**Response of the Government of Nepal**

**on**

**Promoting and protecting the human rights of women and girls in conflicts and post-conflicts situations**

1. **How does the work of the Human Rights Council and its mechanisms mainstream gender equality and the human rights of women and girls in displacement, conflict and post conflict situations? Please provide information concerning:**
2. Legal and normative frameworks, policies and programs to ensure the respect of the human rights of women in conflict prevention, conflict and post conflict, including participation in decision-making, the right to education, health, and to live free from violence and discrimination. Please provide information on the implementation of the UN Security Council agenda on women, peace and security (1325 and others)?

**Response:**

* Nepal attaches great significance to the promotion and protection of the rights of women and girls. The Constitution of Nepal, in its preamble, aims to end all forms of discrimination and oppression against all citizens. It guarantees the rights of women as a fundamental right under Articles 38. The Constitution also provides for the establishment of institutional mechanisms such as the National Women Commission, a constitutional body, especially for protecting, enhancing and uplifting the rights of women and mainstreaming the vulnerable women in the development process. The Constitution ensures the participation of women in all bodies of the State on the basis of proportional inclusion. The constitutional threshold of at least 33% women representation in the Federal Parliament and Provincial Assemblies has been fully met.
* Moreover, Nepal is a party to seven core human rights conventions including CEDAW, CERD, CRC and six optional protocols. Nepal has adopted a comprehensive legal framework in terms of domesticating its international obligations into national legislation. This indicates Nepal’s unflinching commitment to respect the human rights of women and girls.
* Besides, The GoN developed and implemented National Action Plan for the implementation of UNSCR 1325 and 1820 in 2011 for the period of 2011 to 2016, with a focus on five pillars for action: women’s participation at all decision making levels, protection of women’s rights and prevention of violation of these rights and gender equality among stakeholders, ensuring that relief, recovery and justice programs meet women’s needs, and resource mobilization and monitoring of the gender mainstreaming activities within all programs.
* MoHA works on the protection of the Human Rights of Women and Children during and after the armed Conflicts in accordance with United Nations Security Council Resolutions 1325.
* MoHA has the responsibility to ensure peace and security of all citizens including women and girls. Priority is given to the relief and rehabilitation of women and children in times of disaster. There is an arrangement to take immediate action on cases of human trafficking, domestic violence and sexual violence from the district office of Nepal Police with zero tolerance.
* The Women, Children and Senior Citizens Division and Human Rights Promotion Division of Nepal Police and the Human Rights Promotion Branch have also been established.
* Special Directive on Sexual Conduct, Sexual Abuse and Abuse, 2076 has been implemented to create a healthy work environment by informing the general ranks working in the Military organization about appropriate sexual conduct, sexual exploitation and abuse.
* Single Women Help Desk, 2018 guideline has been implemented to facilitate single women of veterans who have lost their lives during the past conflict and in other incidents to express their grievances and problems without hesitation.
* The Free and Compulsory Education Act, 2018 provides that children of the martyrs, those who have sacrificed their lives in the process of the popular movement, armed conflict, revolution; and children of the disappeared persons, conflict victims, and the wounded have the right to get the special opportunity for education.
1. Role of women’s groups, women human rights defenders, women humanitarian, women peacebuilders and girls, and, their meaningful participation in the prevention and resolution of conflicts and in peace building, confidence building, and economic recovery?

**Response:**

* Gender Equality & UNSCR's 1325 and 1820 training has been conducted in the Nepal Army and so far, 3335 gross ranks have completed the training. Gender Equality & UNSCR's 1325 and 1820 trainings directives were published and integrated into every level of training syllabus in the Nepal Army.
* In Nepal Army, a total of 6228 women are currently serving in general ranks and a separate unrestricted body of 688 women has been established under the leadership of a female officer. The Directive on Gender Conduct in the Nepal Army, 2070 has been published and implemented. Till Date, 1535 females have participated in various United Nations Peace Keeping Missions. Among those 203 are currently serving in Peace Keeping Missions, Contingents and UNMO/SO.
* Scholarships and subsistence allowances have been provided for the children of conflict-affected families.
* For the marriage of one daughter of a veteran soldier Rs.50, 000.00 as a Marriage Grant has been provided.
* Single Women of the veteran soldiers are also being provided direct employment opportunities in the college/schools/institutes/offices/committees run under the Army Welfare Fund according to their educational qualifications.
1. Prevention measures in place, guided by lessons learned to alert in crises, which might have negative impact on the rights of women and girls?

**Response:**

* The Nepal Army Vocational Training Center has been established under the umbrella of the Army Welfare Fund for the benefit of single women (widow of a veteran or soldiers died on duty) and unmarried daughters under the age of 18. So far, 1062 people have been imparted vocational training from the training centre.
* Nepal Army has been conducting Women Entrepreneurship Loan Program in collaboration with Nepal Investment Bank for the benefit of pensioner single women and unmarried daughters of ex-servicemen.
* Women's Cell of Nepal Police has been established in each district which is working for the protection and promotion of human rights of women and children in collaboration with the Community Police Center. It investigates women's and children's issues.
1. Measures of accountability implemented or planned to protect and provide remedies to women and girls victims and survivors of human rights violations, including gender-based violence, during conflicts by State and non-state actors?

