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**The role of national mechanisms in promoting gender equality  
and the empowerment of women: Lessons from Nepal**

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\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

## **The Role of National Mechanisms for Promoting Gender Equality and the Empowerment of Women: Lessons from Nepal**

### **1. National Institutional Mechanisms for Women in Nepal**

The importance of national machineries in promoting gender equality was recognized as early as 1975. The First World Conference on Women in 1975 called for the establishment of national machineries for the advancement of women. Nepal, which participated in this conference, responded to this call by establishing the Women's Services Coordination Committee (WSSC) in 1977. WSSC was one of the committees under the Social Services National Coordination Committee (SSNCC) a statutory body created in 1977 to oversee and coordinate efforts of non-governmental organization in Nepal. Although WSSC was not really a national mechanism for gender equality it did contribute in highlighting the issue of low status of women in Nepal and the need for addressing this issue. As WSSC was within the framework of SSNCC, a body chaired by Her Majesty's the Queen of Nepal at a time when Nepal had the authoritarian monarchy, WSSC wielded quite an influence in the government as well. However, the WSSC could not fulfill the function of national machinery for promoting gender equality because it was neither really mandated nor was it truly oriented towards such a goal. The true function of SSNCC and its committees including WSSC was to function as an agency of the authoritarian regime then, to monitor and control activities of the NGOs functioning in Nepal. The WSSC along with SSNCC was abolished in 1992.

As a result of popular movement against the existing authoritarian monarchy in 1990 Nepal ushered into a democratic and liberal political system. It created a favorable environment for aspirations of marginalized groups in Nepal to be articulated more openly and forcefully. It was in this environment that Nepal ratified the United Nations Convention on the Elimination of All Forms of Discriminations against Women (CEDAW) and United Nations Convention on the Rights of the Child (CRC). Nepal ratified these conventions in early 1990s without any reservations.

The post 1990 period was also a period when Nepal adopted a very liberal policy towards non-governmental organizations (NGOs). Owing to this liberal environment there were vigorous NGO advocacy activities on a number of issues including the issues of women and child rights. The NGO advocacy activities were also complemented and supplemented by the advocacy of Nepal's multilateral and bilateral development partners.

As a result of these advocacy efforts the government decided to form the National Council for Development of Children and Women in 1994. It was a high level body chaired by the Prime Minister. All relevant sectoral ministers were ex-officio members of the Council and the Secretariat of the National Planning Commission served as its secretariat. The Council was to monitor the status of Nepalese children and women, and provide policy directives for their advancement.

Although the decision to establish the Council was made in 1994 it was only in 1995, right before the Fourth World Conference on Women in Beijing, that the government finally appointed the members (other than ex-officio members) and publicly announced the establishment of the Council. Almost for a period of one year the government sat on its own decision to establish the Council. The Council has been in existence now for 10 years but so far the Council has met only once. In other words, the Council is basically a defunct body.

Prior to the establishment of the Ministry of Women and Social Welfare (now Ministry of Women, Children and Social Welfare) in 1995, the National Planning Commission (NPC) of Nepal played the role of the national machinery for the advancement of women. After the establishment of the Ministry of Women, Children and Social Welfare (MWCSW), the ministry is the designated national machinery for advancement of Nepalese women. Another relevant body specifically formed for the advancement of women is the National Women's Commission (NWC). It was formed by an Executive Order of the government in 2002.

The National Human Rights Commission (NHRC) of Nepal is a statutory body to monitor and help the human rights situation in the country. Although not specifically focused on the women's issues, NHRC does contribute in promoting the human rights of women in Nepal.

## 2. *Roles of the Existing National Mechanisms*

The existing national mechanisms for promoting gender equality and empowerment of women in Nepal are:

- i. the National Council for Development of Children and Women;
- ii. the Ministry of Women, Children and Social Welfare;
- iii. the National Human Rights Commission; and
- iv. the National Women's Commission.

