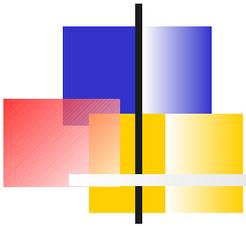




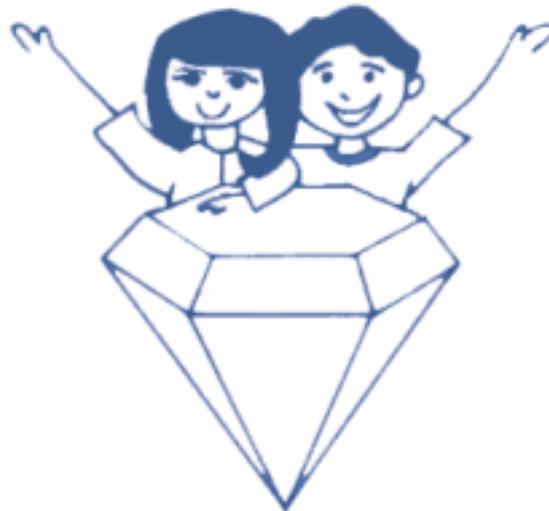
# Gender Equality

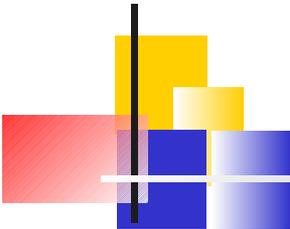
## At The Heart of Decent Work

**June 27, 28, 29, 2012 Kathmandu**



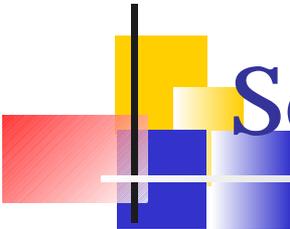
**Three-Day Gender Mainstreaming Workshop for ILO Tripartite  
Constituents and Gender Focal Persons in Government  
Ministries**





---

# DAY ONE



# Setting The Objectives

---

***Together we will...***

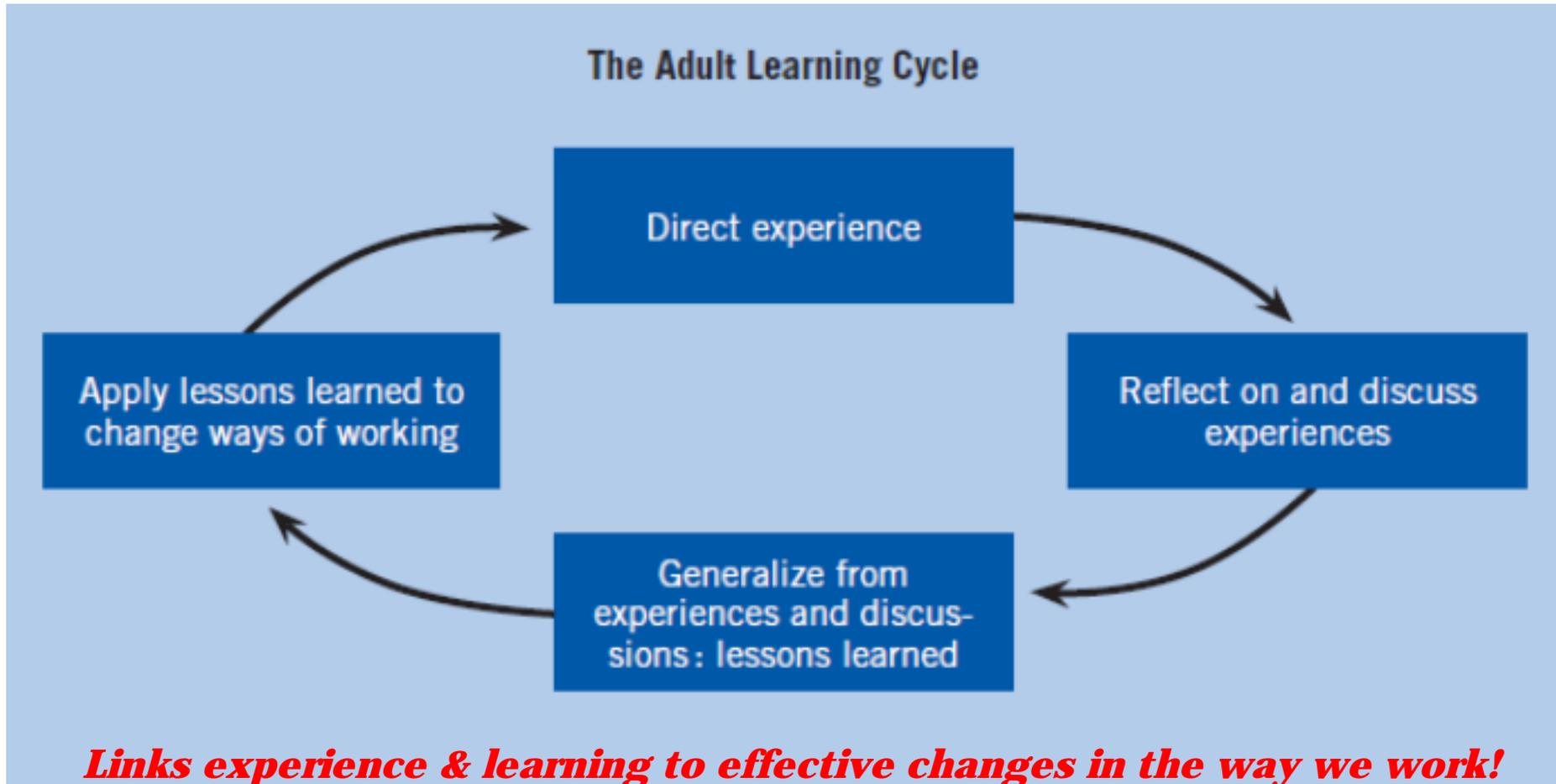
Commit to addressing gender equality in the world of work

