and communities are minimized. The Water Resources Strategy's social principles include targeting of socially and economically disadvantaged groups, balanced participation of men and women, and the equitable distribution of benefits from water resources among regions and income groups. The Water and Energy Commission Secretariat published guidelines on gender issues in 1995. A commissioned study on institutional strengthening in rural energy planning and implementation recommended gender sensitization, gender disaggregated databases, and the commissioning of gender experts in planning and programming.¹²⁶ Yet, consideration of gender issues and gender mainstreaming remain more evident in rhetoric than in practice.

The Rural Energy Policy, whose goal is to contribute to poverty reduction and environmental conservation by ensuring access to clean, reliable, and appropriate energy in rural areas, mandates the participation of local bodies and encourages social mobilization. A review of the policy found an absence of gender- and social-related objectives; unaddressed differences in energy needs, use, and beneficiaries; and measures needed to overcome the barriers that women and excluded groups face in accessing energy sources.¹²⁷ In addition, indicators need to be developed to measure access to and impact of the energy technologies of these groups.

The recent Strategy on Gender and Social Inclusion (2008) by the Alternative Energy Promotion Centre/Energy Sector Assistance Programme may help address these implementation gaps.¹²⁸ The strategy identifies the need to define the target groups and to prioritize women, the poor, and socially excluded groups. At the organizational and program levels, it also recommends focusing on capacity building, access, voice and influence, gender budgeting, and participatory gender audits. The policy on Subsidy for Renewable (Rural) Energy (2006) has recognized that the promotion of renewable energy sources has great potential to contribute to environmental protection and sustainable rural development and the need to provide support to the rural poor and disadvantaged groups to ensure their access. The policy identifies subsidies for renewable energy systems to rural households, in addition to supplementary subsidies to the Karnali region and remote districts.¹²⁹

¹²⁶ See footnote 120, p. 7.

¹²⁷ Centre for Rural Technology Nepal (CRTN). 2008. Review of Rural Energy Strategy (2006) in Alternative Energy Promotion Centre (AEP)/Energy Sector Assistance Programme. *Strategy on Gender and Social Inclusion*.

¹²⁸ The AEP is a state-owned regulator and facilitator of the renewable energy sub-sector with autonomous status. It was established in 1996 under the Ministry of Environment, Science and Technology (now called the Ministry of Science and Technology).

¹²⁹ This policy is revised from the 2001 Renewable Energy Subsidy Policy, which introduced subsidies for the construction and rehabilitation for micro-hydro plants, solar power, improved water mills, and biogas schemes. The Renewable Energy Subsidy Policy is offered and implemented under the AEP.

In Nepal's energy sector, institutional arrangements are vertically aligned according to subsectors, such as electricity, forest, and renewable energy. The ministries are responsible for tariff setting, energy distribution, and infrastructure expansion, while the DDCs, VDCs, NGOs, and community groups are working to extend energy services to rural communities. In addition, over 14 multilateral and bilateral agencies are working in the sector.¹³⁰ Several institutions are also focusing on various energy subsectors, but no single institution is providing the necessary focus and linkages between energy and poverty, and giving direction to a pro-poor energy strategy. The Ministry of Science and Technology, the responsible agency for renewable energy technology, does not have a policy on gender mainstreaming and social inclusion, although it does emphasize the development and expansion of technologies that alleviate women's drudgery and enhance employment opportunities.¹³¹

The Alternative Energy Promotion Centre (AEPCC) is engaged in the development and promotion of renewable and alternative energy technologies in Nepal.¹³² Problems identified in a review of AEPCC included low representation of women and excluded groups in decision-making posts, absence of gendered indicators in annual reporting, and lack of a separate component or budget for gender mainstreaming activities or for women.¹³³ However, AEPCC's strategy and action plan on gender and social inclusion aims to address these gaps and includes specific measures at the organizational and program levels and indicators to measure changes in gender and social inclusion.

