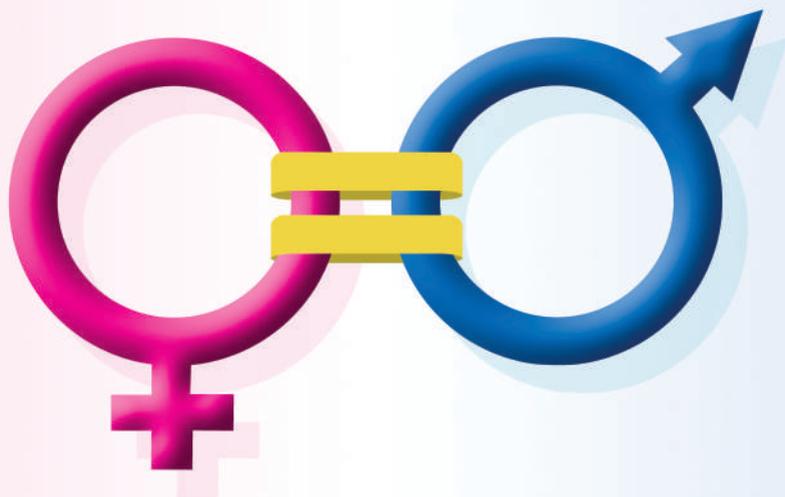


Gender Equality *and* Social Inclusion Policy



National Human Rights Commission of Nepal
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Foreword

It is my honor and privilege to write few words of inspiration in this GESI policy, one of the important documents for the organizational development. It envisions the gender equality and social inclusion within the National Human Rights Commission of Nepal and its outreach programs. This policy is formulated on the basis of the findings of the Institutional Gender Assessment of National Human Rights Commission of Nepal. The policy is developed in a participatory approach as informed by the assessment, consultations and discussions with NHRCN staff and stakeholders. I hope this policy helps contributing to further gender mainstreaming and the more inclusive outreach programs of NHRCN in the days to come. The issues in the policy shall also be a part of the strategic plans and annual programs in future. With this policy, NHRCN staffs feel more comfort and the institutional performance will also be enhanced. Similarly, this policy may help for behavioral change of the staffs that leads to eliminate the problems and obstacles in gender mainstreaming and social inclusion at NHRCN.

My sincere thanks go to the Chairperson and the members of the National Human Rights Commission of Nepal. I thank Mr. Nava Raj Sapkota, Joint Secretary of NHRCN for his contribution to formulate this policy. Similarly, Ms. Manju Khatiwada, Under Secretary and Ms. Regam Maharjan Human Rights Officer also deserve my thanks. I would also like to acknowledge all the officers from GESI division and the entire staffs of the NHRCN for their support and constructive feedbacks in all steps of this work.

Bed Bhattarai

Secretary

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1. Background

National Human Rights Commission of Nepal (NHRCN) is an independent and autonomous Constitutional body. It was established in the year 2000 as a statutory body under the Human Rights Commission Act 1997. In addition to the functions, duties and powers as referred to the Article 249 of the Constitution, other functions, duties and powers of the Commission are conferred by section 4 of the NHRC Act 2012. As the Constitution of Nepal guarantees every citizen the right to equality, social justice and freedom from social discrimination and the NHRC Act 2012 also ensures equality and dignity of a person provided by the Constitution and other prevailing laws including the rights contained in the international treaties regarding human rights to which Nepal is a party. The UN Charter reaffirms the faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. The Paris Principles relating to the status of national institutions 1993 establish the minimum standards required for the independence and effective functioning of NHRIs. NHRC Nepal also provides emphasis on various issues relating to gender and the importance of gender budgeting, empowerment and gender mainstreaming to overcome the problem of gender inequality which was rooted in social system. Therefore, this policy is formulated including a policy directive to prioritise the gender issues in the NHRCN functioning.