**Response:**

* Two independent and high-level mechanisms, namely the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), have been set up to address the issues of transitional justice issues in Nepal with a mandate to investigate the allegations of human rights violations during the conflict era (1996-2006). The functions of these commissions are guided by the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014, which is in the process of amendment to make it align with the spirit of the Comprehensive Peace Accord, rulings of the Supreme Court of 26 February 2015, relevant international commitments, concerns of the victims and ground realities.
* The TRC collected a total of 63,718 complaints and made preliminary investigations, verified the registered complaints about their authenticity and consolidated the cases for further detailed investigation. So far, decisions have been made to carry out a detailed investigation in 200 cases. The TRC has adopted the Guidelines on Reparation.
* The CIEDP received a total of 3,223 complaints, out of which it verified a list of 2,514, after preliminary investigation. The CIEDP has been carrying out a detailed investigation of 2,097 cases in 65 districts.
* Both the Commissions have adopted the Procedure for Providing Identity Card to the Victims.
* The Ministry of Law Justice and Parliamentary Affairs (MoLJPA) is preparing an amendment Bill in consultation with the victims of the conflict and other stakeholders. The MoLJPA has conducted consultation meetings in all seven Provinces and at the Federal Level with the victims and stakeholders regarding the content to be covered in the amendment Bill. During the consultation, separate discussions were held exclusively with the victims.
* The National action plan for the implementation of UNSCR 1325 was developed by the Ministry of Peace and Reconstruction with broad consultation with other government agencies, development partners, INGOs and civil societies and special consultations with women and girls directly affected by conflict.
1. Remedies and lifesaving services available to victims of conflict-related violence, measures taken to ensure accessibility to those remedies and services by all women and girls?

**Response:**

* In the past, the Ministry of Peace and Reconstruction was responsible for peace and reconstruction while ensuring the accessibility of remedies by all conflict victims. Now, the responsibility has been transferred to the Ministry of Home Affairs (MoHA) including the tasks of relief and compensation distribution for victims of conflict.
* The MoHA works for the protection of women and, Children during and after the armed Conflicts in accordance with the UNSCR 1325. Relief and compensation arrangements have been provided for women and children who died during the conflict and were injured and maimed. So far, 1795 wives of the deceased have received the relief amount.
* A compensation of Rs 1, 00,000 has been distributed through the related District Administration Office as per the decision of the GoN. Relief and compensation are still being provided based on necessary documents and evidence if an exemption has been granted. So far 224 wives of the missing persons have received the relief amount.
* The local peace committees formed in the past had played an important role in the collection of data, distribution of relief and reconstruction of humanitarian damage during the armed conflict. The government had made arrangements for the treatment of the wounded during the armed conflict.
1. What are the promising practices, achievements, and challenges in ensuring the promotion and protection of women and girls in conflict and post-conflict settings that have been highlighted in the work of Human Rights Councils and its mechanisms (resolutions, UPR, Special procedures and investigative bodies?
* Already addressed in question no. (d).
* Furthermore, Gender Equality & UNSCR's 1325 and 1820 training has been conducted in the Nepal Army and so far 3335 gross ranks have been completed the training. Gender Equality & UNSCR's 1325 and 1820 trainings directives were published and integrated into every level of training syllabus in the Nepal Army.
* Birendra Peace Keeping Operations Training Centre, Panchkhal has been conducting Women Peace and Security and Gender Equality training for all participants as a part of pre-deployment training. To address the problem faced by the female soldiers, the leadership has been interacting with the women regularly to address the suggestions and grievances received.
* To create a women-friendly environment, program and documentaries such as participation of women in the Nepal Army and similar other women-friendly programs are being aired regularly on television.
* To increase the economic status of single women and their families, Self-Employment Centre has been established in Kathmandu (Bansbari, Balaju, Dallu), Bharatpur and Butawal and one is under construction in Pokhara.
* Regarding the visits of Special Rapporteurs, Nepal attaches high importance to the work of Special Procedures Mandate-Holders and has been constructively engaged with the special procedure mechanism of the Human Rights Council and other UN human rights mechanisms. Despite the capacity constraints, Nepal has been regularly inviting the Special Rapporteurs/Mandate Holders for country visits and implemented their suggestions and recommendations. Nepal looks forward to welcoming the Special Rapporteur on Rights to Food and Special Rapporteur on Extreme Poverty this year.
* In terms of Nepal’s commitment to the observance of the Action Plan on human rights, the GoN is implementing the Fifth National Human Right Action Plan (2020-2025). For the promotion and protection of the rights of women and girls, the GoN will be implementing the recommendations that have been accepted through the formulation of the UPR implementation action plan as well.

3.What measures would you recommend to help ensure sustainable, comprehensive, and consistent attention to gender equality and the human rights of women in conflict and post conflict settings in the work of Human Rights Council and its mechanisms, such as resolutions, UPR recommendation, Special Procedures Country visit report, and the work of investigative bodies?

**Response:**

* Implementation of the second Action Plan relating to the implementation of UNSCR 1325 and 1820 is a priority as the first National Action Plan for the implementation of UNSCR 1325 and 1820 was successfully implemented. The MoHA has prepared the said second Action Plan which is yet to be adopted. The implementation of the Action plan will help resolve problems related to victims during the conflict period. In the formulation of this national action plan, the fundamental rights of the Constitution of Nepal, State's directive principles and policy, legislations enacted for the implementation of the fundamental rights, sustainable development goals, national and international commitments have been taken into considerations for the internalization and implementation of U.N. Security Council's proposals on women's peace and security.