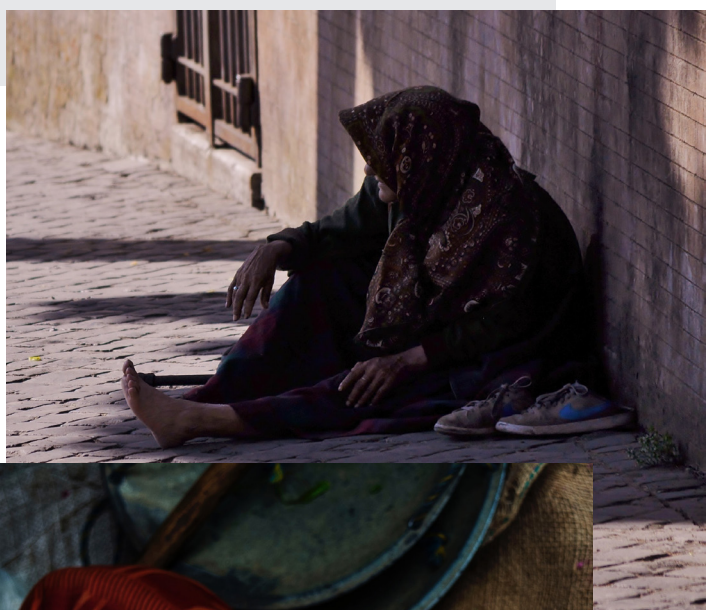


Policy Landscape of Social Protection in Nepal



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Contents

1. Introduction	1
2. Government policies and programs	3
2.1 The 2015 Constitution	3
2.2 Citizenship-based (universal) social protection policies and programs	3
2.2.1 Education	3
2.2.2 Healthcare	4
2.2.3 Children's welfare	5
2.2.4 Employment	5
2.2.5 Food security	6
2.2.6 Housing	6
2.3 Targeted policies and programs	6
2.3.1 Social assistance allowances for vulnerable and marginalized groups	6
2.3.2 Education provisions for vulnerable and marginalized groups	7
2.3.3 Health provisions for vulnerable and marginalized groups	7
2.3.4 Other targeted policies and programs	8

2.4 Labour rights and programs	8
2.4.1 Contribution-based social insurance	8
2.5 Policy gaps and inconsistencies	9
2.5.1 Social protection policies are not disaster-responsive	9
2.5.2 Social protection policies that target poverty are not effectively implemented	9
2.5.3 Social assistance allowances are calculated arbitrarily and are too low to address poverty and vulnerability	19
2.5.4 There is incoherence among and between policies and programs for children's social protection	10
2.5.5 Social insurance programs exclude informal-sector workers, who are often the most vulnerable	11
2.5.6 The institutional framework for various social protections is confusing and contradictory	11
2.5.7 There is no mechanism to monitor the delivery of the social services and hold actors accountable	12
3. Development partners' programs	13
3.1 Gaps in development partners' programs	13
3.1.1 Interventions that empower the poor and most vulnerable citizens are limited	13
3.1.2 No significant intervention seeks to improve governance in the social protection delivery system	14
3.1.3 Efforts to develop evidence-based policymaking processes are limited	14
4. Summary and policy insights	15
5. References	17
6. Annexes	19
6.1 Legal mapping table	20
6.2 Institution Mapping Table	30

1. Introduction

Nepal has committed to implementing social protection measures in several international agreements. The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (UN 1966) recognizes the universal right to social security. Similarly, the 2030 Agenda for Sustainable Development (UN 2015) conceives social protection as a fundamental instrument for eliminating extreme poverty and reducing multi-dimensional poverty, which are included in the 17 Sustainable Development Goals (SDGs). The 2030 Agenda calls for expanding social protection measures to all and achieving substantial coverage for the poor and vulnerable. Both the ICESCR and the 2030 Agenda encourage member states to take necessary measures (policies, resources, and programs) and to periodically review progress towards implementation of social protection measures.

At the national level, the *Constitution of Nepal 2015* (GON 2015) (hereafter the 'Constitution') enshrines various social and economic rights, including rights to tax-financed social protection for vulnerable groups like the elderly and contributory social security for all workers. Nepal recently passed several federal laws that elaborate upon the constitutional provisions for social protection. In accordance with the laws, local, provincial, and federal governments have been implementing some social protection programs. The federal government's budget for Financial Year (FY) 2019-20 aims to fulfil citizens' fundamental rights and establish a welfare state by ending extreme poverty and expanding social protection provisions (GON

2019). Other development partners, such as non-government organizations (NGOs) and bilateral and multilateral donors, are also supporting the government to fulfil its social protection responsibilities.

This report assesses Nepal's social protection policies and programs in order to understand key provisions and their coherence and relevance amid the ongoing Constitution implementation and federalization processes. By mapping the current legal and institutional landscape for social protection in Nepal, this report also identifies gaps where vulnerable groups are left out. The legal analysis draws on the Constitution, relevant legislation, other regulatory instruments, and the policies and programs of the federal government as outlined in the budget statement for the FY 2018-19 and 2019-20. Likewise, the institutional mapping is informed by 16 semi-structured discussions that were held with key national-level stakeholder organizations working in social protection.¹

This report is expected to contribute to the effort to expand social protection to all Nepali citizens, particularly the poor and vulnerable, in accordance with Nepal's national and international commitments. The findings of this study suggest that some vulnerable and marginalized groups remain excluded by policies under the constitutional framework for social protection. Moreover, incoherence between the Constitution, other legislation, and the implementation of government programs is evident. Even though

¹ An effort was made to reach out to all major national-level organizations working in social protection. The list of included organizations, however, is not exhaustive.

the federal government has initiated some new social protection policies and schemes, much work remains to be done to ensure adequate coverage and effective enforcement. This report also finds that development partners' programs primarily focus on assisting the federal government to implement social protection schemes. Meanwhile, interventions that empower poor and vulnerable citizens, improve governance within social protection delivery systems, and promote evidence-based policy making processes are lacking.