In addition, AEPCC, with the support of UNDP and the World Bank, has been implementing the Rural Energy Development Programme (REDP), which since 1996 has improved rural lives through alternative energy. The program adopts a community mobilization approach to plan, manage, and operate the rural energy systems. Separate male and female user groups are formed which are then represented on the management committee (functional group). The REDP aims to link its rural energy systems activities to other sub-activities, including increasing family income through agricultural training; improving educational status through awareness programs; promoting women's empowerment through increased participation, literacy classes, and savings and credit schemes; and improving health through access to clean energy (e.g., improved cooking stoves), construction of latrines, and electrification of health posts. A recent assessment of REDP found that the project was effective in alleviating women's drudgery and building their self-confidence and management capacity.¹³⁴

Nepal's energy projects are generally supported by financial incentives in the form of subsidies, grants, equity, or loans which are funded by the government, donors, microfinance institutions, investors, and banks.¹³⁵ The REDP has been successful to a certain extent in operationalizing community financing, but there is concern about local capacities to fairly and effectively distribute funds. Another challenge related to accessing finance is that high interest rates and the need for collateral make it difficult for most rural households to access loans from banks. Microfinancing

¹³⁰ See footnote 123, p. 2. These include ADB, the Danish International Development Agency, the European Union, UNDP, and the World Bank.

¹³¹ See footnote 128.

¹³² It executes, among other projects, the Energy Sector Assistance Programme (ESAP) since 1999, which is supported by Danish international development assistance.

¹³³ See footnote 128.

¹³⁴ Winrock International Nepal. *Report on Assessment of REDP Impacts and Its Contribution in Achieving MDGs*, p. 42. www.redp.org.np/phase2/pdf/impactsandcontribution.pdf

¹³⁵ See footnote 123.

has a strong role to play in increasing access by the poor to loans for the development of low-cost energy sources. The energy sector has built a certain degree of monitoring and evaluation capacity, but the indicators largely focus on quantitative targets and limited attention is given to socioeconomic impacts or productive energy uses.

To increase the productive use of energy and contribute to poverty reduction, Nepal needs to exploit the potential of renewable energy sources. Policies, guidelines, and programs should ensure that gender concerns are

mainstreamed in energy service delivery. In addition, it will be important to promote greater access to finance for rural energy development to modify repayment modalities in favor of poor borrowers. Lastly, the monitoring and evaluation system should be improved to ensure that socioeconomic indicators such as level of household income, level of employment, participation in decision making at the household and project levels, reduction in drudgery, and the use of cleaner fuels are included and reflect the linkage between energy and poverty.¹³⁶

¹³⁶ See footnote 123.

Conclusion

Exclusion has been a cause and result of unequal development in Nepal. The incidence of poverty in the country has decreased, but poverty rates among excluded groups continue to be higher than the national average. Development outcomes across all sectors show that gender, caste, ethnicity, geographical location, regional identity, and economic status are strong determinants of access to services, resources, and political representation. The inclusion agenda is now firmly placed in the development discourse and several efforts have been initiated at the policy, legal, institutional, and programming levels.

Nepal has taken progressive steps toward greater gender equality throughout the past 5 decades of planned development. Important legal amendments have been made to strengthen women's rights in key areas such as citizenship, inheritance, and anti-trafficking.

There has also been progress in health and education outcomes for women. More recently, the political representation and participation of excluded groups has been ensured in all governance structures.

It is now understood that social exclusion is both a structural and a social problem. While the government has made strong efforts in legal reform and institutional changes, achieving gender equality and transforming Nepal into a more inclusive democracy will also require changes in public attitudes. Policy and program approaches that can contribute to removing these barriers include attention to identifying the excluded, the causes of their exclusion, and appropriate context-specific responses. Also required are "coalitions of change" that bring together excluded groups and allies among the elite who are in a position to influence change.

