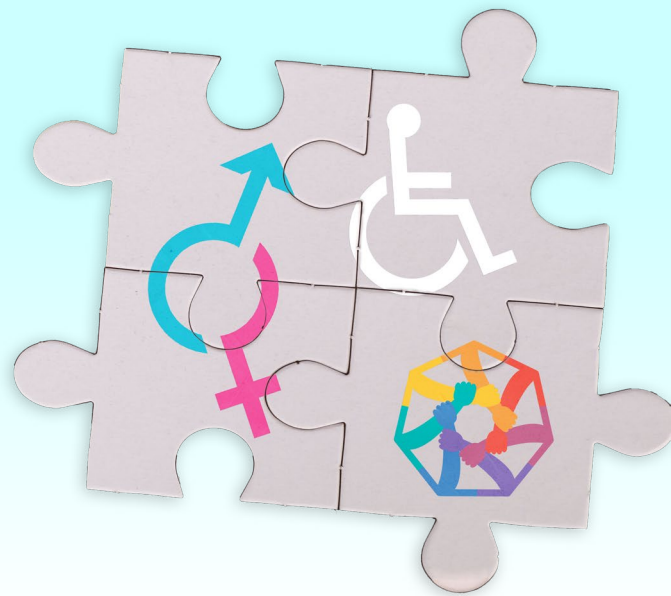


Nepal and GEDSI

A Brief Overview of Policy Level Commitments and Actions



The notion of Gender Equality, Disability and Social Inclusion (GEDSI), strives to promote the fundamental principles of equal access to resources, services, and decision-making processes for all individuals while valuing and addressing their diverse backgrounds and needs. It recognizes that certain segments of the population, including women, individuals with disabilities, and marginalized communities, encounter various obstacles and forms of discrimination that hinder their full participation in and integration into society and development ([FAQ, 2023](#)). Moreover, GEDSI underscores the intricate interplay of social, cultural, economic, and environmental factors in shaping inclusion and equality. By doing so, it seeks to grasp the underlying systems, structures, and norms that perpetuate inequalities and exclusion.

Nepal abodes remarkable diversity, boasting 142 distinct ethnic groups, 124 languages, a rich tapestry of unique religions and cultures, and a vast geographical expanse ([National Population and Housing Census, 2021](#)). This diversity is often celebrated as a source of national pride, but in contrast, deep-rooted issues of social prejudices, exclusion and discrimination based on gender, caste, ethnicity, religion and people with disabilities, that are engrained in the norms and practices cast a stark shadow over the Nepali society.

Recognizing these challenges, there is an urgent need to reinforce efforts towards GEDSI in Nepal. To combat social exclusion and discrimination, Nepal has hinged its commitments on the international stage and embedded the GEDSI perspective firmly within its constitutional provisions. This demonstrates a steadfast commitment to building a more inclusive and equitable society that leaves no one behind.

Nepal's International Commitments

Over the years, Nepal's international commitments have undergone a significant transformation, with a steadfast emphasis on the protection of human rights, the advancement of equality, and the promotion of social inclusion. Nepal's international commitment encompasses adherence to the [Sustainable Development Goals \(SDGs\)](#), with its core principle "Leave no one behind."

In addition to this commitment, Nepal stands as a State Party to two fundamental agreements: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Furthermore, Nepal has made a substantial pledge by becoming a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Moreover, Nepal champions the Beijing Platform for Action (BPfA), underscoring its support for gender equality and women empowerment. The country's dedication to safeguarding the rights and well-being of children is evident through its endorsement of the Convention on the Rights of the Child (CRC).

Furthermore, approximately 2.2% of the Nepalese population have some form of disability ([Census Nepal, 2021](#)), confronting discriminations in access to opportunities due to their conditions and facing an increased risk of violence and abuse. In response, Nepal's commitment to inclusivity extends to persons with disabilities, as evidenced by its ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Furthermore, Nepal is committed to combating racial discrimination as a party to the Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In addition to these international commitments, Nepal aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and upholds the principles of ILO Convention 169 on Indigenous and Tribal Peoples, illustrating its support for indigenous rights as well.

Lastly, Nepal's dedication to women's active participation in the political sphere is exemplified through its adherence to the Convention on the Political Rights of Women. These commitments collectively reflect Nepal's evolving stance on global issues and its commitment to human rights, social equity, and inclusion.

GEDSI provisions in Nepal

The [Constitution of Nepal, 2015](#) lays a strong and comprehensive foundation for GEDSI in Nepal, with a clear vision of an inclusive state that guarantees the right to equality for all its citizens, as articulated in the Preamble of the Constitution:

“Recognizing the multi-ethnic, multi-lingual, multi-religious, multi-cultural, and diverse regional characteristics, we are committed to ending all forms of discrimination and oppression created by the feudalistic, autocratic, centralized, unitary system of governance. Our resolve is to build an egalitarian society founded on the principles of proportionality, inclusivity, and participation, in order to ensure economic equality, prosperity, and social justice. We are determined to eliminate discrimination based on class, caste, region, language, religion, and gender, as well as all forms of caste-based untouchability.”