The report is divided into four parts. Following this introduction, Part 2 maps Nepal's major social protection policies and programs (also see Annex 2).² Then analyses discrepancies between them and shows where reforms or additions are needed. This 'gap analysis' considers the constitutional framework's ability to address citizens' varying degrees of vulnerability, as well as other laws' and policies' consistency with the constitutional vision for social protection. However, this report does not discuss shortcomings in the implementation of these policies at the local level – an important topic for future publications. Part 3 of the report maps the various programs and interventions of non-governmental, bilateral, and multilateral development partners (also see Annex 3).³ Part 4 concludes by providing a number of policy insights for the government and other development stakeholders.

² Annex I contains the detailed legal and policy map in table form.

³ Annex II contains the detailed institution map in table form.

2. Government policies and programs

2.1 The 2015 Constitution

Compared to its predecessors,⁴ Nepal's 2015 Constitution (GON 2015) is very progressive in terms of guaranteeing social and economic rights. Constitutional rights to social protection can be grouped into three broad categories. The first category contains citizenship-based (universal) rights, such as the right to free education (listed in Article 31), free basic healthcare (Article 35), food security and sovereignty (Article 36), appropriate housing (Article 37), and employment (Article 33). The second category includes special rights for marginalized and vulnerable citizens. For example, the indigent, incapacitated, single women, children, Dalits, people with disabilities, and endangered ethnic groups are entitled to social security (Article 43). Similarly, the Constitution's Article 40 confers special political, social, and economic rights to the Dalit community, including rights to educational scholarships, health and social security benefits, and provision of land and housing for those who lack it. Likewise, Article 41 provides special protections and social security for senior citizens, while Article 42 enshrines the rights of women, Dalits, and indigenous communities to social justice. The third and final category of social protection rights are labour rights conferred upon all workers, regardless of the nature of their employment or size of their workplace. Article 34 calls for contribution-based social protection and social insurance schemes for all workers.

2.2 Citizenship-based (universal) social protection policies and programs

Several laws have been introduced since the promulgation of the Constitution that help guarantee universal social protection. These include the *Compulsory and Free Education Act 2018* (GON 2018), the *Public Health Service Act 2018* (GON 2018), the *Children Act 2018* (GON 2018), the *Right to Employment Act 2018* (GON 2018), the *Food Rights and Food Sovereignty Act 2018* (GON 2018), and the *Housing Rights Act 2018* (GON 2018). Many, though not all, of these policies were included in the FY 2018-19 budget (GON 2018). The FY 2019-20 budget (GON 2019) plans to continue most of the existing programs and also introduces some new ones.

In FY 2019-20, the federal government has allocated 11 percent of its total budget for education and five percent each for health, housing and community services. Likewise, it has earmarked five percent of the total for social protection programs including unemployment benefits (7.55 percent of the social protection budget), social inclusion (0.9 percent), social protection research and development (1.08 percent), and other social protection programs (91.26 percent).

2.2.1 Education

The *Compulsory and Free Education Act 2018* guarantees equitable access to quality education

⁴ The 2015 Constitution, written under the direction of the Interim Constitution of 2007, replaced the 1990 Constitution. It is Nepal's seventh constitution since 1948.

for all citizens, making the state responsible for providing education up to the secondary level. The Act provides for informal or alternative education to those who cannot attend regular schools. It ensures free coursebooks for all students up to the secondary level. In addition, the Act makes it mandatory for all citizens to complete primary education and for parents to send their children to school. It also stipulates a number of educational rights, including: the right of communities to receive education in their own mother tongue; the right of all illiterate citizens to become literate; the right to free higher education for the poor, citizens with disabilities, and Dalits; the right to special education opportunities for the children of martyrs, conflict victims, and citizens with disabilities; the right to informal and alternative education for children who cannot attend school regularly; the right to education through religious and cultural institutions such as *Gurukuls*, *Gumbas*, and *Madrasahs*; and the right to vocational and technical education for all citizens who have completed primary education. The Act calls upon local governments to ensure primary education for all children who lack guardians, monthly stipends for poor children and those whose parents have disabilities, and regular health check-ups for students in community schools. No primary school shall reject the enrolment of a child or expel him or her on any pretext.

The federal government has allocated 11 percent of the FY 2019-20 budget for education, representing a one-percent increase over the previous year. In the budget, the government has announced that it will focus on promoting quality education in community schools over the coming decade, until 2028. To this end, it introduces a new program, the President Education Reform Fund (PERF), with a budget of NRs 50 billion. Among other things, PERF will introduce a sport teacher in each community school. The government has also allocated NRs 260 million to start vocational education programs in 212 local-level schools as part of the government's move to establish at least one vocational school in each municipality and rural municipality, thereby linking the education system with employment opportunities. The government plans to declare 70 districts completely literate during FY 2019-20.

2.2.2 Healthcare

The *Public Health Service Act 2018* guarantees easy access to quality health services for all citizens. The Act stipulates that basic health services must be made available for free, including immunization and services for maternity, infant and child health, geriatric health, mental health, communicable diseases, and emergency health services. It requires the government to establish adequate health institutions where health workers treat service seekers equally and respectfully and respect their privacy. Provincial and local governments are suggested to carry out mobile health camps in their respective constituencies in order to broaden healthcare access. The Act requires the federal Ministry of Health and Population, as well as provincial governments, to provide financial support for healthcare to the poor, displaced, and immediate family members of martyrs and conflict victims through a newly established Emergency Health Service Fund.

The *Safe Maternity and Reproductive Health Act 2018* (GON 2018) entitles all women and girls to sexual and reproductive health education, information, counselling, and services. It stipulates women's right to paid maternity leave for 98 days and unpaid leave for a year, men's right to paid paternity leave for 15 days, and employers' responsibility to make arrangements for breastfeeding at the workplace for their employees until their children reach two years of age. Women have the right to an abortion, subject to some conditions, and antenatal gender identification of the foetus is prohibited in order to control sex-selective abortions. The Act also requires the federal and provincial governments to provide annual grants to local governments to finance services related to safe maternity and reproductive health. A Reproductive Health Coordination Committee is to be established at the national level to coordinate the work of federal ministries and other stakeholders and to suggest new policies, plans, and programs in the area of safe maternity and reproductive health to the federal government.