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Annex 1

Gender Equality and Social Inclusion Road Map

Key Issues

In addition to the poverty that is prevalent among all social groups in Nepal, certain groups have been systematically disadvantaged because of discrimination based on gender, caste,¹ ethnicity,² religion, regional identity, and geographic location. In the country partnership strategy (CPS), socially excluded groups refers to women, Dalits, Adivasi Janajatis, Madhesis, Muslims, and groups living in remote geographical areas. Social exclusion is a cause and effect of poverty as it prevents equitable access and opportunities to services, resources, and political representation for certain groups and perpetuates unequal development outcomes. In Nepal, exclusion has also been a

major factor in the decade-long armed conflict. Despite significant improvements in poverty reduction and economic and social conditions in the last decade, disparities persist. The reduction in poverty was unevenly distributed across regions, caste, and ethnic and minority groups.³ Poverty is still high in the mid-western and far-western regions, and rural–urban disparities continue to exist with rural poverty at 35% compared to 10% in urban areas.⁴ It is among advantaged groups like the Brahmans, Chhetris, and Newars where poverty reduction has been most notable, compared to groups like Dalits, Adivasi Janajatis, and Muslims. Dalits have a high poverty incidence (46%), as do Muslims (41%), hill Janajati (44%), and Tarai Janajati (35%). By comparison there is a lower

¹ Caste refers to the Hindu hierarchal system, which originated by categorizing people into caste groups according to the division of labor, roles, and functions. In Nepal the “upper” castes refer to the Brahmans and Chhetris and the “lower” castes refer to the Dalits who suffer from untouchability-based practice and religious, social, economic, political, and cultural discrimination.

² In Nepal, ethnic groups are referred to as “Indigenous Nationalities,” (Adivasi Janajati). The government identified 59 groups as indigenous nationalities whom are defined as having their own mother tongue and traditional customs, distinct cultural identity, social structure and written or oral history of their own. The 59 indigenous nationalities are categorized into 5 groups based on their economic and sociocultural status which include: “endangered,” “highly marginalized,” “marginalized,” “disadvantaged,” and “advanced” groups. Newars and Thakalis are the only two groups classified as “advanced.” Indigenous nationalities will be referred to as “Adivasi Janajatis,” taking into account the current discourse in identification and classification of Adivasi Janajati groups and the possibility of the need to revise the categories.

³ Here “minority groups” refers to the religious minority of Muslims who do not belong to either caste or ethnic groups.

⁴ UNDP. 2009. *Nepal Human Development Report 2009: State Transformation and Human Development*, pp. 45–46 (citing CBS 2005). <http://hdr.undp.org/en/reports/nationalreports/asiathepacific/nepal/name,19112,en.html>

poverty incidence among the Newars (14%) and Brahman Chhetri (18%).⁵

Other social development indicators also uncover the unequal progress achieved for women and across certain groups. The Gender-related Development Index⁶ shows that while gender disparity is still high in Nepal, it is highest in the rural areas, the mountains, and the mid-western region.⁷ Although there has been an increase in the proportion of economically active women, their earned income is about one-third that of men and they continue to have low access to property ownership, financial credit, and political power.⁸ Female participation in political processes has been low in the past, but due to the 33% quota for women candidates in the 2008 Constituent Assembly elections and in all state and decision-making levels, female participation has increased significantly. The challenge lies in ensuring that women elected to the various political bodies are able to voice their agenda and that women from socially excluded groups and regions are effectively represented in the political processes. Gender parity in enrollment has improved at all levels in education, but enrollment

disparities across caste and ethnic groups increase with the level of education. A Dalit woman from the Tarai (plains or flatlands region of Nepal) has the lowest literacy rate at 17% compared to the national female average of 55% and male average of 81%.⁹ Gender gaps in literacy levels are highest among the Madhesi other caste groups, with men three times as likely to be literate as women (72% compared to 24%).¹⁰

The exclusion of various groups due to their caste, ethnic, and regional identity is a major obstacle for development and poverty reduction in Nepal. Due to the exclusion of groups such as the Dalits, Adivasi Janajatis, Madhesi, and Muslims, these groups have remained poorer than other groups, have made slower progress in education and health outcomes, participate less in political and economic life, and have less access to services and resources. Brahmans and Newars generally also do better than the Dalits, Adivasi Janajatis, Madhesi other castes,¹¹ and Muslims on health outcomes including indicators such as receiving antenatal care, total fertility rate and early childhood mortality rate.¹² In addressing poverty reduction and inclusive development, the

⁵ Ibid.