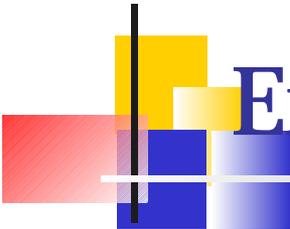
Learn what constitutes gender equality

Learn how to work towards gender equality promotion



# Workshop Methodology





# Expectations

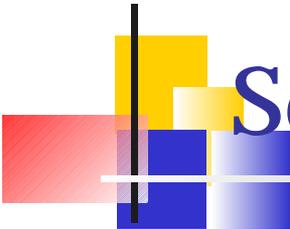
---

## ***What we are not...***

Sector specialists on health, education, etc.  
Experts on the laws and situation in Nepal

***But we are... technical specialists on Gender Equality Promotion!***

***I will consider this workshop successful if...***



# Some Norms *And* Help

---

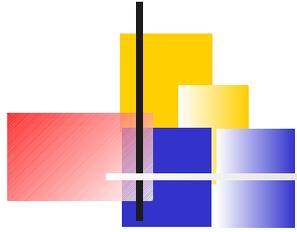
Respect, confidentiality and trust: safe learning environment

Everyone' s view is equally important: democratic learning environment

No mobiles and side conversations: conducive learning environment

Punctuality: efficient learning environment

Sheepdog, Energizer and Reporting Teams



# **Technical Session 1**

## **Gender Equality: Setting the Context**



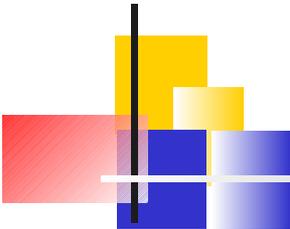


# Technical Session 1

---

## Global Milestones For Gender Equality

# Global Milestones



1946 UN Sub-commission on the Status of Women

1963 ECOSOC Resolution

1975 Mexico, First World Conference on Women-  
***'integration into national life'***

1975-1985 UN Women' s Decade

1980 Copenhagen, Second World Conference on Women

1985 Nairobi, Third World Conference on Women

1995 Beijing, Fourth World Conference on Women -  
***government-wide mainstreaming of a gender  
equality perspective in all policy areas'***