Similar to the previous year, the government has allocated five percent of the FY 2019-20 BS federal budget for healthcare services. NRs five billion is earmarked for establishing at least one health institution in each of the country's 6,554 wards to provide free basic health services to all citizens. (GON 2018, 2019). In 2018-19, the government

doubled the transportation allowance for pregnant women, supporting their travel to and from health service institutions for birth delivery, and established special wards for the elderly in public hospitals (GON 2018). This will continue in the subsequent year. The FY 2019-20 budget provides NRs 2.2 billion for free treatment of eight complex diseases – including cancer, heart, and kidney disease – for poor citizens (GON 2019). Other provisions include up to NRs 400,000 for patients requiring kidney transplants, a cash payment of NRs 800 to pregnant women who complete four antenatal care visits, and free medical support to diagnose cervical and breast cancer (GON 2018, 2019). Moreover, NRs 6 billion has been disbursed for child health and nutrition (GON 2019).

In 2015, the federal government introduced a health insurance program to ensure that health services beyond those freely available are accessible for all citizens. According to *Health Insurance Regulation (2018)* (GOV 2018), the annual insurance premium for each household with up to five members is NRs 3,500, while households with more than five members are required to pay an additional NRs 700 for each member. The insurance covers medical expenses up to NRs 100,000 for each insured household with no more than five member and additional NRs 20,000 for each additional member for the households with more than five members. As of March 2019, the program has covered 40 out of 77 districts. The federal government plans to implement this program across the country in FY 2019-20, with NRs 6 billion allocated for this purpose (GON 2019).

2.2.3 Children's welfare

The *Children Act 2018* provides a bundle of rights to children, including the rights to a dignified life, protection, appropriate care, nutrition, free basic health services, free education up to the secondary level, special protection for children with disabilities, and scholarships for Dalit children. The Act assigns the primary responsibility for fulfilling these rights to parents and guardians and assigns the responsibility for providing a conducive environment to the

state. In addition, the Act assigns the state the responsibility of providing care, nutrition, protection, healthcare, education, and other basic needs to children requiring special protection.⁵ The FY 2018-19 budget highlighted the federal government's plan to rescue, manage, and rehabilitate orphans, street children, and other vulnerable children (GON 2018). The FY 2019-20 budget calls for greater coordination between all three tiers of government and child welfare institutions to rescue, rehabilitate, and reunite street children with their respective communities and family.

2.2.4 Employment

The *Employment Rights Act 2018* guarantees the right to employment for all citizens. The Act directs the federal and subnational governments to implement employment programs for unemployed citizens, including by providing employment-related information, skills trainings, and loan arrangements to promote self-employment. The Act also requires the federal government to set up local-level employment service centres that will develop registers of unemployed people and potential employers in their constituencies. The registered unemployed citizens to whom the government cannot provide minimum employment opportunities are entitled to an unemployment allowance equal to 50 percent of the minimum salary for a hundred days each fiscal year.

To implement the *Employment Rights Act*, the federal government introduced two major programs in FY 2018-19, the Prime Minister's Employment Program (PMEP) and the President's Women Empowerment Program (PWEP), which were allocated budgets of NRs 3.1 billion and NRs 296 million, respectively. The PMEP aims to provide skill enhancement trainings and create job opportunities in agriculture, irrigation, and public infrastructure construction. The PWEP aims to promote the economic independence of poor and marginalized women through skill enhancement and self-employment. The government significantly increased the budget for these programs in FY 2019-20, providing NRs 5.1 billion to expand the PMEP and NRs 220 million to expand PWEP (GON

⁵ Children requiring special protection include orphans, abandoned children, children separated from their parents, children whose parents have disabilities, children requiring alternative care, neglected children, children in prison, child labourers, children with disabilities, survivors of violence, conflict- or disaster-affected children, and poor Dalit children.

2019). The federal government plans to employ unemployed citizens, freed Kamaiya, Haliya,⁶ Kamlari,⁷ and other marginalized groups of people in public development works. In addition to the PMEP and PWEF, the federal budget for FY 2019-20 has given continuity to special loan programs introduced in the previous fiscal year and also provisions seed money and entrepreneurship programs to promote self-employment.

2.2.5 Food security

The *Food Rights and Food Sovereignty Act 2018* works to realize constitutional rights regarding food security and food sovereignty. The Act defines food security as ‘citizens’ physical and financial access to food required for active and healthy lives.’ It also declares citizens’ right to participate in formulating policies concerning food and to be free from the detrimental effects of the globalization of agriculture and trade. The Act requires all levels of government to coordinate to identify citizens at risk of famine, arrange for the storage of food, distribute food in times of need, provide subsidized or free food to citizens at risk of food insecurity, and develop short- and long-term plans to prevent malnourishment.

The FY 2019-20 federal budget aims to ensure food security by increasing farmers’ income through agriculture modernization, specialization, and commercialization. The government has nearly doubled funding for the Prime Minister’s Agriculture Modernization Project (PMAMP) to NRs 8.2 billion from the previous year’s budget of NRs 4.77 billion. The program includes subsidizing seeds and seedlings of cash crops such as coffee, tea, bananas, and citrus; increasing the subsidy for chemical fertilizer; and increasing the government’s food storage capacity (GON 2019, 2018). The federal government also set forth an agricultural insurance program that includes 75 percent subsidies on premiums for crops, livestock, and fish farming. The government also intends to provide land access to landless tenants, small farmers, minorities, Dalits, women, and the poor. Moreover, the FY 2018-19 budget contained plans to

distribute poverty identity cards – also known as State Protection Cards, which entitle holders to government support – to households identified as poor in the 26 districts where poverty mapping has been completed. The government plans to complete the poverty mapping process in the remaining 51 districts within the next two years. NRs 637.3 million was allocated in FY 2018-19 for this purpose (GON 2018).