2. Objectives

- 2.1 The Gender Equality and Social Inclusion Policy (GESI) of National Human Rights Commission, Nepal (NHRCN) provides guidance to integrate Gender Equality within its organizational structure, policy formulation, program development, budget allocation, programme implementation, monitoring and evaluation. This policy has been formulated for the purpose of stable, united, inclusive and prosperous work place with opportunities for all.
- 2.2 Implementing Gender Equality and Social Inclusion policy in a collaborative manner with other programmes of the divisions, departments, and centres of other bodies is also envisaged in NHRCN policy however clearly underlining the objective, target group, institutional arrangements, and steps of GESI mainstreaming needs to be made explicit.

3. Guiding Principles

- 3.1 Participation and Inclusion: The policy mandates that NHRCN policies, programme and activities be structured in a way that ensures meaningful participation and inclusion of both men, women and sexual/gender minorities. This should be reflected in all processes: gender responsive policy, programme, budgeting to monitoring and evaluation.

- 3.2 Equality and non-discrimination: The policy requires that women, sexual/gender minorities benefit equally from its policies, programmes and activities. This also requires that every individual affiliated to NHRCN regardless of their higher or lower position be treated with the same dignity and respect.
- 3.3 Accountability: The policy is binding to all individuals associated with NHRCN. Both institutional and individual accountability is integral to ensure the effective implementation of the policy.
- 3.4 Accessibility: The policy requires NHRCN to provide equal access and equal opportunity to people with diverse abilities. Accessibility supports social inclusion for persons with disabilities as well as others, such as older people, people in rural areas. The programs of the NHRCN should be accessible to all layers of the society including persons with disabilities.

4. Definition

For the purpose of these Policies:

- a. "Commission" means the National Human Rights Commission established in accordance with Article 248 of the Constitution of Nepal.
- b. "Gender equality" means the equal rights, responsibilities and opportunities for people of all genders. It means that the aspirations and needs of all genders are considered, valued and favoured equally.
- c. "Secretary" means the Secretary of the National Human Rights Commission of Nepal.
- d. "Sexual harassment" means an unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or · Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- e. "Social inclusion" means the process of improving the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights in the NHRCN activities.

5. Rationale

- 5.1 NHRCN is a key constitutional body mandated to contribute to protect and promote human rights for all people in Nepal. Based on this, NHRCN is required to address concerns of Gender Equality, an integral component of human rights.

- 5.2 The present policy has been developed in response to its core values formulated in NHRCN's previous Strategic Plans to inform its responsibility of protecting and promoting human rights. These values are: access, equality and justice, accountability, impartiality, independence and autonomy, transparency, participation and inclusion, respect for diversity. Gender Equality is integral and cross cutting concern that encompasses core norms and values of NHRCN.
- 5.3 The Gender Equality and Social Inclusion policy is expected to provide clear policy guidance for ensuring the proactive and consistence integration of gender equality in all aspects of the NHRCN work.

6. Scope

- 6.1 This policy is an internal guiding framework for realizing Gender Equality within organizational structure and operations of NHRCN. The policy must include everyone associated with NHRCN: Chairperson and members, staffs, volunteers and interns working at central and provincial and branch offices of NHRCN. Policy applies to all formal and informal activities associated with NHRC, both inside and outside the premises of the NHRCN offices.
- 6.2 The policy offers broad and strategic principles for institutionalizing Gender Equality within NHRCN. Effective implementation of the policy will require the shift in organizational culture that embraces gender equality both in principle and practice.
- 6.3 This policy should be followed by formulation of a detailed "Gender Equality Action Plan", which will lay out clear strategies for implementation of the policy. This action plan needs to be formulated through a participatory consultative process with inclusion of all individuals associated with NHRCN.
- 6.4 This policy needs to be strengthened within the organization for its effective and meaningful implementation in its external engagements with other stakeholders such as the police, civil servants, women rights advocates, activists and organizations. GESI values needs not only to be learned but internalized through continuous practice to achieve Gender Equality and sensitivity within the organization.

7. Framework and Vision

- 7.1 The Gender Equality and Social Inclusion Policy is informed by International Human Rights Framework, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- 7.2 The concept of gender equality refers to "fairness of treatment for women, sexual/gender minorities and men, according to their respective needs. This may include

equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities.