2005 Beijing, Beijing Plus 10 reaffirmed the need for  
***gender mainstreaming*** across all structures



# Global Milestones

**CEDAW Adopted in 1979**

**187 Member States have ratified CEDAW**

**Highest number of reservation to CEDAW**

**Yet ratification indicates national will!**



# Global Milestones

---

## Other International Human Rights Treaties

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

International Convention on All Forms of Racial Discrimination

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Convention on the Rights of Persons With Disabilities

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child



# Global Gender Gaps

Global GDI lower than HDI

Gender bias of the state/market and communities is still a challenge

The face of poverty is feminine

Half of the world's population performs two thirds of the world's work, receives one-tenth of world income, and owns less than 1% of world property

Political will and **institutionalization** a prerequisite to improvement in women's lives



# Global Gender Gaps

## **40 years of women's activism: some gains - YET at **national policy level****

Women usually not part of major policy formulation processes

Important policies usually gender blind

Mismatch between analysis and strategies sections

Desegregated data usually not available

Women usually ghettoized in policies



## Global Gender Gaps

---

**40 years of women' s activism: some gains -  
YET at **national institutional level****

Low budgetary allocations

Lack of capacity (technical and human resource)

Lack of coordination (intra; inter; extra)

Overlap of functions and mandate

Low influence/clout in governmental structures



# Technical Session 1

---

## Gender Equality In The World of Work



# ILO and Gender Equality

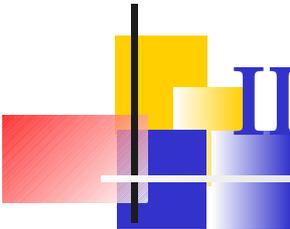
---

## Gender-based discrimination in the World of Work – why?

Reproductive role

Household responsibilities

Strong Gender Stereotyping



# ILO and Gender Equality

---

A matter of human rights

A matter of social justice

A matter of sustainable development



# Decent Work: The Overarching Framework

Employment

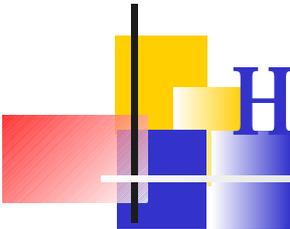
Social  
Protection

**DECENT WORK**

A better world starts here.