2.2.6 Housing

The *Housing Rights Act 2018* enshrines the right to safe and appropriate housing for all citizens. The Act requires all three tiers of government to coordinate and provide temporary or permanent housing services to disaster-displaced citizens. In line with this Act, the FY 2018-19 federal budget allocated NRs 50,000 to each household below the poverty line as a housing support grant. The budget also contained plans to provide housing support to households with thatched roofs and households in disaster-prone areas (GON 2018). The FY 2019-20 budget contains three programs – Citizen Housing, Secured Housing, and Resettlement – to ensure citizens’ fundamental right to shelter. It allocates NRs 4.3 billion for building 30,000 houses for needy citizens under the Citizen Housing program. Under the Securing Housing program, NRs 730 million has been allocated to upgrade 20,000 thatched-roofed houses, and NRs 500 million has been earmarked for the resettlement of vulnerable people living in disaster-prone areas (GON 2019). The government is also planning to provide housing grants to certain earthquake victims who earlier had been excluded from the government’s housing program.

2.3 Targeted policies and programs

2.3.1 Social assistance allowances for vulnerable and marginalized groups

The *Social Protection Act 2018* formalizes the government’s cash transfer programs as legal

⁶ Kamaiya, a traditional system of bonded labor practiced in Nepal’s western Terai region, was abolished after protests in 2000. Haliya is another traditional system of agricultural bonded labor that was abolished in 2008. Abolition, however, has not been matched by sufficient rehabilitation programs. Freed Kamaiyas and freed Haliyas continue to struggle to survive as most lack formal education, marketable skills, and land to farm.

⁷ Kamlari, a traditional system of bonded labor practiced in Nepal’s western Terai region, was abolished after protests in 2006. In this system girls and young women are sold by their parents into indentured servitude under contract for periods of one year with richer, higher-caste buyers, generally from outside their villages.

entitlements. The federal government's cash transfer programs provide social assistance allowances to some of the country's most vulnerable groups, including: the elderly, defined as all citizens above 70 years of age and all Dalits and residents of the erstwhile Karnali Zone above 60⁸; single (unmarried or divorced) women above 60 years; holders of red or blue disability identification cards⁹ issued by the federal government; widows; citizens from endangered ethnic groups¹⁰; all children below five years in the erstwhile Karnali Zone and other districts that have low human development index (HDI) scores; and Dalit children across the country. At present, the monthly allowance ranges from NRs 400 for children to NRs 1600 for blue disability card holders and citizens from endangered ethnic groups, to NRs 2,000 for widows and single women over 60, to NRs 3,000 for the elderly and red disability card holders.

In its budget for FY 2019-20, the federal government claims to espouse a "life-cycle approach" to social protection for all citizens. Provisions include: pregnancy health check-up services and nutrition support for pregnant women; immunization, nutrition support, and social allowances for children; free education and scholarships for school-aged children; employment security for adults; and social pensions and free health insurance for elderly citizens. The budget expands social protection allowances to cover all children below the poverty line throughout the country, and has increased the value of social protection allowances to the elderly, widows, single women, endangered ethnic groups, and citizens with disabilities by NRs 1000 per month to NRs 3000 for elderly and red disability card holders, NRs 1600 for blue disability card holders and citizens from endangered ethnic groups, and NRs 2000 for widow and single women.

2.3.2 Education provisions for vulnerable and marginalized groups

The *Compulsory and Free Education Act 2018* calls for free higher education for vulnerable people, including economically poor students, Dalits, and students with disabilities. The Act also provisions

scholarships for female students and free school lunches for children in districts with low HDI scores as well as children born to parents with disabilities. Blind and deaf students are to be provided education through brail and sign language, respectively.

The federal government's budget for FY 2019-20 (GON 2019) reinforces the existing scholarship provisions for marginalized and vulnerable children. Accordingly, it plans to reach 1,076,000 Dalit students, 1,965,000 girls, and 63,000 children with disabilities. NRs 3.19 billion has been allocated for scholarship provision. With an aim to retain primary students in schools, the budget gives continuity to the free school lunch program for primary education students in all community schools in 43 the districts with low HDI scores. NRs 5.95 billion has been allocated to provide school lunches for 2,229,000 students. Likewise, free sanitary pads are to be provided in all community schools across the country; this program could be a breakthrough in promoting girls' school attendance. The budget also calls for making all schools disability-friendly and for establishing residential special-education institutions equipped for children with disabilities in all provinces. It also provisions for residential services for students with disabilities and those from remote and Himalayan areas.

2.3.3 Health provisions for vulnerable and marginalized groups

The *Public Health Service Act 2018* and Health Insurance Regulation 2018 provide free health services for poor citizens, elderly citizens above 70 years of age, citizens with disabilities, and those who have leprosy and tuberculosis diseases. The federal government's health insurance program provides free health insurance to the identified 'poorest' households and the households with a member with disability, HIV positive, and leprosy and tuberculosis infection. The free insurance covers medical expenses up to NRs 100,000 for household with no more than five member and additional NRs 20,000 for each additional member for the households with

⁸ The former Karnali Zone consisted five districts—Dolpa, Humla, Jumla, Kalikot, Mugu—in the northern-most part of the Mid-Western Development Region.

⁹ Blue cards indicate 'severe' disability, while red cards indicate 'complete' disability.

¹⁰ The Government of Nepal has identified 10 endangered ethnic groups: the Kusunda, Raute, Surel, Hayu, Raji, Kisan, Lepcha, Meche, Bankariya, and Kushabdiya.

more than five members. Similarly, elderly citizens of 70 years or above are entitled to free health insurance for the health expense worth NRs 100,000 per year.

2.3.4 Other targeted policies and programs

The *Child Rights Act 2018* entrusts the federal government to provide care and protection to vulnerable children. Likewise, the *Disabled People Rights Act 2018* provides completely and severely disabled people with a social assistance allowance, and all other people with disabilities with other protections such as free treatment related to their disability and education support. The *National Land Policy 2018* provides for land distribution to the landless, as well as support to build shelters and for other agricultural activities. The federal government introduced a program to rehabilitate and ensure food security for freed Kamaiya and Haliya. NRs 3.892 billion was allocated in FY 2018-19 for this purpose. The federal budget for FY 2019-20 initiates a provision of government grants for the organizations which provide care for orphans, helpless citizens, elderly, citizens with disabilities, and other vulnerable groups.