- 7.3 The policy recognizes that gender equality is crosscutting and intersectional issue: experiences of inequality, discrimination and disadvantage are shaped by intersections of caste/ethnicity, age, gender, sexual orientation, disability, regional location. Individuals belonging to marginalized groups, religious minorities, sexual/gender minorities are more vulnerable to gender-based inequalities.

8. Policy

The policy is divided into three broad areas

- 8.1. Gender Equality in Policy and Practice
- 8.2. Fostering Gender Sensitive Organizational Culture
- 8.3. Grievance Mechanism

8.1 Gender Equality and Social Inclusion Policy and Practice

- 8.1.1 All policies, programmes and activities of NHRCN shall be gender sensitive. To ensure the institutional accountability, all programmes shall be approved and audited by the Commission before final decision to assess gender implications across all activities of NHRC Nepal, and then taking action to achieve gender equality. To ensure the effective implementation of the policy, all administrative staff shall be undertaken training in gender sensitive programming and budgeting.
- 8.1.2 Equal opportunities shall be ensured for women and men in all aspects of training, personal and professional development. To ensure women with caring responsibilities are not unfairly disadvantaged to attend out of office trainings, childcare support NHRCN shall pursue the policy to provide a priority to aid women's growth and professional development.
- 8.1.3 Gender specific needs of women and sexual/gender minorities shall be respected to ensure their safety and dignity within and outside premises of NHRCN.
- 8.1.4 Women employees are entitled to maternity protection (leave and benefits as well as protection against discrimination) in accordance to national laws, regulations and NHRCN policy. Women staffs experiencing challenging pregnancy, reproductive health issues and miscarriage shall be considered the special provision of leave or work from home, in case of expiry of provisions of medical and other leaves. Workplace safety and security shall be maintained to ensure women employees in above mentioned condition do not face consequences due to hazardous work environments.
- 8.1.5 Day-care centre operated at the central office shall be developed as a day nursery institution that provides supervision and care of infants and young children during the daytime, particularly so that their parents can hold jobs. Similarly,

Day care centers' facility shall be expanded with priority in the Provincial and Provincial branch offices.

- 8.1.6 Staffs with caring and family responsibilities shall be supported to ensure they are not further disadvantaged. Allocation of branch office, Flexible working hours and allocation of responsibilities according to expertise need to be considered; their value and skills shall be recognized and respected.
- 8.1.7 All resources and opportunities shall be fairly allocated and transparent for all regardless of position and gender.
- 8.1.8 NHRC Nepal shall prioritize equitable gender representation and social inclusion within the institution and through its external outreach program including in the collaborative programs with the stakeholders.
- 8.1.9 NHRC Nepal shall coordinate with excluded or disadvantaged groups to enhance the social inclusion in all of its response and efforts. These groups confronting barriers that prevent them from fully participating in political, economic, and social life are in the priority of the NHRCN programs. They include the gender, age, location, occupation, race, ethnicity, religion, citizenship status, disability, and sexual orientation and gender identity (SOGI), among other factors.
- 8.1.10 NHRC Nepal shall pursue the gender balance while forming the different committees and task forces in the Central, Provincial and Local Levels.
- 8.1.11 NHRC Nepal shall pursue the policy of reviewing the existing laws enacted by the government of Nepal to make ease to amend or abolish laws, regulations and policies that discriminate on the sexual orientation ground to bring them in line with international human rights instruments.
- 8.1.12 NHRC Nepal shall pursue the policy of equitable gender representation including the office heads in its each of the offices.
- 8.1.13 NHRC Nepal shall develop safe, effective, easily accessible and child-sensitive, gender sensitive complaint handling mechanisms in the central, Provincial and provincial branch offices in compliance with international human rights norms and standards.

