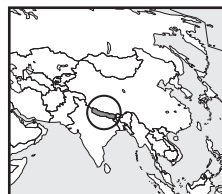


■ NEPAL

The obstacles of tradition, war and poverty



The introduction of gender equity and human rights into public policy is just beginning in Nepal and is colliding with governance and implementation problems in a country with one of the highest maternal mortality rates in the world, high poverty and illiteracy levels, a strong patriarchal tradition and an armed conflict that compromises women's development.

Rural Reconstruction Nepal

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The poverty trap

In 2004 Nepal ranked 140th out of 177 countries in the Human Development Index, 69th (among 95 developing countries) in the Human Poverty Index and 116th in the Gender-Related Development Index.¹ The country is a mosaic of over 61 ethnic groups who have their own distinct languages, cultures and lifestyles. Agriculture is the mainstay of the shrinking national economy, which additionally depends on foreign aid, remittances, tourism, the garment industry and the informal sector.

With an average per capita gross national income of USD 250, the majority of Nepalese are poor and caught in a patriarchal social system dominated by caste and class hierarchy.² Two of every five people live below the absolute poverty line and every other person in rural areas is poor. Very high unemployment and underemployment rates of 17.4% and 32.2% respectively³ have kept people in the vicious cycle of poverty. The landless and land poor, *ex-Kamaiyas* (bonded labourers) and *Dalits* (untouchables) constitute the poorest groups.

Nepal's population has a high proportion of females of reproductive age (49.2%) with a high fertility rate (4.1 children per woman). The maternal mortality rate (740 per 100,000 live births) ranks among the highest in the world.⁴ Around 6,000 women die each year from complications arising during pregnancy and childbirth.⁵ Illiteracy affects 52.4% of adults (aged 15 and over), of which the striking majority are women.⁶

Measuring poverty

In 2003-2004, the Central Bureau of Statistics conducted the Nepal Living Standard Survey following the World Bank's methodology. Results suggest that the poverty level fell to roughly 31% of the population in 2003-2004 from 42% in 1995-1996.⁷

However this announcement of a decline in the poverty rate is not encouraging. These aggregate estimates do not distinguish between the poor and extreme poor or highlight differences in poverty levels between geographical areas. Nor is the decline in the poverty rate sustainable since it is largely based on remittances.⁸ Rather it is a cause for concern because the share of farming income has declined (from 61% to 48%) and the share of the labour force employed in agriculture has also fallen markedly (from 83% to 73%). The survey also raises technical concerns since the sample size was so small (around 400 households) that it might not be a reliable base on which to estimate the actual poverty level.

Without considering the country's ongoing conflict, poverty cannot be properly viewed or assessed since this strife, as of April 2005, has taken roughly 12,000 lives.⁹ In addition to the escalating death toll, torture and violence, infrastructure has been destroyed, thousands have been displaced, social networks and communities have been uprooted and industries have come to a halt.

As the ten-year-long civil war continues to rage, the country is witnessing progressive militarization of the State and society in addition to its dire development scenario. Violence associated with the Maoist insurgency¹⁰ and the Government's counter-insurgency operations has destabilized the political, economic and social structures. This has caused widespread terror and insecurity and contributed significantly to the already bleak poverty situation.

Reduction strategies

Planned development has been pursued for nearly 50 years. However until 1980, policies for the integration of women into development processes were confined largely to education and training. Since the 1980s a gradual shift has taken place away from welfare towards equity policy and from anti-poverty efforts towards empowerment. The Government's Sixth Five Year Plan (1980-1985) contained the country's first specific provisions to enhance women's participation in the development process. The Tenth Plan (2003-2007), which is equated with the Poverty Reduction Strategies Papers, continues to focus on poverty reduction as its main objective and has included gender and human rights as a crosscutting and sectoral issue. It aims to reduce the level of poverty to 30% by the end of the period, and to 10% by 2017. However because of the high population growth rate of 2.25% the absolute number of poor will remain at roughly 8 million.¹¹

International commitments and national provisions

At the World Summit for Social Development in Copenhagen in 1995, Nepal committed itself to the creation of an environment which enables equity and empowerment for people at all levels of society through sound governance, participation and enhanced capability.¹² It did the same at the Fourth World Conference on Women in Beijing and in the resultant Beijing Declaration and Platform for Action. Nepal further committed itself to the Millennium Development Goals and it is a state party to all of the major human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women.