Social  
Dialogue

Rights at  
Work



# Holistic Vision of Decent Work

---

Effect positive change in people lives

Encompasses all forms of work

**All** who perform work



# Gender Equality and Decent Work

---

Equality of opportunity and treatment

Equal remuneration for work of equal value

Equal participation in governance & decision-making

Equal freedom of association and right to organize

Work life balance that is fair to men and women

Equal access to safe work, social security & maternity protection

Equality in obtaining meaningful career development



# ILO Standards

---

## **Four Key Standards for Gender Equality**

**Discrimination (Employment and Occupation)  
Convention, 1958 – C.111**

**Equal Remuneration Convention, 1951 - C.100**

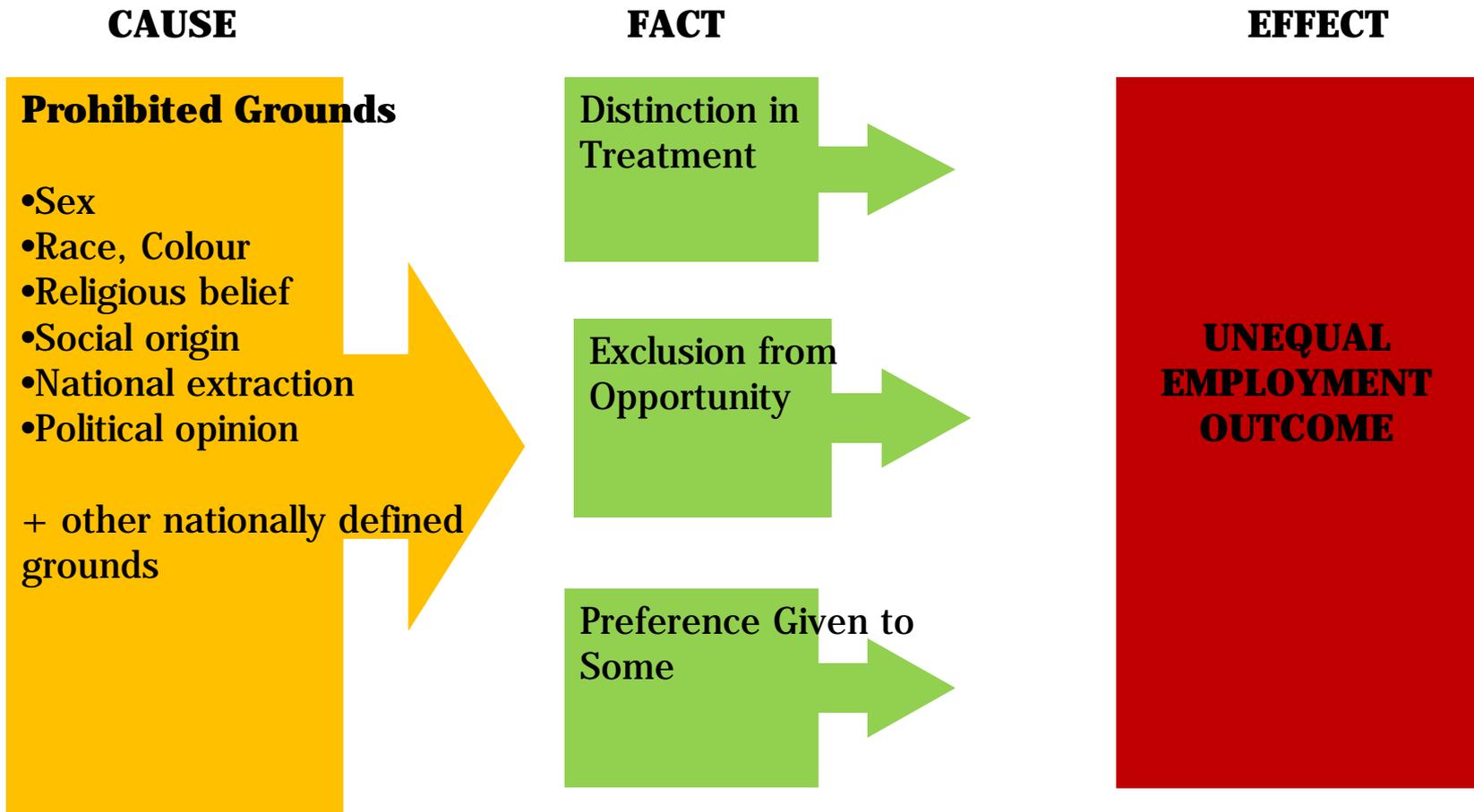
**Workers with Family Responsibilities Convention,  
1981 – C.156**

**Maternity Protection Convention, 2000 – C. 183**



# ILO Standards

## Three components of discrimination in C 111





# ILO and Gender Equality

---

## Why is Gender Equality Important?

At the personal level- violates human dignity and productivity

At the level of society – denies social cohesion and justice

At the level of the macro-economy – discrimination cripples social and economic development

At company level – equal treatment and opportunity makes good business sense



# Decent Work Deficits Have a Woman's Face

## Access to Employment

***Despite laws and policies prohibiting discrimination based on sex women continue to face disadvantage***

Women's unemployment rates higher than men's, despite increasing number of women entering labour market

Job quantity has not been matched by job quality

Women disproportionately represented in informal employment, characterized by low pay, poor working conditions and lack of protection

Confined to mostly “female” occupations



# Decent Work Deficits Have a Woman's Face

## Access to Employment

Even though more women in high-status jobs today, the gender pay gap persists

Many women still work without pay in agriculture and family owned businesses

Female migrants workers concentrated in less regulated sectors, making them more vulnerable to exploitation and unequal treatment

Discrimination in myriad forms

- Wage differentials

- Limited access/control of productive assets, training

- Gender bias in recruitment/promotions

Women in marginalized populations fare worse



# Decent Work Deficits Have a Woman's Face

Access to Social Protection

***Women have less access to facilities and benefits***

Majority working in the informal economy not covered by laws

Sanitary, rest, transportation arrangements

Health care, first aid, safety equipment

Little attention to maternity protection



# Decent Work Deficits Have a Woman's Face

## Access to Social Dialogue

***Women not adequately represented in trade unions, employers' organizations and social dialogue forums***

Women account for approximately 15 per cent of total members of social dialogue institutions

