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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on violence against women, its causes and consequences on her country visit to Nepal

Comments by the State*

* The present document is being issued without formal editing.



The Government of Nepal is thankful to the Special Rapporteur on Violence Against Women, its Causes and Consequences for her advanced unedited version of the report on her mission to Nepal. The Government of Nepal, upon reviewing the report, would like to make the following comments and observations on the Report.

1. The first line of Paragraph 7 of the Report should be corrected as "...abolition of its monarchy in 2008", instead of "...abolition of its monarchy in 1991". At the end of this sentence, it should be "...after 2017" instead of "...in 2017".
2. The Name of the Codes mentioned in various paragraphs of the Report including in Paragraphs 9, 35, 36, 40. should be corrected and replaced as the "National Penal Code, 2017" and the "National Civil Code, 2017" instead of the "Country Criminal (Code) Act, 2017" and the "Country Civil (Code) Act, 2017", respectively.
3. In Paragraph 11 of the Report, it is stated that "...notes that the Constitution is silent on the legal status of international treaties". The Report left to incorporate the provision mentioned in Article 51(b)(3) of the Constitution that 'Nepal pursues the policy to implement international treaties, agreements to which Nepal is a party.' This formulation should be mentioned.
4. In Paragraphs 13 and 78(ii) of the Report, the reference article should be corrected as "...article 38 (3) " instead of "...article 38 (c)".
5. Paragraph 14 of the Report states "...concerned that discriminatory provisions remain in Article 11 of the Constitution and the Citizenship Act of 2006, limit women's autonomy with regard to nationality...". Similarly, it is also mentioned that in the same paragraph "...and make citizenship subject to revocation for children whose previously unidentified father is later proven to be a foreigner...".

The above narration does not truly reflect the constitutional provision in this respect. It should be noted that Article 10(1) of the Constitution states that "No citizen of Nepal may be deprived of the right to obtain citizenship." Similarly, Article 11(5) of the Constitution provides that "A person who is born in Nepal from a woman who is a citizen of Nepal and has resided in Nepal and whose father is not traced shall be provided with the citizenship of Nepal by descent. Provided that his or her father is held to be a foreign citizen, the citizenship of such person shall be converted into naturalized citizenship as provided for in the Federal law."

It is to be noted that as there is the provision of "conversion into naturalized citizenship" rather than "revocation", the Report should be corrected accordingly. It may also be noted that there is a significant distinction between 'revocation' and 'conversion'. Revocation refers to 'cancellation' of citizenship while conversion refers to providing 'another type' of citizenship.

6. In Paragraph 16 of the Report, there is reference of "Sex Discrimination Act of 1984". But there is no Act in Nepal named as "Sex Discrimination Act of 1984".
7. The last sentence of Paragraph 22 of the Report should be corrected as "Gender Violence Control Section and Women Development and Gender Mainstreaming Section has been established at the Ministry of Women, Children and Senior Citizen" instead of "A Gender Co-ordination and Empowerment Unit has been established at the Office of the Prime Minister."
8. The part of the last sentence of Paragraph 23 of the Report, "which has led to uncertainty in terms of accessing necessary services and support" should be removed. After devolution the responsibility also devolved to the local government which enhanced accessibility of services at local level.
9. In Paragraph 47 of the Report, the name of the Act should be corrected as the "Witchcraft Accusation (Crime and Punishment) Act, 2015" instead of "Witchcraft-related Accusation (Crime and Punishment) Act, 2014."
10. In Paragraph 48 of the Report, there is a reference of the Act, "Social Customs and Practices Act of Nepal 2009", which is not clear because there is no Act by that name. However, there is a provision of dowry control in Section 5 of the "Social Practices

(Reform) Act, 1976." So, correction should be made accordingly.

11. In Paragraph 66 of the Report, the name of the Act should be "Caste-based and other Social Untouchability and Discrimination (Offence and Punishment) Act, 2011" instead of "Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act in 2017".

12. In Paragraph 68 of the Report, the Name of Act should be "Rights of Persons with Disabilities Act, 2017" instead of "Disability Act, 2017).