The 1990 Constitution provides the framework for the empowerment and advancement of women. Article 11 (3)¹³ prohibits discrimination against women and instructs the Government to take special measures for their advancement. To give effect to these legal arrangements and commitments, the National Women's Commission was established in 2002. An important mile-

1 United Nations Development Programme (UNDP). *Human Development Report 2004*, 2004a.

2 World Bank. *World Development Report 2003*, 2003, p. 235.

3 National Planning Commission (NPC)/His Majesty's Government of Nepal (HMG). *Nepal Living Standard Survey 1995-1996 Main Findings*. Vol. I & II, Kathmandu: NPC, 1996.

4 UNDP (2004a), *op cit*.

5 *The Himalayan Times*, 9 April, 2005.

6 According to UNESCO Institute for Statistics 2001 data, illiteracy in Nepal was 37.3% among males and 65.1% among females.

7 Asian Development Bank. "Quarterly Economic Update: Nepal (March 2005)". March 2005, www.adb.org/Documents/Economic_Updates/NEP/economic-update-mar05.pdf

8 "Gap between rich, poor increasing, say experts", *The Himalayan Times*, 9 May 2005.

9 Bloomberg. "Nepal Allows UN to Monitor Human Rights Abuses in Insurgency". 12 April 2005.

10 In 1996, only six years after the restoration of democracy by the People's Movement, a faction of the (Maoist) Communist Party of Nepal rose up in arms (the People's War) against the present socio-economic structure of the Government with the aim of establishing a new state styled after the one established by Mao Zedong in China in 1945.

11 NPC/HMG. *Tenth Plan 2003-2007*, 2003.

12 UNDP. *Poverty Eradication: A policy framework for Country Strategies*, 1995.

13 "The State shall not discriminate among citizens on grounds of religion, race, sex, caste, tribe, or ideological conviction or any of these." *Constitution of the Kingdom of Nepal - 2047 (1990)*. Part 3, Art. 11(3). 23 June 2005. <http://asnic.utexas.edu/asnic/countries/nepal/nepalconstitution.html>

stone for the advancement of women was the Supreme Court's recent decision to annul the practice of returning a woman's share of her parental property after marriage. The Government has also established gender focal points in various ministries.

Nevertheless these advancements fall short of addressing the discrimination, humiliation and inequality which women face. Women are relegated to an inferior position in all spheres of political, social and economic life, and completely deprived of political as well as economic resources in terms of access to land, credit and gainful employment.

Legislative inadequacies only explain part of this. Another explanation is a lack of political will in the enforcement of existing laws. The most crucial problem is the lack of gender sensitivity among the predominantly male policymakers who are heavily influenced by patriarchal values.

The gender scenario

Nepal is a caste-divided society heavily influenced and dominated by a patriarchal worldview. Women are seen as inferior to men and treated as dependants regardless of their education or economic situation. Discrimination against women starts at birth and continues throughout their lives. At home they are second to sons and inferior to husbands; in offices they are clerks and secretaries to male officers; in the socio-political public life, they are mere spectators to policies and decisions made by men. The following human development indicators demonstrate that women are well behind their male counterparts in all areas.

Health

The health status of Nepal's people is one of the lowest in the South Asian region and this is particularly true for women. The under-5 mortality rate remains one of the highest in South Asia at 82 per 1,000 live births.¹⁴ With 80 boys (per 1,000 live male births) as compared to 85 girls (per 1,000 live female births)¹⁵ dying before they reach the age of five there is a contradiction of normal biological trends which suggests discrimination against girls in child-rearing practices (feeding patterns and health care). In addition, the maternal mortality rate (740 per 100,000 live births) ranks among the highest in the world. One out of every 24 women is at risk of dying during pregnancy and childbirth. That just over one in ten births is attended by a trained doctor or paramedic¹⁶ is indicative of the failure of the State to deliver on its health promises.

Education

Although the literacy rate has increased in recent years, the percentage of literate women lags behind the percentage of literate men. The overall literacy rate is 47.6% but the female literacy rate is only 34.9%.¹⁷ Social prejudices against female education, restricted mobility,

women's low social status, early marriage and low participation in the formal employment sector result in lower literacy for females. Although there have been some quantitative improvements in the number of girls enrolled in school and women receiving training, these gains have not translated into significant advancement in the overall status of women. The lack of qualified and trained female professionals at different levels and in various sectors is a significant problem. A conventional education system and the lack of enabling support mechanisms have prevented women from taking advantage of further education and training facilities.