2.4 Labour rights and programs

For most of Nepal's history, workers in the informal sector and employees of small firms were deprived of all labour rights, including the minimum wage, collective bargaining, leave, and social insurance. For example, the *Labour Act 1992* applied only to firms with ten or more employees. Its replacement, the *Labour Act 2017*, represented a significant shift in policy by providing labour rights to all workers, irrespective of the size and type of their employer. The Act applies to all sectors except the police, army, armed police force, civil service and any other sector which is governed by special laws. It does apply to trainees, apprentices, foreign nationals, part-time workers, and out-sourced workers.

The Act guarantees all workers' rights to a minimum and equal wage for the same work, collective bargaining, union membership, social protection, annual salary increment, leave (including maternity leave), and accident insurance. The Act also provides for labour offices staffed by labour inspection officers who monitor workplaces and enforce the

law. The Ministry of Labour, Employment and Social Security has recently prescribed the minimum remuneration/wage of employees/workers as NRs 13,450 monthly (GON 2018).

The Act stipulates that employers shall not deploy workers for more than eight hours per day or 48 hours per week; it also entitles workers to have half an hour of rest after five hours of continuous work. Since the *Labour Rules 2018* provide flexibility to employers to determine work hours on the basis of the nature of the work, many labour law practitioners perceive it to contradict the Labour Act. This legal ambiguity may encourage employers to compel workers to work for extended hours (Baniya 2019). The Labour Rules also stipulate that employers maintain an occupational health and safety policy and conduct a labour audit every year, conducted as per criteria defined by the Ministry of Labour.

The Labour Act also entitles each worker to a provident fund. The worker and his/her employer each contribute 10 percent of the worker's salary to the fund, while the employer alone contributes gratuity of 8.33 percent of the salary. Workers are also entitled to medical insurance to cover medical expenses up to NRs 100,000 per annum and accidental insurance covering services worth up to NRs 700,000. Both employers and employees are responsible for paying the medical insurance premium, while employers alone pay the accidental insurance premium. However, the Act makes it clear that the employers and workers who contribute to the social security fund established by the *Contribution-Based Social Protection Act 2018* (discussed below) do not need to contribute to these schemes established under the Labour Act.

2.4.1 Contribution-based social insurance

The *Contribution-Based Social Protection Act 2018*, which introduces a social insurance scheme (social security fund) for all workers, is the first of its kind in Nepal. Workers in the formal and informal sectors, as well as the self-employed, are eligible to enlist in contribution-based schemes for medical, accident, disability, and unemployment insurance, as well as maternity leave and retirement pensions. The schemes provide benefits for workers and their dependent family members. The Act makes it mandatory for employers and employees to be

registered with the social security fund to participate in this insurance scheme. Employees must contribute 10 percent of their salary, while employers need to contribute 21 percent of the salary to participate in the fund.

To encourage participation by informal sector and self-employed workers, the Act requires the federal government to contribute a certain amount to workers' individual social protection accounts. However, the *Contribution-Based Social Protection Regulation 2018*, which elaborates upon the Act, gives the government flexibility to delay initiating the informal-sector social insurance scheme. Thus, the scheme currently excludes informal-sector workers. As the federal budget for FY 2019-20 mentions, the scheme will be expanded gradually, and all individual social protection account holders will be issued with social protection identity cards and numbers.

2.5 Policy gaps and inconsistencies

2.5.1 Social protection policies are not disaster-responsive

In Nepal and beyond, disasters disproportionately affect the poor and vulnerable (GON 2015). They can also push non-poor people into poverty: according to Tiwari et al. (2006), around two-fifths of Nepal's poor in 2010 were not poor in 2003, with disasters a primary cause for their downward mobility. Similarly, it is believed that the devastating 2015 earthquakes pushed an additional 2.5 percent to 3.5 percent of Nepalis, or 700,000 people, into poverty (GON 2015).

Social protection programs can play a fundamental role in building citizens' resilience to cope with the consequences of disasters. However, Nepal's existing social protection policies are not well designed to help households affected by disasters.

Article 43 of the Constitution guarantees social security to certain groups of citizens (see Part 2.1.). However, it does not specifically enumerate disaster-affected people. There are thus thousands of citizens who do not fall under any social protection program but who are nonetheless made highly vulnerable by earthquakes, floods, landslides, and the like. Shockingly, 75 percent of the 1.7 million people affected by floods in the summer of 2017

– the worst floods in 15 years – were not covered by any government social protection program (CIDT 2018; Holmes et al. 2018). In the absence of a constitutional regime to provide social protection for disaster-affected people, the government has been responding to wide-scale disasters like earthquakes in an ad-hoc fashion, guided by a welfare-based mindset rather than a rights-based one. Moreover, the victims of localized but devastating disasters, like landslides, are often left with no government support at all.

The *Disaster Reduction and Management Act 2017* is the primary legislation regarding disaster management and risk reduction in Nepal. The Act's preamble defines its objectives as protecting human lives, private and public property, natural and cultural heritage, and physical infrastructure. However, it makes no mention of empowering or building the resiliency of disaster-affected people. Nevertheless, the Act does call for the provision of relief aid to affected persons: its Article 14 requires Provincial Disaster Management Committees to develop basic standards for relief packages, while Article 16 recommends that the federal government do the same. However, neither the federal nor the provincial governments have yet developed such standards. Another law, the *Local Governance Operation Act 2017*, requires local governments to rehabilitate disaster-affected persons in their respective constituencies. However, local governments have meagre resources to provide such support, and they give it at their own discretion. The current policy regime leaves many disaster-affected people with no support at all.

2.5.2 Social protection policies that target poverty are not effectively implemented

Social protection is increasingly recognized as an effective measure to address poverty and vulnerability in developing countries (Conway et al. 2000). Nepal has several significant poverty-targeted social protection policies. Article 43 of the Constitution categorically includes indigent citizens among those who are entitled to tax-financed social protection as a fundamental right. Consistent with this provision, the *Social Protection Act 2018* includes economically poor citizens in the groups of right holders who are entitled to social assistance allowances. However, in contrast with these policies, actual federal government programs in practice fail

to provide social assistance allowance and other sufficient social protection provisions for the poor (World Bank 2017).