In practical terms, the Constitution manifests this commitment through the creation of national commissions and human rights institutions. Notable entities include the National Women Commission, National Dalit Commission, National Inclusion Commission, National Madhesi Commission, National Muslim Commission, National Indigenous Commission, and National Human Rights Commissions. These institutions play a crucial role in upholding and safeguarding fundamental rights, particularly addressing gender inequality and women empowerment.

Furthermore, the Constitution, in line with its commitment to social protection, provides a framework for over 70 social security programs. The Government of Nepal (GoN) has implemented a comprehensive strategy to actualize these programs. Cash transfer initiatives by the federal government extend social assistance allowances to vulnerable groups, such as citizens above 70 years, all Dalits, residents above 60 in the erstwhile Karnali Zone, single women above 60, holders of disability identification cards, citizens from endangered ethnic groups, and all children below five years in specific districts. Additionally, nationwide initiatives target Dalit children, ensuring a comprehensive approach to address social protection and inclusion, aligning with the fundamental rights enshrined in the constitution. In the fiscal year 2022/23, a substantial commitment was made with an [11.3% budget allocation](#) to social protection. Encouragingly, this commitment was reinforced in the subsequent fiscal year, 2023/24, with the allocation increasing to [13.7% of the national budget](#).

Additionally, the Constitution mandates affirmative action to address historical disadvantages and prohibits sex or caste/ethnicity-based discrimination. It requires 40% of local-level elected representatives to be women, with 20% being Dalit women. At the federal and provincial levels, 33% of elected representatives must be women, with additional quotas for other socially excluded groups.

To further advance gender equality, the GoN endorsed the [National Gender Equality Policy \(2077 B.S\)](#) under the leadership of the Ministry of Women, Children, and Senior Citizens (MoWCSC). This policy prioritizes the economic empowerment of women, ensuring their meaningful participation in all sectors of society, and the elimination of gender-based violence and harmful practices. Additionally, the [Sexual Harassment at Workplace \(Prevention\) Act, 2071 B.S](#), provides a legal framework to ensure a safe working environment for all individuals. Additionally, The Social Inclusion Policy, drafted under the leadership of the Ministry of Federal Affairs and General Administration (MoFAGA), is currently undergoing the process of endorsement by the Parliament. The draft policy aims to empower excluded and marginalized populations by facilitating their access to and participation in existing mechanisms and development benefits ([GESI Strategy, 2021](#)). Furthermore, the GoN introduced Gender Responsive Budgeting (GRB)¹ in the F.Y. 2007/08 A.D, adapting to the federal structure in 2017. The 15th plan (2019/20 - 2023/24) directs the establishment of robust procedures and systems at all government tiers to ensure the seamless extension and continuity of the GRB strategy. Over the past 15 years, there has been a remarkable increase in [gender-responsive budgeting](#), escalating from 11.03% in 2007-08 to an impressive 40.25% in 2022-23.

In relations to safeguarding and promoting the rights and wellbeing of persons with disability, Nepal has the [Act Relating to the Rights of Persons with Disabilities, 2017](#). In addition, acts such as The Civil Service (Third Amendment) Act 2014 and the Local Government Operation Act, 2017, emphasize inclusivity with specified affirmative actions.

These policies and legal provisions collectively create a robust framework for promoting GEDSI in Nepal, ensuring equal opportunities and protections under the law for all citizens.

¹ GBR/Gender Responsive Public Finance Management means to incorporate a gender equality perspective into government planning and budgetary process with the aim to achieve allocative efficiency, effective and equitable distribution of development benefits

Intergovernmental challenges in implementation of GEDSI

Despite the importance of intergovernmental collaboration, persistent fiscal disparities continue to impede effective implementation of GEDSI objectives at the local level. Local governments, vested with crucial responsibilities, struggle with financial and resource constraints that directly affect the execution of vital social protection initiatives. The challenge is exacerbated by an intergovernmental fiscal policy that allocates the social protection budget predominantly to the federal government (over 85%), allocating about 10% to local levels, and the remaining portion to provincial governments. This skewed allocation creates a significant bias towards the federal government in terms of social protection budget distribution.