Main functions of these mechanisms is summarized below:

<b><i>National Mechanism</i></b>	<b>Types</b>	<b>Year of Formation</b>	<b>Main Roles</b>	<b>Status</b>
<ul style="list-style-type: none"> <li>• The National Council for Development of Children and Women.</li> </ul>	<ul style="list-style-type: none"> <li>• A high level council established by an Executive Order. Chaired by the Prime</li> </ul>	<ul style="list-style-type: none"> <li>• 1994</li> </ul>	<ul style="list-style-type: none"> <li>• Policy directives for gender mainstreaming, monitoring and coordination.</li> </ul>	<ul style="list-style-type: none"> <li>• Basically defunct. Has met only once in last 10 years.</li> </ul>

<i>National Mechanism</i>	<b>Types</b>	<b>Year of Formation</b>	<b>Main Roles</b>	<b>Status</b>
	Minister who is the Chief Executive of the country.			
<ul style="list-style-type: none"> <li>The Ministry of Women, Children and Social Welfare.</li> </ul>	<ul style="list-style-type: none"> <li>One of the ministries in the government. Established through an Executive Order.</li> </ul>	<ul style="list-style-type: none"> <li>1995</li> </ul>	<ul style="list-style-type: none"> <li>The main national mechanism for promoting gender equality and women empowerment. Responsible for formulation, implementation and monitoring of national policies and strategies. Also involved in the implementation of activities at the grass root level. Responsibilities also include providing support to other sectoral ministries in gender mainstreaming in the sectoral activities. The ministry is also to be a facilitator and advocate for gender issues. The ministry is also responsible for child rights</li> </ul>	<ul style="list-style-type: none"> <li>Has developed action plan for implementation of the Beijing Platform for Action. Weak political clout of the ministry and weak capacity has constrained effectiveness of the ministry.</li> </ul>

<i>National Mechanism</i>	<b>Types</b>	<b>Year of Formation</b>	<b>Main Roles</b>	<b>Status</b>
			issues and social welfare activities in the country.	
<ul style="list-style-type: none"> <li>• The National Human Rights Commission</li> </ul>	<ul style="list-style-type: none"> <li>• A statutory body headed by a retired Chief Justice. Members include eminent persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Although the National Human Rights Act was passed by the Parliament in 1997, it was actually constituted only in 2001.</li> </ul>	<ul style="list-style-type: none"> <li>• Safeguarding the human rights in the country</li> </ul>	<ul style="list-style-type: none"> <li>• Regularly monitors the human rights situation in the country. Has investigated several instances of human rights abuses. Although constrained by lack of capacity and resources, the commission has been fairly active.</li> </ul>
<ul style="list-style-type: none"> <li>• The National Women's Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Although the popular demand was for a statutory body for women the Commission was formed by an Executive Order.</li> </ul>	<ul style="list-style-type: none"> <li>• 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Gender mainstreaming in development and safeguarding the rights and well-being of women.</li> </ul>	<ul style="list-style-type: none"> <li>• The initial membership of the Commission included representatives of the main political parties of the country. The Commission is memberless for almost six months now as the tenure of initial members has already expired.</li> </ul>

<i>National Mechanism</i>	<b>Types</b>	<b>Year of Formation</b>	<b>Main Roles</b>	<b>Status</b>
				Basically defunct at present.

### 3. *Interrelationships between the National Mechanisms*

As the National Council for Development of Children and Women is a high level council of the government, all government agencies are supposed to report to the Council through its secretariat. The government agencies are also to be guided by the directives of the Council. However, the defunct status of the Council has meant virtually no interrelationship between the Council and other two national mechanisms formed through executive orders, i.e., MWCSW and NWC. Overlapping mandates also hampered the relationship between MWCSW and NWC.

As a statutory body NHRC is supposed to directly report to the parliament. The NHRC is empowered by law to seek explanation from various agencies of the government on human rights issues. In the context of on-going armed conflict in the country the focus of NHRC has been mainly on the human rights violations committed by the security forces and the armed insurgents. There has been little interaction between NHRC and the MWCSW and the NWC. Overlapping mandates of NHRC and NWC has also not facilitated the interrelation between these two bodies.

### 4. *Achievements, Gaps and Challenges*

Achievements, gaps and challenges of the various national mechanisms are discussed below.

#### a. The National Council for Development of Children and Women (NCDCW)

The Council so far has been nothing more than a symbolic gesture on the part of the government. In functional terms the Council has virtually achieved nothing. Lack of a politically strong and capable secretariat is also a reason why the Council has not become functional so far. The MWCSW serves as the secretariat of the Council at present and since its inception MWCSW had weak political leadership and lacked capacity.