⁶ The Gender-related Development Index adjusts the Human Development Index to reflect the extent of gender disparity. According to the 2009 UNDP Human Development Report, Nepal ranks 112 out of 155 countries. There is also a Gender Empowerment Measure that reflects women's participation in economic and political life. On this measure Nepal ranks 83 out of 109 countries. http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_NPL.html

⁷ See footnote 4.

⁸ Ibid.

⁹ Bennett, Lynn, Dilli Ram Dahal and Pav Govindasamy, 2008. *Caste, Ethnic and Regional Identity in Nepal: Further Analysis of the 2006 Nepal Demographic and Health Survey*. Calverton, Maryland, USA: Macro International. www.measuredhs.com/pubs/pdf/FA58/FA58.pdf

¹⁰ Ibid.

¹¹ In broad terms, "Madhes" refers to a region stretching from the Himalayan Foothills to the plains and used synonymously with "Tarai." "Madhesi" refers to the people who are of Tarai origin to signify their identity as distinct from that of "pahadi" (hill people) and have languages such as Maithili, Bhojpuri, Awadhi, Urdu, and Hindi as their mother tongue. They include Madhesi Brahman Chhetris (2% of the population), Madhesi other caste groups (13%) and Madhesi Dalits (according to LGCDP GESI Strategy 2009). Though all Madhesi, because of their social identity, are discriminated against and excluded, there is wide disparity within Madhesi in terms of socioeconomic well-being as Madhesi Brahman Chhetris have the highest Human Development Index (HDI) value (0.625) whereas Madhesi Dalits have the lowest (0.383) among all people of all castes and ethnicities in Nepal. Madhesi other caste groups also have a low HDI value (0.450).

¹² See footnote 4.

CPS aims to target the poor while ensuring that socially excluded groups have equitable access to and benefit from ADB-assisted projects and promoting their broad representation in policy-making bodies and state institutions at all levels.¹³

Government's Policy and Planning Framework

The Government of Nepal has adopted a gender mainstreaming strategy in support of gender equality and women's empowerment. While the government has aimed to address gender discrimination throughout the past 5 decades of planned development, it is only more recently that social exclusion and discrimination against Dalits, Adivasi Janajatis, Muslims, and Madhesis has come to the forefront in public discourse. Nepal's Interim Constitution (2007), which provides an interim legal framework for the government, promotes gender equality and social inclusion through inclusive state restructuring and ensuring fundamental rights to women and positive targeting socially excluded groups. The current Three-Year Interim Plan (2008–2010) also recognizes the need to adopt an inclusive development process that ensures the access and participation of excluded groups and has set quantitative targets to achieve this. Yet, genuine inclusion and effective implementation of inclusive policies remain key development challenges.

Nepal has also taken on a number of international commitments to nondiscrimination, gender equality, and social justice. These include

the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Platform for Action (1995), the Millennium Development Goals (2000), and United Nations Security Council Resolution 1325. International conventions such as the Convention on the Elimination of All Forms of Discrimination; the United Nations Covenant on Economic, Social and Cultural Rights; and the ILO (International Labour Organization) Indigenous and Tribal Peoples Convention 169 (2007) commit the government to promoting and ensuring the rights of Adivasi Janajatis, Dalits, and other socially excluded groups. Over the past several years, significant changes have been made through national legal and policy reform concerning women's rights. The 11th Amendment of the Civil Code (2002), the Gender Equality Act (2006), and the Nepal Citizenship Act (2006) repealed several discriminatory provisions that limited the rights of women. Amendments to the Civil Service Act (2005) have aimed to increase the representation and capacity of women and socially excluded groups in government service.

In support of its commitment to inclusive growth and poverty reduction, the government included social security and inclusion as one of the three priority themes in its 2008–2009 budget.¹⁴ The government's current social protection programs include safety nets, social care services, social security, and employment programs. Due to persisting poverty among certain groups, the government has expanded its safety net programs to target endangered Adivasi Janajati groups, in addition to the previously targeted elderly and physically challenged. Special provisions are also

¹³ The CPS makes the distinction between "economically excluded" and "socially excluded." Economic exclusion cuts across all groups and regions. However, socially excluded groups may be poor and disadvantaged not only on the economic level but also on the political and social levels as well, and require specific support and interventions to ensure their equitable access to services, resources opportunities, and political participation.