Alongside, following federal restructuring, the dissolution of the District Women and Children Office (DWCO) and 17 other district-level bodies prompted each local unit to establish sections within their offices, taking on the services previously handled by the dissolved entities. Senior officials were reassigned to provincial or central levels, while numerous junior officials opted for roles in accessible local units. This shift created a local vacuum, leading to a shortage of manpower and logistical resources for service delivery. As a result, local governments had to independently set up gender units, among others, presenting a significant challenge for many local units. Moreover, within this context, despite the presence of Gender Equality and Social Inclusion (GESI) guidelines and GESI implementation mechanisms at the provincial and local levels, the functional linkages between the three government tiers remain unclear. This lack of clarity results in a deficit of coordination and numerous ambiguities concerning GESI-related roles and responsibilities emerged particularly after the administrative changes. ([Shrestha and Gurung, 2020²](#)).

GEDSI realities in Nepal

Despite the comprehensive array of policies, acts, and laws implemented in Nepal, the journey towards achieving GEDSI remains an ongoing endeavor, marked by noteworthy progress but persisting challenges. A shining example of successful GEDSI practices and accomplishments in Nepal can be observed in the 2022 elections where women secured 41.2%, 36.4%, and 33.8% of positions at the local, provincial, and federal levels, respectively. Furthermore, the election witnessed [16 members from the Dalit community](#) out of the total 275 members in the House of Representatives. These achievements serve as positive milestones in Nepal's quest for a more inclusive and equitable society. However, the pursuit of comprehensive GEDSI in Nepal remains an ongoing and complex journey. Gender, caste, and ethnicity-based inequality and violence persist, casting a shadow over the nation's social fabric. In practice, women in Nepal continue to encounter formidable barriers that hinder their access to decision-making roles and their ability to exert influence, especially when compared to their male counterparts. Deeply engrained social norms persist, undervaluing women relative to men, thus acting as a formidable barrier that restricts women's voices, agency, and access to, as well as control over, crucial resources, including knowledge and information.

Furthermore, Violence against women and girls (VAW/G) remains disturbingly high in Nepal, accompanied by persistent wage inequality. Harmful discriminatory practices, including *Chhaupadi* and menstruation-related discrimination, child marriage, son preference, sex-selective abortions, elevated rates of infant and child mortality for girls, dowry issues, and accusations of witchcraft, persist throughout the country. Moreover, recent incidents showing [elected representatives involvements](#) in acts of sexual violence and assault highlight the stark reality of gender inequality in Nepal. These cases underscore the urgent need for comprehensive efforts to address and combat gender-based violence and discrimination in the country.

Historically marginalized groups, including *Dalits* and *Adivasi Janajatis*, continue to grapple with the harsh realities of caste-based and language-based discrimination. While, in principle, Dalits are considered equal before the law and untouchability is punishable, in practice, certain malpractices persist. Purification rituals, like the use of so-called "pure" water after contact with *Dalits*, and the avoidance of sharing meals, still prevail in various districts. Moreover, economic disparities persist, with both *Dalits* and women earning less in both organized and unorganized sectors ([INHURED International, 2018](#)).

Despite official recognition and policies, sexual and gender minorities, including LGBTIQ+ individuals, still face stigma and discrimination. Similarly, individuals with disabilities encounter significant barriers in education, information access, and employment opportunities, lacking the equal recognition and dignity they deserve ([GESI Strategy, 2021](#)) but despite policy initiatives, Nepal struggles with its implementation, particularly in establishing inclusive infrastructure and services for persons with disabilities. The persistent challenges in achieving equality and eradicating discrimination create a cycle hindering their integration into society on an equal footing. Addressing this deep-rooted bias is crucial for fostering a more inclusive and compassionate society that values individuals for their unique abilities, irrespective of differences.

2 Shrestha, S., & Gurung, D. D. Gender and Social Inclusion in Climate Change: Issues and opportunities in federal Nepal, Proceedings of National Workshop on Gender Integration in Forestry. REDD Implementation Cell, Ministry of Forest and Environment, Government of Nepal. July 2020

In conclusion

Nepal is making progress in its journey towards GEDSI; however, there remains a considerable amount of work to be done. While the laws, policies, and acts, at least on paper, grant rights and equality to all, a significant gap persists between theory and practice. Moreover, the affirmative actions act as a crucial step to rectify historical marginalization and aim to uplift historically disadvantaged sections of society, providing them with the opportunities and resources they have long been denied. Awareness and education about the necessity and purpose of such affirmative actions are vital in the pursuit of GEDSI in Nepal.

Additionally, the local levels need extensive support and help from provincial as well as federal levels to capacitate them to be able to incorporate GEDSI component in planning, program, policy, activities. Further there should be proper budgeting in regard to social protection as well allowing the local level to identify and collect information about the most vulnerable in the locality and distribution of grant accordingly. Lastly, it is important that every individual, group, community, institution, and agency actively uphold the principle of GEDSI, ensuring the seamless integration of its facets into daily lives. This requires a collective effort to challenge and dismantle discriminatory practices, fostering an inclusive environment where everyone can thrive irrespective of their gender, background, or identity. Continuous dialogue, education, and advocacy are crucial components in fostering a culture of understanding and respect for diversity.

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