Governments highest rates > 19%

Workers 13%

Employers 10%

Labour laws and labour administration systems generally gender blind



# Decent Work Deficits Have a Woman's Face

## Access to Rights & Principles

Lack of legislative coverage for certain categories of work where women predominate

Anti-discrimination laws that do not cover all aspects of employment and occupation (from recruitment to termination)

Discriminatory legal provisions

Gender wage gap a symptom of sex-based discrimination

Women at the work place are regularly subjected to sexual harassment



# Technical Session 1

---

## Gender Equality In Nepal



# Gender Equality in Nepal

## Key Milestones

---

Member of Aid Effectiveness as per the Paris Declaration

Un Desk for Women in UN Head office

Separate funding for Gender as a Cross Cutting Linkup

Established GRBC committee in Ministry of Finance 1990, enshrines as its underlying principles the basic human rights to every citizen (women and men) and a guarantee of a system of justice in line with the concept of Rule of Law

# Nepal's International Human Rights Commitments



Slavery Convention, 1953:7 January 1963 (A)

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institution and Practices similar to Slavery, 1956 :7 January1963 (A)

Convention on the Political Rights of Women, 1952 :26 April 1966 (A)

Convention on the Prevention and the Punishment of Genocide, 1948 :17 January 1969 (A)

International Covenant on the Elimination of All Forms of Racial Discrimination, 1965 :30 January 1971 (A)

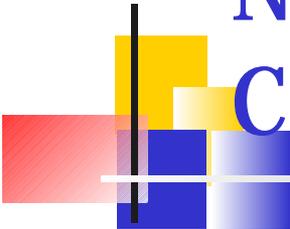


# Nepal's International Human Rights Commitments

International Covenant on the Elimination of All Forms of Racial Discrimination, 1965 :30 January 1971 (A)

International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973 :12 July 1977 (A)

International Convention Against Apartheid in Sports, 1985 :1 March 1989 ®



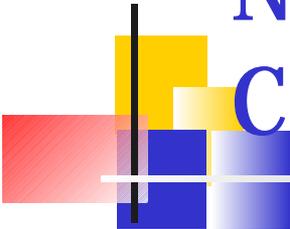
# Nepal's International Human Rights Commitments

---

Convention on the Rights of the Child, 1989 :14  
September 1990 (R)

Convention on the Elimination of All Forms of  
Discrimination Against Women, 1979 :22 April 1991  
(R)

International Covenant on Economic, Social and  
Cultural Rights, 1966 :14 May 1991 (A)



# Nepal's International Human Rights Commitments

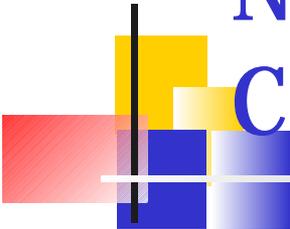
---



International Covenant on Civil and Political Rights, 1966 :14 May 1991 (A)

Optional Protocol to the International Covenant on Civil and Political Rights, 1966 :14 May 1991 (A)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 :14 May 1991 (A)



# Nepal's International Human Rights Commitments

---



Convention on the Suppression of Immoral  
Trafficking and Protocol, 1949 :25 December 1995  
(A)

Second Optional Protocol to the International  
Convention on Civil and Political Rights/aiming at the  
Abolition of Death Penalty, 1989 :4 June 1998



# Nepal's Commitments to International Labour Standards

---

## **Fundamental**

- C 29 Forced Labour Convention, 1930 (R 03 Jan 2002)
- C 98 Right to Organize and Collective Bargaining Convention, 1949 (R 11 Nov 1996)
- C 100 Equal Remuneration Convention, 1951 (R 10 Jun 1976)
- C 105 Abolition of Forced Labour Convention, 1957 (R 30 Aug 2007)
- C 111 Discrimination (Employment and Occupation) Convention, 1958 (R 19 Sept 1974)
- C 138 Minimum Age Convention, 1973 (R 30 May 1997)
- C 182 Worst Forms of Child Labour Convention, 1999 (R 03 Jan 2002)