The Ministry of Land Management, Cooperatives and Poverty is in the process of carrying out poverty mapping across the country. According to this process, citizens are classified into four categories, ranging from 'non-poor' to 'poorest,' based on their socio-economic status (see Part 2.2.5). The federal government planned to begin distributing State Protection Cards to citizens who fall below the poverty line in the 2018-19 financial year.

However, the government does not yet have social protection schemes to offer most people eligible for State Protection Cards. For example, while the *Public Health Services Act 2018* ensures free health insurance to those identified as 'poorest,' and subsidised health insurance to the rest of those falling below the poverty line, it has yet to be fully implemented. The health insurance program has reached only 14 of the 26 districts in which poverty mapping has been completed. In these 14 districts, free insurance is available to those identified as 'poorest,' but other citizens below the poverty line have not been provided the subsidised health insurance they are entitled to under the Act.

Some other social policies relevant to the poor also remain unimplemented. For example, the *Food Security and Food Sovereignty Act 2018* aims to provide poor people with free and subsidised food. However, the FY 2018-19 and 2019-20 federal budget includes no significant programs to implement this policy (GON 2018, 2019).

2.5.3 Social assistance allowances are calculated arbitrarily and are too low to address poverty and vulnerability

The social assistance allowances that the federal government provides are calculated arbitrarily. The allowance amounts promised to different groups vary, ranging from NRs 400 per month for children to NRs 3,000 per month for the elderly, but there is not objective rationale for these differences. Moreover, the allowances are too little to reduce the designated groups' vulnerability and marginalization.

Internationally, people living on less than USD 1.25 a day are defined as living in extreme poverty (UN

2015). In Nepal, a 'cost of basic needs' approach has been used to estimate poverty. Accordingly, an individual is considered poor if his or her total annual consumption is below NRs 19,261 (CBS 2011).

Except for the elderly and disability (red card holders) allowance, the values of social assistance allowances are far below the requirements to lift recipients above the nationally and internationally defined poverty lines. Many studies, including Hagen-Zanker et al. (2015) and Niti Foundation (2018), find that social assistance allowances have no significant impact on the lives of beneficiaries because their values are so small.

2.5.4 There is incoherence among and between policies and programs for children's social protection

This study finds inconsistencies between the Constitution, the *Social Protection Act 2075 BS (2018 AD)* and the federal government's programs concerning children's right to social protection.

Article 43 of the Constitution enshrines the fundamental right to social protection for all children, while the *Children's Act 2018* defines a child as anyone under 18 years old. Accordingly, the social protection right must apply to all citizens under 18. However, the *Social Protection Act 2018* fails to meet this requirement because it provides social protections to only some groups of children. It guarantees social protection only for children under five years old who are economically very poor, from an endangered community, or whom the federal government otherwise defines as entitled to social protection. Thus, the *Social Protection Act* is inconsistent with Article 43 of the Constitution. Moreover, in actual practice, the federal government's social protection program for children takes guidance from neither the Constitution nor the *Social Protection Act*. The program targets all children in the erstwhile Karnali Zone and a few other districts with low HDI scores, as well as Dalit children across the country (GON 18).

The rights to social protection of many types of vulnerable and marginalized children, such as the economically poor and orphans, remain unfulfilled. Over one-third of Nepal's 12.6 million children live below the national poverty line (CBS 2011). Given the high prevalence of childhood poverty

and the absence of adequate social interventions, some families are compelled to adapt in ways that cause harm to their children's overall wellbeing, such as by unnecessarily institutionalizing them (UNHCR 2014). Moreover, children who do receive social allowances stop doing so as soon as they reach five years of age, even though vulnerability and marginalization do not end at this age. These children can become vulnerable to child abuse and exploitation including child labour, child marriage, and child trafficking (GON 2017).

2.5.5 Social insurance programs exclude informal-sector workers, who are often the most vulnerable

Despite policies to include informal-sector workers in the government's social insurance programs, in actual practice they are excluded. This leaves a large gap in coverage for many of the country's most vulnerable groups.

Article 34 of the Constitution entitles every labourer to contributory social security in addition to other labour rights. Similarly, Recommendation No. 204 of the International Labour Organization (ILO 2015), to which Nepal is a party, advises members to adopt a tailored approach to social insurance that matches informal-sector workers' diverse circumstances and needs, and to provide them incentives and benefits due to their low contributory capacity. Consistent with the Constitution and Recommendation No. 204, the *Contribution Based Social Security Act 2018* requires the federal government to design special social insurance schemes tailored to the needs of informal-sector workers. It also recommends that the government contribute funds to these workers' social insurance accounts in order to encourage them to join the schemes. However, in practice, the federal government's social insurance scheme is only for workers in the formal economy. Informal-sector workers are left without any social insurance program, let alone subsidies or incentives to join one.

By excluding the informal sector, which employs over 70 percent of the economically active population, Nepal's social insurance scheme excludes the majority of workers (Khatiwada and Koehlor 2014; ILO 2019). A considerable number of informal-economy workers live in poverty, and many are

women and/or from marginalized ethnic groups (Ginneken 1999; Khanal 2012). Only 22 percent of working-age Nepali women are employed in the formal labour force (Shrestha 2019). Most workers who engage in the informal economy do so not by choice but because they cannot find work in the formal economy (ILO 2015; Alfors 2017). Their low socio-economic status and very precarious working conditions make them especially vulnerable (Kalleberg and Hewison 2013). As a result, social insurance is very important to reduce their vulnerability and marginalization.

Designing and implementing social insurance schemes for workers in the informal economy can be a very complex task but is nonetheless possible. Compared to workers in the formal sector, informal-economy workers have limited capacities to contribute and irregular earning patterns (Ginneken 1999). Moreover, in the absence of an employer, independent workers must take on full responsibility for social security contributions themselves (Durán-Valverde 2013). Nonetheless, social insurance schemes for informal-sector workers in other countries have been successful. Many developing countries, including Kenya, India, China, the Philippines, and most Latin American countries provide subsidized social insurance contributions and other incentives, such as favourable loan arrangements, to those who voluntarily join social insurance schemes (Durán-Valverde et al. 2013).

2.5.6 The institutional framework for various social protections is confusing and contradictory

Constitutional provisions and other laws regarding poverty alleviation, social security, and labour protections are confusing and contradictory. In the absence of a clear institutional framework, tensions have emerged between the different tiers of government as to who shoulders which responsibilities.