¹⁴ Government of Nepal. 2008. *Budget Speech of Fiscal Year 2009*. Kathmandu.

made for Dalits, single women, and people from the Karnali region.

Government's Institutional Arrangements and Capacity

The Ministry of Women, Children and Social Welfare (MWCSW) is the key ministry working to promote gender equality and empowerment of women. As its name implies, the ministry has the mandate for coordinating three areas: women, children, and social welfare. Social welfare includes the elderly and the disabled. The Department of Women Development under the MWCSW looks after women's and children's programs, and implements programs through its women development offices which are the key district focal agency on gender. With responsibility for all three areas, the ministry, department, and women development offices are constrained by a lack of resources and capacity. The main underlying issue of the key agencies is that the institutional structures from the center to the districts are insufficient and inadequately equipped to operate in three different areas. In the women-targeted programs of the Department of Women Development and the women development offices, the issues of diversity among women have not been well addressed. However, with the changing social and political environment, there is an increasing awareness to address these issues in these institutions.

Gender Equality and Social Inclusion Units have been formed in the ministries of health and population, agriculture and cooperatives, and education, and more recently in the Ministry of Local Development (MLD). The Ministry of Finance established a gender responsive budget committee. Despite these positive initiatives, institutional gaps remain in other sectoral ministries that work in infrastructure development (e.g., the ministries of physical planning and works, energy, labour, irrigation, and water resources). The National

Women's Commission formed by the government is an autonomous body whose function is to promote and protect women's rights. The National Women Commission Act was adopted in 2007. Although the commission is an autonomous body under the act, it has been highly politicized since its foundation. Other problems include an unclear mandate and limited resources.

The National Foundation for Development of Indigenous Nationalities is an autonomous body that works for the betterment of the Adivasi Janajatis. The National Dalit Commission, under the authority of the MLD, represents the political interests of Dalits. However, it has yet to be recognized as an autonomous body, which would help strengthen its ability to defend Dalit rights. The commission lacks a clear mandate and resources and remains highly politicized. Another structure within MLD is the National Committee for Development of Dalit Community, who receives funds from the MLD to implement programs targeted to Dalits. The establishment in 2009 of a national inclusion commission to assess and review laws, policies, and programs on inclusion and to provide recommendations to the government may be an effective institutional body to further advance inclusion. However, the commission will require the mandate, authority, and resources to have any impact. Although the MWCSW has overall mandate over social welfare issues, the current social protection programs of the government are implemented by the MLD through the local bodies. Given the weak capacity of local bodies and the lack of elected representatives implementing these programs is very challenging. However, the network of NGOs and community-based organizations working at the local level provide a promising alternative to deliver such services. The impact of the programs can also be improved with increased efforts and support in the area of effective targeting methods, harmonization of government and donor programs, and adequate monitoring and evaluation capacity.

ADB Gender and Social Inclusion Experience

ADB's Strategy 2020 identifies gender equity as a driver of change that is essential for poverty reduction, improving living standards, and sustainable economic growth.¹⁵ Its operations are guided by ADB's 1998 policy on gender and development which adopted gender mainstreaming as a key strategy for promoting gender equity and empowerment of women in all ADB-financed activities.¹⁶ ADB's Nepal Resident Mission aims to achieve this by addressing gender concerns through its gender action plans and policy-based loans, and designing gender-inclusive sectoral projects. In its Country Strategy and Program (2005–2009), ADB had nine projects in Nepal that addressed gender issues (loan approvals 2007–2009).¹⁷