# Nepal's Commitments to International Labour Standards

---

## **Governance (Priority)**

C 144 Tripartite Consultation (International Labour Standards) Convention, 1976, (R 21 Mar 1995)

## **Technical**

C 14 Weekly Rest (Industry) Convention, 1921, (R 10 Dec 1986)

C 131 Minimum Wage Fixing Convention, 1970, (R 19 Sept 1974)

C 169 Indigenous and Tribal Peoples Convention, 1989, (R 14 Sept 2007)



# Nepal's Commitments to International Labour Standards

## **Comments of the Committee of Experts (CEACR)**

### **C 100 Equal Remuneration Convention**

article 13(4) of the interim Constitution not in conformity with the Convention

Rule No. 11 of the Labour Regulations, 1993 Constitution not in conformity with the Convention

Pay inequity as women's work determined "in terms of occupational categories" and "weight or physical effort"



# Nepal's Commitments to International Labour Standards

## **Comments of the Committee of Experts (CEACR)**

### **C 111 Discrimination (Employment and Occupation)**

expressed concern about the widespread prevalence of sexual harassment in the workplace

new labour legislation to define and prohibit direct and indirect discrimination in all aspects of employment and occupation

men and women have access to education, vocational and skills training on an equal footing

effective enforcement and appropriate awareness raising of anti discrimination legal provisions and legal procedures



# Gender Equality Milestones of Interim Constitution & Parliament

---

Ensure the rights of equality & Social Justice  
Recognised the rights of reproductive  
functioning and health and equal property  
right

Especial Resolution of 33% representation of  
Women in all sector including local  
governance body.



# Gender Equality Milestones of Interim Constitution & Parliament

---

Incorporated Proportional representation of Women

Implemented the same reservation policies in security(3% Army & 5% Police) and administrative sector



# Gender Equality Legislative Provisions

---

**Gender Equality Act:2006**

**Human Trafficking and Transportation Control Act:2007**

**Domestic Violence Act :2008**

**Citizenship Act:2006**

**Foreign Employment Act:2006**

**1<sup>st</sup> Amendment of Gender Equality Act**



# Gender Equality Bills Before Parliament

---

**Sexual Harassment Bill**

**Disappearance Bill**

**Truth and Reconciliation Bill**



# Other Gender Equality Measures and Milestones

Criminalize Witchcraft and recognize as a crime against state

Citizenship from the mother without asking the identification of the father

Reorganisation of marital rape as a crime under the Gender Equality Amendment Act

Free health service for abortion & uterine prolapsed



# Other Gender Equality Measures and Milestones Contd...

---

2010 declared as a year against GBV

Established emergency fund for GBV Victims

Free asses to Justice and medical treatment for victim of sexual exploitation



# Other Gender Equality Measures and Milestones Contd...

**Women' s Commission**

**Recruited Gender Focal Persons**

**GBV Committee formation in PM office**

**Developed the ' 0' Tolerance Policy by Government**

**Changes of discriminatory laws**

**Seat reservation in TRC and Disappearance**

**Commission**



# Despite Measures: Snapshot of Gender Gaps

Sector	Women/girls	Men/boys
<b>Education</b>		
Literacy	42.49%	65.08%
Primary enrollment	64.4%	79.4%
Secondary enrollment	16.3%	25.3%
<b>Employment</b>		
Non-Agri Formal	1.99%	10.75%
Broad Formal	4.73%	13.83%
Broad informal	95.27%	86.17%
Unpaid	63.4%	23.3%
Government Service	13.47	86.53%
Wage Gap	national average income of women is 57.26 per cent of the income of males	



# Reasons for the Existing Gender Gaps

---

**Practical norms**

**Low involvement of women in decision making**

**Less budgetary allocation**

**Work overload**

**Ineffective implementation of women related laws**

**Low inter-ministerial and jurisdictional coordination**

**No coordination mechanism between government and other organizations**