8.2. Fostering Gender Sensitive Organizational Culture

- 8.2.1 Gender sensitive organization culture is an important precondition to guarantee the realization of gender equality. This requires both institutional and individual accountability of commissioners and administrative staff working in senior level.
- 8.2.2 NHRC Nepal as a constitutional body for the promotion and protection of human rights, needs to be a safe and dignified workplace, regardless of the position, caste/ethnicity, gender, sexual orientation, disability, age and regional location. Everyone needs to be treated with dignity and respect without experiencing any form of discrimination and prejudice.

- 8.2.3 All forms of violence and harassment in the workplace, including verbal, physical, sexual, or psychological abuse, are prohibited. Sexual harassment, including unwelcome sexual advances, unwanted hugs and touches, suggestive or lewd remarks, requests for sexual favours, or the display of indecent, derogatory, or pornographic pictures, posters, drawings, or videos, are prohibited.
- 8.2.4 All staffs joining the service in NHRCN need to receive gender sensitization training including a module on workplace harassment. To establish accountability of the institution and to ensure effective implementation of this policy, brochures and posters on zero tolerance policy on workplace harassment need to be displayed where they are clearly visible. Refresher training and regular discussion about workplace harassment needs to be conducted to establish the organizational culture that promotes safe and dignified workplace.
- 8.2.5 NHRC Nepal as a safe and dignified workplace needs to foster an organizational culture where all staff feels safe to seek formal procedure in an event of experiencing harassment. Complaints of workplace harassment need to be dealt with sensitivity, privacy and confidentiality. Staffs, who seek grievance mechanism, need to be protected from retaliation for complaining about harassment

8.3. Accountability and Grievance Mechanism

- 8.3.1 "Gender Equality and Social Inclusion Policy Committee" needs to be formed to ensure effective implementation of the policy and also to receive complaints and to address the problems. The committee will be comprised of following members:

Internal complaint mechanisms shall be managed at the Central, Provincial and Provincial Branch Offices. Under the internal complaint handling mechanism having the authority to decide on administrative matters, as per the NHRCN Staffs Rules or head of the department of the entity handling administrative matters; handles the complaints. Gender balance will also be considered in case the women staffs are not heads of the divisions while forming the Committee. At the Central Level:

1. Secretary – Convener
2. Head of the Legal Affair Division - Member
3. Head of the Administration Division - Member
4. Head of the Investigation Division - Member
5. Head of the GESI Division – Member Secretary

At the Provincial/Provincial Branch office

1. Head of Provincial/Provincial Branch office – Convener
2. Senior Officer – Member (nominated by Office Head)
3. One woman officer – Member Secretary (nominated by Office Head)

- 8.3.2 Staffs at NHRCN will have the right to make confidential complaints to the committee. Committee will organize an impartial hearing to both victims and

alleged perpetrators to decide the case and take necessary action to ensure justice is served.

- 8.3.3 The policy must recognize the need to identify the specific barriers faced by women. Anyone experiencing any form of gender-based discrimination should feel safe to seek grievance mechanism without fearing loss of dignity and retaliation in case of perpetrator being a person working in higher level. It is responsibility of members of the grievance committee that victims feel safe and supported during and after the process of seeking justice.
- 8.3.4 Annual Gender Responsive Auditing will be carried out by GESI division to ensure the policy is being effectively implemented. Any gaps in policy and practices will need revision on "Gender Equality Action Plan" through consultative and participatory process.
- 8.3.5 The GESI approach must focus on delivering equal rights, opportunities, and mainstream services to all employees notwithstanding only needy. The approach must also recognize embedded, power relations within the organization that disempower women, and the vulnerable creating a vicious cycle of intended and unintended exclusion.
- 8.3.6 As part of the GESI policy, make it mandatory for all its partner organizations and stakeholders to address women's empowerment, gender equality and social diversity issues. This also must include; gender/GESI mainstreaming, targeted/ focused service delivery, social mobilization/empowerment, group formation and capacity strengthening.

9. Review of the Policy

This policy shall be reviewed every one to three years. If the Commission feels it should be reviewed in case of change in strategic direction of the Commission, the policy can be reviewed at any time to make sure that they align with the changes in strategic direction.

The policy has been enforced as per the decision of the Commission meeting held on October 12, 2020.

National Human Rights Commission of Nepal

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