ADB's strategy of gender mainstreaming has contributed to gender-responsive policy reforms and improving institutional capacity to address gender inequities. The gender action plans developed during loan processing and gender-related loan assurances increasingly helped executing and implementing agencies to internalize gender issues and implement gender equity actions. Targeted interventions for women have helped women generate income and raise awareness of their legal and political rights. Gender mainstreaming inputs through loan projects in various sectors have also had a significant impact on increasing women's participation in project activities and improving their access to project benefits. However, additional attention is needed to mainstream appropriate institutional approaches and activities in the government's regular program. In achieving inclusive development, ADB's Policy on Indigenous Peoples (1998), as one of three safeguard policies, has been supportive in addressing nega-

tive impacts of its projects on indigenous people, which could be further enhanced to increase opportunities for indigenous people to participate in and benefit from development interventions. Increased support and efforts are required to strengthen the capacity of ADB's resident mission and that of the government's executing and implementing agencies to critically analyze barriers that all socially excluded groups face and identify opportunities to address them in projects.

Role of Other Development Partners in Gender and Social Inclusion

Most development partners have adopted gender and social inclusion as crosscutting issues in their programs. More recently, major development partners including ADB have formed a social inclusion action group to share knowledge and experience and influence national policy development. A general view among development partners is that the development of a common framework of social inclusion and socially excluded group mapping would support improved and harmonized targeting of excluded groups and monitoring of outcomes. Some donors, such as the United Nations agencies and the Swiss Agency for Development Cooperation, have developed a workforce diversity policy to promote inclusiveness in their organizations. The World Bank, the Department for International Development of the United Kingdom, and SNV have been major contributors to research and knowledge generation on social exclusion issues. The United Nations Fund for Women (UNIFEM) has been providing assistance to the Ministry of Finance on gender budgeting. In addition to mainstreaming, possible partnership arrangements with ADB are significant in

¹⁵ ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank 2008–2020*. Manila.

¹⁶ ADB. 1998. *Policy on Gender and Development*. Manila.

¹⁷ ADB. 2007. *Gender and Development Plan of Action (2008–2010)*. Manila.

other areas as gender and inclusion are common themes in all development partner programs and cut across the sectors that ADB supports. Similarly, ADB is also part of the task force on social protection, which is currently finalizing a “compact” to guide a coordinated approach by all active development partners.

Intended Outcomes and Key Outputs Supported by ADB

By adopting gender mainstreaming and social inclusion approaches, ADB projects will ensure increased access by women and socially excluded groups to project benefits through (i) mainstreaming gender and social inclusion issues in the design, planning, implementation, and monitoring of all ADB operations; (ii) strengthening the capacity of the Nepal Resident Mission in undertaking gender and social analysis in its operations; (iii) building the institutional capacity of government in support of its gender equality and social inclusion goal; (iv) extending assistance for inclusive constitutional and policy formulation and reform and affirmative action policies for women and socially excluded groups, including high-level policy dialogue and advocacy; (v) providing targeted interventions to support women and socially excluded groups; and (vi) extending assistance to incorporate gender and social inclusion issues in national development plans and strategies.

Links to Country Partnership Strategy Outcomes and Other Themes

Broad-Based and Inclusive High Economic Growth: While economic growth through various sectoral interventions will lead to growth of markets and enterprises, increased employment opportunity, and better linkages for accessing services, these benefits will not necessarily reach

women, the vulnerable, and socially excluded groups. It is therefore important to analyze and address the barriers that women and socially excluded groups may face in accessing services and markets and the benefits of the economic growth. The design of projects should identify specific ways to track any gaps in benefits across gender, caste, ethnicity, and economic status. Specific activities to mitigate any negative impact associated with infrastructure and market-led development should be built into the project design.

Inclusive Social Development: The promotion of an equitable, inclusive, and effective education system will directly benefit girls and socially excluded groups. However, it is important that that the school sector reform program addresses the barriers that prevent girls, the vulnerable, and socially excluded groups from accessing school education. An improved urban environment and access to water supply and sanitation infrastructure benefits women and the poor, especially when they are given opportunities to participate in the design, planning, implementation, and management of the projects.

Governance and State Strengthening: Improved governance and state strengthening will lead to better management of service delivery in the public sector, increased access to services, and opportunities for citizens’ voice. A more inclusive, responsive, and accountable local governance system will also promote greater stability, peace, and social transformation.