Employment

Although women work more hours than men and are primarily responsible for maintaining the family, a large part of their work is not valued as economic activity. Available data indicate that women face higher levels of unemployment and underemployment in both rural and urban areas.¹⁸ Most women workers - over 70% - are confined to self-employment, unpaid and low-wage informal sector services. Their contribution, although significant, is often underreported and unrecognized.

The development of export industries for carpet, garments, and woollen goods, has created some formal employment opportunities for women. The number of women in the non-agricultural workforce increased from 20.2% in 1991 to 34% in 2001.¹⁹ However women continue to be concentrated in low income and low capital-intensive jobs.

Women are almost completely absent from policymaking institutions such as the National Planning Commission, and there are only one or two women working in the less powerful ministries. Out of 93,716 civil service posts only 8.55% are occupied by women.²⁰ So far only one woman has served as ambassador and one other as a Supreme Court judge.

Access to and control over resources

Of total land holdings, females own just 8.1% and the average size of their land parcels is two-thirds the size of an average male holding. Only 4% of households are completely owned (both the house and the land) by a female.²¹ Despite some legal advances in recent years, there have been no significant changes in women's rights to inherit parental property, which remains the socio-cultural right of the son. According to the 2001 census, in roughly 5% of households some land is owned by women, and some 0.8% of households are registered in women's names. Likewise, only 5.4% of households reported having livestock owned by women.

In only 0.8% of households were house, land and livestock all owned by females.²² Similarly bleak is the record of women's access to institutional credit, both at the individual and household enterprise level.

Increased violence against women

Alcohol and polygamy-related domestic violence is reportedly high all over the country and in all communities. Young widows, particularly in the Indo-Aryan community, are subject to both psychological and physical violence due to disputes over inheritance. It is estimated that annually 12,000 girls and women, approximately 20% under the age of 16, are trafficked into India and other countries for prostitution.²³ Poverty and unemployment, caused by a progressive decline in demand for the services of village craftspeople and the impoverishment of peasants through land division, is forcing families to sell their own daughters.

The ongoing Maoist insurgency adds another dimension to the violence against women, who are caught in the crossfire of this conflict. Young women are coerced into joining the Maoist army. Women accused of spying are killed by Maoists, others are tortured for hiding their men or encouraging them to leave the village. The government security forces treat them just as barbarically, accusing them of being Maoist sympathizers, of providing the insurgents with food and supporting the rebellion.

Improvement efforts

Many international development agencies, particularly the World Bank, International Monetary Fund, Asian Development Bank, United Nations, Department for International Development of United Kingdom as well as national NGOs, are working hard to address the issue of poverty and inequality. After the Beijing Conference, gender mainstreaming and rights-based programming has become a main strategy of these institutions. They now have a clear focus on gender training and ensuring equitable access to services. Their energy is directed towards empowering women to bring about equitable gender relations through their own agency. However real structural changes remain distant because of government inaction to address the development gap.

Since the 1990s there have been huge achievements in gender sensitivity. Rights-based consciousness has permeated most social, political and legal institutions, and some legal activism initiatives have been undertaken. However the key problem lies in governance and policy implementation.

To ameliorate the situation, there is a need for decentralized, participatory and gender-conscious governance with women participating throughout the entire process from policymaking to execution. Undertaking this task warrants both legal and political activism to undo the influence of patriarchal ideology and to eradicate the violence associated with the Maoist conflict, which is robbing women of their potential and making them more vulnerable to male discrimination. ■

14 UNICEF. *The State of the World's Children 2005*. www.unicef.org/sowc05

15 World Health Organization. www.who.int/countries/npl/en

16 Nepal Demographic and Health Survey, 2001.

17 See footnote 6.

18 UNDP. "blank" *Nepal National Human Development Report. Empowerment and Poverty Reduction*, 2004b.

19 Central Bureau of Statistics. *Population Census 2001 National Report*, 2002.

20 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). "Nepal combined second and third periodic reports", 2002. "blank" <http://daccessdds.un.org/doc/UNDOC/GEN/N03/316/45/PDF/N0331645.pdf?OpenElement>

21 UNDP (2004b), *op cit*.

22 NPC/HMG, *op cit*.

23 UNDP (2004b), *op cit*.