Confusingly, the Constitution simultaneously conceives poverty alleviation and social security as exclusive powers of the federal government and as concurrent powers to be shared by the federal, provincial, and local governments. The *Local Government Operation Act 2017* details several powers and functions of local governments with regard to poverty reduction and social security. However, there are presently no laws elaborating

upon the constitutionally outlined roles of the federal and provincial governments in this area.

In many legislative and executive arenas, the federal government has been accused of acting against the spirit of the Constitution and the basic norms of federalism, such as the principle of subsidiarity,¹¹ by impinging upon the authority of the new subnational governments. For example, Article 11 of the *Local Government Operation Act* entrusts local governments with identifying and maintaining records of the number of poor households within their jurisdiction. However, the federal-level Ministry of Land Management, Cooperatives and Poverty, continues to be engaged in this work, contradicting the Constitution, the *Local Government Operation Act*, and the subsidiarity principle.

Similarly, provisions in the *Labour Act 2018* are inconsistent with the Constitution and impinge on the authority of the provinces. The Act allows the federal government to maintain exclusive control over labour governance. For example, it provides the federal government exclusive authority to appoint and determine the number of labour inspectors, who are charged with enforcing labour rights. This contradicts the Constitution, which bestows concurrent authority to the federal government and the provinces to legislate regarding employment-related rights, including social insurance. Labour law remains one of the most poorly implemented domains of Nepali law. To date, the federal government has been ineffective at implementing the *Labour Act*.

2.5.7 There is no mechanism to monitor the delivery of the social services and hold actors accountable

Monitoring and accountability mechanisms are fundamentally important for reducing irregularities in social service and social protection delivery systems. These mechanisms can ensure that beneficiaries receive precisely what they are entitled to in a timely manner. However, in Nepal, where social service and social protection delivery functions lie primarily with local governments, monitoring and accountability mechanisms are

wholly lacking. This has resulted in rampant corruption and irregularities (Adhikari et al. 2014; Chopra and Wadhawan 2014).

Nepal can look to many other countries around the world for positive examples of how to implement accountability and monitoring mechanisms in social protection programs (World Bank 2011). For example, in Brazil, the Bolsa Familia cash transfer program has established hotlines for reporting any irregularities. Hotline calls are responded to by the Public Audit Network and Social Control Committees, which consist of members of the community, civil society, and the government. They report irregularities to the municipal government and, if necessary, to the Ministry of Social Development. Similarly, in the Dominican Republic, the government makes complaint forms available to all beneficiaries of its cash transfer program, Solidaridad (World Bank 2011). An authority has been designated to hear the complaints.

¹¹ The subsidiarity principle in politics holds that social and political issues should be dealt with at the most immediate (or local) level feasible. The central authority should perform only those functions which cannot be effectively carried out at the local level.

3. Development partners' programs

Development partners working with the government in the area of social protection include multilateral institutions such as the World Bank, bilateral organizations such as Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), international NGOs like Save the Children, and various Nepali NGOs and private companies. These organizations primarily assist the federal government to implement its social protection programs and commitments.¹² For example, GIZ assists the Ministry of Health and Population to implement the national health insurance scheme (see Part 2.2.2). UNICEF is working with the Ministry of Federal Affairs and General Administration (MoFAGA) to expand the Child Grant Program (see Part 2.3.1). Similarly, the World Bank and Save the Children work with MoFAGA to strengthen the civil registration system. Save the Children also works to raise awareness among beneficiaries about social protection schemes. Meanwhile, the International Labour Organization (ILO) and the international consulting firm Oxford Policy Management are supporting the Ministry of Labour, Employment and Social Security to implement the Employment and Social Security Fund Program (see Parts 2.2.4, 2.3.3, and 2.3.4). The World Food Program (WFP) assists the government to implement the school meal program and other health, nutrition, and livelihood programs (see Parts 2.2.1 and 2.2.2). The Nepali NGO Disabled Human Rights Centre helps people with disabilities access social protection services, while Niti Foundation conducts policy research and dialogue regarding the social protection sector.

3.1 Gaps in development partners' programs

3.1.1 Interventions that empower the poor and most vulnerable citizens are limited

The human rights-based approach to development is accepted around the world; in Nepal, many development partners, including those mentioned above, claim to adhere to this approach. According to Hausen and Launiala (2015), 'the human rights-based approach has a twofold objective: (1) to empower people (rights holders) to claim and exercise their rights; and (2) to strengthen the capacity of actors (duty bearers) who have a particular obligation or responsibility to respect, protect and fulfil the rights of the poorest, weakest, most marginalized and vulnerable, and to comply with these obligations and duties.'

However, this study finds very few interventions by development partners that are intended to empower the poor and most vulnerable citizens. Research shows that many citizens are not even aware of the social protection rights they are guaranteed by the Constitution and other policies. This lack of awareness strongly contributes to vulnerable citizens' continued exclusion from social protection programs. For example, Holmes et al. (2018) show that as many as 60 percent of eligible citizens with disabilities are excluded from the disability grant, primarily due to lack of knowledge regarding the existence of the grant. Development partners may

¹² Details of development partners' programs mentioned here were collected during interactions between the Niti Foundation and representatives from these organizations in 2019.

be able to help fill gaps for vulnerable populations, such as people with disabilities and citizens living in very remote areas, by implementing the human rights-based approach.

providing reliable, accurate information. However, to date, activity in this area has been limited.

3.1.2 No significant intervention seeks to improve governance in the social protection delivery system

Studies have revealed serious corruption and efficiency problems in Nepal's social protection delivery systems. For example, intermediaries illegally skim off part of social allowances intended for beneficiaries, and beneficiaries often face long delays in receiving support. In 2014, for example, each child grant beneficiary was entitled to NRs 2,400 per year (GON 2009). However, Adhikari et al. (2014) found that only 63 percent of those eligible received the full amount. Similarly, Chopra and Wadhawan (2014) found that, on average, households in Karnali received only NRs 1,086, with 28 percent of households receiving less than NRs 1,000 per child per year. Although the transfer should have been received three times a year, 79 percent of households only received the transfer once within the year preceding the survey, and only two percent had received funds at the correct frequency. Despite these serious efficiency and corruption problems, this study found no development partner interventions that seek to improve governance in the social protection delivery system.