Climate Change and Environment: The impact of climate change will affect various groups differently across gender, caste and ethnicity, income group, region, age, and occupation. Analysis of climate change impact will include consideration of the different degrees of vulnerability that women and socially excluded groups face and will feed into the design of risk reduction measures.

Social Protection: ADB will also help the government review its numerous socially targeted programs, supporting the preparation and implementation of a comprehensive social protection strategy and policy, building the capacity of relevant agencies, and piloting approaches for effectively reaching women and socially excluded groups.

Indicative Areas for Interventions

ADB will continue to support the Government of Nepal's commitment to gender equality and social inclusion. Increased sensitization of relevant government agencies on gender and social inclusion issues is needed to understand and address the deep-rooted factors that prevent women, the vulnerable, and socially excluded groups from fully engaging in decision-making processes and structures and obtaining the employment opportunities, benefits, and services provided under ADB projects. Key areas for intervention will include:

Policy dialogue. ADB will engage with the government and its key agencies at the strategic level, such as the National Planning Commission; the Ministry of Finance; the Ministry of Women, Children and Social Welfare; the Ministry of Local Development; and with women parliamentarians, women's organizations, parliamentarians representing socially excluded groups, and organizations and associations represented by disadvantaged and excluded groups to support policy and legal reform. In addition, ADB will further support advocacy and policy dialogue and will selectively support policy, legal, and regulatory reform initiatives aimed at translating gender equality and social inclusion commitments and approaches into sector policies, strategies, and programs. Gender-responsive budgeting, legal empowerment/literacy, and critical areas of ADB's

current support to the government will be further supported. Through its involvement in the social protection task team, ADB has the opportunity to engage in policy dialogue and support the development of a comprehensive social protection policy and strategy.

Institutional and capacity development. Based on past experience, ADB will provide technical assistance to support capacity development of sector government agencies in gender and socially inclusive policy and program planning, implementation, and monitoring. This will also include support to working with the government and other development partners to develop a common framework for mapping socially excluded groups for effective targeting and monitoring. ADB will engage with civil society organizations—including nongovernment organization (NGOs) and women's organizations and associations of disadvantaged and socially excluded groups—to ensure they understand the opportunities provided by ADB in its lending and technical assistance activities. ADB will pilot approaches to strengthening network of service delivery by NGOs and community-based organizations targeting the specific needs and constraints faced by women, socially excluded, and other disadvantaged groups.

Mainstreaming the gender equality and social inclusion approach. To ensure greater benefits to women, vulnerable, and socially excluded groups, a gender equality and social inclusion (GESI) approach will be adopted and institutionalized by ADB in the design of its operations. ADB has been spearheading innovative approaches to ensuring adequate targeting of women in the design and implementation of its operations.¹⁸ The combined impact on women of discrimination based on gender and other grounds of social exclusion will be given due consideration when addressing gender

¹⁸ ADB. 2005. *Gender Equality Results in ADB Projects, Nepal Country Report*. Manila.

and social exclusion issues. The GESI approach will build on past experience in developing project-specific gender action plans and further expand their focus to more systematically and consistently address the needs of women, socially excluded, and other vulnerable groups. This will require setting realistic targets and indicators for (i) participation in decision-making processes and structures, (ii) employment opportunities, (iii) basic social services, and (iv) training and capacity development initiatives. Indicators will be disaggregated by sex, caste and ethnicity, and minority groups to allow the project impact on women and socially excluded groups to be assessed.