The fact that the Council already exists is an advantage. The Council can potentially play an important role in promoting gender equality and women empowerment. But making the Council functional is the main challenge. This will require a national leadership which is more enlightened or more committed to the gender issues and child rights issues. A strategy to achieve this could be through a more coordinated and forceful advocacy efforts of the civil society and non-governmental organizations. Nepal has a fairly free

and vigorous media after the political change in 1990. Media mobilization can also help in making the Council more functional. The role of MWCSW in all this will be crucial.

b. The Ministry of Women, Children and Social Welfare (MWCSW)

MWCSW is the main national machinery for the advancement of women. As the National Focal Agency on Gender and Women Development MWCSW has a number of responsibilities. They include:

- coordination of all women development programs and activities of government agencies and NGOs;
- formulation of policies, strategies and programs for gender equality and women empowerment;
- periodic review and monitoring of policies, strategies and programs;
- research and studies on gender issues;
- development and operationalization of gender disaggregated information system;
- follow-up to expedite the implementation of Nepal's commitment to UN conventions and declarations and report the implementation status at national and international level; and
- gender sensitization and awareness programs.

The responsibilities of MWCSW are quite onerous and challenging, especially in a patriarchal society like Nepal. Nonetheless, MWCSW has some significant achievements to its credit, which contribute towards gender equality and women empowerment. Some of the important achievements of MWCSW are listed below:

- Developed plan of action against trafficking in women and children. Trafficking is a serious problem in Nepal. Under this plan of action MWCSW has been able to form anti-trafficking task-forces at national, district, municipality and village levels. The office of National Rapporteur on trafficking has also been established at the National Human Rights Commission.
- MWCSW lobbied for and was successful in establishing gender focal points within key line ministries such as education, health, agriculture, forestry, and labor and transport. Gender issues are now incorporated in the sectoral policies, strategies and programs of these sectors.
- Gender audits of various sectors and the national budget has been initiated. The National Planning Commission has included gender impact assessment of the projects/programs as one of the criteria for evaluation while considering them for funding approvals.
- The Tenth Plan (2002-2007), the latest periodic development plan of Nepal, recognizes the rights based approach for advancement of women.

- Gender sensitization and awareness efforts have been implemented. As a result gender sensitivity in general and particularly within the government agencies has now increased.
- Action Plan for the implementation of BPFA has been formulated and approved by the government.
- Helped establish the caucus of female parliamentarians to promote gender issues in the parliament on non-partisan basis. However, because of dissolution of the parliament in May 2002 this caucus had a very short life span and as such, could not contribute much on gender issues.
- Contributed towards amendment of the Civil Code, which to some extent extends the rights of women to parental property and their choice on matters such as abortion. The amendment does not fully guarantee gender equality. It is still biased against women.
- The Census 2001, the latest census, provides much information pertinent for assessing the status of women and formulation of appropriate policies and programs. This is definitely a significant step forward.
- More regular reporting on international conventions. This helps government become more aware of the status of women and also generates pressure for more efforts for attaining gender equality.

In a way, the achievements listed above look quite impressive. However, the gap between what is planned or intended and what actually gets translated into action or reality is quite wide. It is not a new issue in Nepal or in developing countries but the problem has been aggravated further by the on-going conflict in Nepal.

Because of conflict situation reach of the government has been severely constrained. This means effectiveness of the government machineries in all areas including law enforcement have been further weakened. The conflict situation has also severely curtailed the activities of the non-governmental organization.

The main challenge in front of MWCSW at present is to consolidate the achievements thus far and address the remaining obstacles which are either blocking or slowing the pace of advancement of Nepalese women. More specifically, the main challenges confronting MWCSW include:

- Increasing the political commitment on gender issues.
- More effective operationalization of the action plan for implementing BPFA.
- Accelerate the pace of amending the remaining discriminatory laws against women and improving the enforcement of existing laws on the rights of women.
- Activise the National Council for the Development of Children and Women.



- Continue gender sensitization and awareness program more vigorously and with a well planned strategy to accelerate the pace of transformation of the patriarchal society into a more gender enlightened society.
- More effective mobilization of media for promoting gender equality and gender empowerment.
- Mobilization of greater resources for promoting gender equality through more effective lobby within the government and better networking with regional and international bodies/agencies. A challenge for MWCSW is also more effective absorption capacity and effective use of resources.

The strategies that the MWCSW may adopt to address the existing gaps and challenges could be the following:

- A concerted effort including media mobilization to generate public pressure on political leadership to pay more attention to existing gender issues. MWCSW should also closely collaborate with the civil society organizations and Nepal's development partners in this effort. A number of regional and international mechanisms exist which can provide support to MWCSW in this effort.
- MWCSW should make more effort to disseminate action plan for BPFA both to the sectoral agencies and public at large. A continuous follow-up and monitoring would be required to ensure translation of the action plan into actual action.
- As the parliament has been dissolved (May 2020) it is difficult to accelerate pace of amending the existing discriminatory laws against women. Nonetheless, MWCSW in coordination with the civil societies and NGOs should continue to inform the public about these discriminatory laws and carry out consultations to amend these laws. This will help prepare ground for quick amendment of these laws once the parliament is restored.
- The National Council for the Development of Children and Women is a potential mechanism for promoting gender equality. The Council provides a forum where the political leadership can be informed and sensitized about gender issues. This, however, requires proper preparations and effective communication skills on the part of MWCSW. Since MWCSW serves as the secretariat of the Council, it very much depends on the capacity of MWCSW how active the Council will be.
- MWCSW should put more emphasis on its internal capacity building. The existing challenges can only be addressed if the MWCSW is a more capable organization. Although MWCSW does face resource constraints at present it need not be the case. There are a number of regional and international mechanisms to support MWCSW provided MWCSW ensure effectively use of the support. Gender is also a cross-cutting issue for all developmental partners of Nepal. Therefore, there is potential for significant resource mobilization from these sources if MWCSW has credible leadership and prove its commitment

- MWCSW should develop a well thought out communication strategy to mobilize media and inform public and political leadership on gender issues.

c. The National Human Rights Commission (NHRC)

The NHRC has been fairly successful in becoming an institution which people see as an independent and impartial body monitoring human rights situation in the country. It has also successfully investigated cases of human rights violations committed by security forces. Incidents of human rights violations by security forces which were initially denied, have been investigated by the NHRC and the security forces were later forced to acknowledge the violations and initiate actions against the guilty. The NHRC have had less success so far with the insurgents.

Despite some achievements of NHRC the human rights situation of the country is worsening day by day due to on-going conflict. Soliciting cooperation from the security forces has been difficult for NHRC and the insurgents have simply ignored the NHRC on the whole.

NHRC is severely constrained by lack of capacity and resources. There is dearth of personnel who can properly investigate the incidents of human rights violations. Although NHRC is now establishing sub-national offices to extend its coverage, it had been constrained so far by its reach. It was operating only from the national office in the capital with limited human and financial resources. The effectiveness of NHRC has also been compromised by internal conflicts and controversies.

The worsening situation of human rights in Nepal is the biggest challenge facing NHRC as an agency. Improving its capability and coverage is also a major challenge for NHRC.

d. The National Women's Commission (NWC)

The National Women's Commission has been in formal existence for past two years but it also has little to show as its achievement. To the disappointment of many the NWC was established by an Executive Order instead of an parliamentary act. The popular demand was for a statutory body which is a more permanent body which can act independent of the government. Moreover, the members of NWC were mostly women political activists many of whom had little understanding of gender issues or professional background. There was also much political bickering within NWC which further blunted the effectiveness of NWC.

The tenure of members has already expired and no replacements have been appointed. This practically renders the NWC as a moribund institutions.

## **5. Lessons from Nepalese Experiences**

Nepalese experiences provide a number of lessons, many of which it may be noted, is not unique to Nepal only. Experiences of many countries, especially developing countries, provide similar lessons. The important lessons are listed below.

- Real political commitment at the highest level is most crucial. Mere membership or chairmanship of the highest authority in a body does not automatically ensure real political commitment. There have been occasions when MWCSW has been headed by the Prime Minister, the Chief Executive of the government. Even this has not ensured greater political clout or effective veins of MWCSW.
- Senior and committed political leaders have rarely headed MWCSW. This seriously compromises MWCSW's effectiveness in fulfilling its responsibilities in a hierarchical society like Nepal. Nonetheless, Nepalese experiences are that even junior politicians who have headed MWCSW have been more effective if they are really committed and active.
- Creation of multiple national machineries does not ensure rapid progress in gender equality and women empowerment. The national machineries do need adequate human and financial resources.
- Mobilization of resources as well as their effective utilization is crucial to ensure continuance of adequate resources. Nepal's experience shows that resources for the national machineries quickly dry up if they are not effectively utilized.
- As the implementation status of BPFA action plan shows existence of plans do to necessarily lead to actual implementation. It is just the beginning and helps mobilize resources. The political leadership and the civil service needs to be more effectively sensitized to improve pace of implementation. Lack of resources is not always the constraint for effective implementation.
- When a national mechanism is part of the government it is but natural that it is a part of a rigid and insensitive system. Effective partnership between government national mechanism and the civil societies including NGOs is curial for the success of national mechanisms. Through partnership both can take advantage of their comparative strengths.
- Multiple institutions with overlapping mandates reduces the effectiveness of the institutions in promoting gender issues. NWC is a case in point. Its mandate overlapped with the mandates of MWCSW and NHRC which was an impediment in cooperative actions between NWC and other agencies.

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