Targeted interventions to women and socially excluded groups. To complement the gender and social-inclusion approaches of its sector interventions, ADB will explore options to further support targeted initiatives for women, the disadvantaged, and socially excluded groups through its regular programs, the Gender and Development Cooperation Fund, and other grant resources (such as the Japan Fund for Poverty Reduction). In addition, ADB will also include targeted support for social protection using special funds such as the Japan Fund for Poverty Reduction.¹⁹

Monitoring Mechanism

To ensure adequate monitoring of the gender and social inclusion impact of ADB initiatives, ADB will provide support in developing the capacity of government agencies to carry out effective monitoring of gender and social inclusion targets. Progress on gender mainstreaming and social inclusion through the implementation of the CPS will be included in the CPS monitoring mechanisms, including data disaggregated by sex, caste, and ethnicity including minority groups. During review missions and mid-term reviews, gender data will be collected and analyzed and corrective measures applied. Greater emphasis will be placed on ensuring adequate monitoring and reporting to systematically track progress toward gender and socially inclusive project outputs and outcomes and to capture ADB's contribution to the government's inclusion strategy goals. Portfolio review and project evaluation will include separate GESI thematic reporting with progress against all GESI indicators relevant to the sectors. ADB's support for capacity building of the government in Managing for Development Results Framework will include gender and social inclusion as an integral part of it.

¹⁹ The Japan Fund for Poverty Reduction provides project grants for (i) activities directly providing relief measures, supporting the improvement of services and facilities for poorer population groups, or reinforcing and/or reinvigorating social safety nets; or (ii) innovative and testing new approaches, particularly in the social sectors, and capacity building grants for capacity building and improving measures.

Annex 2 Gender Equality and Social Inclusion Results Framework

Relevant Country Partnership Strategy Outcomes		Theme-Level Outputs			
Country Partnership Strategy Outcomes Relevant to the Theme	Key Opportunities and Constraints	Theme Outcomes and Key Theme Outputs	Theme Milestone/ Tracking Indicators/ Interim Indicators	ADB Assistance	Risk/ Assumption
Achieve gender equality and inclusion whereby all women and men fully enjoy their rights, equally contribute to and enjoy the benefits of development.	Sociocultural and hierarchal institutions and values that perpetuate the low status of women and certain groups based on caste and ethnicity. Weak institutional structures that constrain effective mainstreaming of gender and inclusion issues. Current political environment is conducive toward greater inclusion of women and socially excluded groups in development process.	Women and men, including socially excluded groups, benefit equally from positive impacts of ADB interventions, including improved access to service delivery and improved governance. Women and men, including socially excluded groups, participate equally in ADB interventions in planning, design, and monitoring phases. Improved capacity of government institutions in mainstreaming gender equality and social inclusion in their policy, planning, and programs.	Disaggregation of data at least by sex and social groups (i.e., caste, ethnicity, regional, and religious identity) in all project monitoring. Increased number of women and socially excluded groups in project user and management committees. Increased access by women, socially excluded groups and the poor to basic services (water, sanitation, electricity), education, financial services, and vocational skills training. Number of targeted programs for socially excluded groups and women. Increase in the number of gender and development and Inclusive Social Development classification projects. Gender equality and social inclusion issues addressed in sectoral policy, project design, program, and monitoring framework.	Gender and inclusion mainstreaming inputs through loan and technical assistance projects ADB Gender (and Social Inclusion) Action Plans Technical assistance support for institutional capacity building of government Support to policy dialogue Loan, Japan Fund for Poverty Reduction, and technical assistance support for social protection activities and targeted interventions	Insufficient understanding and sensitivity of staff of resident mission, executing and implementing agencies to include and implement adequate gender and inclusion elements in ADB investments. Political uncertainty which can impede mainstreaming gender and social inclusion in government institutions and improving their capacity in these areas.

Overview of Gender Equality and Social Inclusion in Nepal

This publication builds on the experience gained by the Nepal program of the Asian Development Bank (ADB) in supporting gender equality, social inclusion, and women's empowerment. It also takes account of Strategy 2020, the long-term strategic framework of ADB for 2008–2020, and the evolution of ADB-wide gender equality strategy and targets. The report provides an overview of gender and social inclusion issues in the context of Nepal and analyzes the relations of gender, caste, ethnicity, and other social identities and their impact on development outcomes. Recent policy and legal frameworks to address gender equality and social inclusion are reviewed. The report informed ADB's Country Partnership Strategy (2010–2012) and will serve as a resource for program staff.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.8 billion people who live on less than \$2 a day, with 903 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

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