3.1.3 Efforts to develop evidence-based policymaking processes are limited

Evidence-based policymaking processes help policymakers choose the right policy for a given situation. This requires information about what works and what does not, what works in which situation, and what the policy alternatives are (Head 2010). In Nepal, research and evaluation have not been incorporated into the policy-making cycle. As a result, the federal government announces one programme after another without ensuring the effectiveness of ongoing or new programs (Kanel 2019; 2012). There is a dearth of evidence on the impact of various livelihood interventions on peoples' lives (Upreti et al. 2012). In this context, development partners can help governments initiate evidence-based policy making processes by

4. Summary and policy insights

For the first time in Nepal's history, the 2015 Constitution provides citizens with various social and economic rights like the right to social protection. While some subsequent laws have aimed to realize these constitutional provisions, inconsistencies exist between the Constitution, other laws, regulations, and social protection programs in place. Legislative amendments and changes in the practice of the executive branches of government are necessary to bring coherence to the social protection system in Nepal and to make it work for the poor and most vulnerable. Most development partner organizations working in social protection support the federal government to implement its social programs. However, development partners would be more effective if they focused on filling in the gaps left by the government. This study offers the following policy insights:

- **Social protection policies are not disaster responsive.** Several pieces of legislation, including the *Disaster Reduction and Management Act 2017* and the *Social Protection Act 2018* require amendments. The government should ensure that social protection services are made available to citizens vulnerable to, and affected by, disasters.
- **Social protection policies that target poverty are not effectively implemented.** The federal government's social protection schemes fail to adequately include the poor, despite provisions in the Constitution and the *Social Protection Act 2018*. All tiers of government must offer social protection services, including social allowances, to citizens identified as poor, as per the constitutional mandate.
- **Social assistance allowances are calculated arbitrarily and are too low to address poverty and vulnerability.** The values of the social assistance allowances that the federal government provides to different groups vary considerably with no apparent rationale, and they are insufficient to meet national and international standards for fulfilling basic needs. The federal government should reassess the values using transparent criteria, and make sure they meet beneficiaries' basic needs.
- **There is incoherence among and between policies and programs for children's social protection.** The *Social Protection Act 2017* contradicts the Constitution by excluding many groups of children from social protection programs. Likewise, in practice, the programs for children take direction from neither the Constitution nor the *Social Protection Act*. The *Social Protection Act* should be amended to adhere to the Constitution, and the government should implement children's social protection programs according to the law.
- **Social insurance programs exclude informal-sector workers, who are often the most vulnerable.** The federal government's current social insurance scheme excludes over 70 percent of workers, i.e. those in the informal sector, who often work in the most precarious conditions. These workers are disproportionately women and from marginalized ethnic groups. The government should tailor the design of social insurance schemes to the diverse circumstances and needs of all citizens.
- **The institutional framework for various social protections is confusing and contradictory.** In

the absence of clear laws, tensions have emerged between the different tiers of government as to who shoulders which responsibilities. The federal government has engaged in regulating and administering some social protection programs that, according to the Constitution, should be left to the local and provincial governments. The federal government should abide by the federal division of power as outlined in the Constitution and embrace the principle of subsidiarity regarding social protection programs.

- **There is no mechanism to monitor the delivery of the social services and hold actors accountable.** Mechanisms should be established at the local level to monitor the delivery of social services and to hold local governments accountable to rights holders.
- **Development-partner interventions that empower the poor and most vulnerable citizens are limited.** Development partners' program interventions are primarily focused on strengthening the federal government's capacity to implement its social protection programs. Development partners should give equal importance to strengthening the capacity of rights holders to claim their rights.
- **Development partners do not have significant interventions seeking to improve the governance in social protection delivery system.** In order to address serious corruption and efficiency problems in social protection delivery systems, development partners' interventions should seek to promote good governance in this field.
- **Development-partner efforts to develop evidence-based policymaking processes are limited.** Development partners should focus on assisting all three tiers of government to initiate evidence-based policy-making processes by providing reliable, accurate information.
- **Monitoring and evaluation studies to understand the implementation status and impacts of the social protection policies and programs are very limited.** Governments and development partners should commission studies on a regular basis to understand the implementation status and the impacts of the policies and programs on beneficiaries and their families.

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6. Annexes

6.1 Legal mapping table

Eligible Groups for Social Protection	Constitutional right to social protection	Legislative provisions	Policies and Programs for FY 2018-19, and budget objectives and priorities of the federal government	Policies and Programs for FY 2019-20, and budget objectives and priorities of the federal government	Gaps
Economically Poor	Article 43, Social Assistance allowance Article 42(2): Special opportunity and benefit in education, health, housing, employment and food. Article 31(2): Right to free higher education	Social Protection Act 2075: • Social Assistance Allowance	-State Protection Identity cards will be issued to the identified poor people in 26 districts. -Poor people will be identified in the rest of the districts in two years period -Absolute poverty will be eliminated gradually.	Poverty identification continue	-Poverty identification process and methodology has been highly contested. -No social assistance allowance program that target to the economically poor citizens.
		Compulsory and Free Education Act 2075: • Free higher education	Scholarship, free school lunch	Scholarship, free school lunch to the primary school students in community schools in 43 of the low HID districts.	Not adequate scholarship to the poor citizens (According to Scholarship Evaluation study conducted by the Ministry of Education)
		Public Health Service Act 2075: Free health service to poorest and subsidized insurance for the poor citizens	Free health Insurance to the identified poorest people.	Free health insurance to the identified poorest people	-Health insurance program has been expanded to only in 14 of the 26 districts where poor people have been identified. -Even in these 14 districts, free health insurance is provided to the poorest of poor. Other poor do not get free or subsidized health insurance. -Even in these 14 districts, no study has been done yet to understand whether all identified poor have access to free health insurance.
		Housing Rights Act 2075: All citizens have rights to safe housing.	The government allocated budget to provide Rs 50,00 each to the households below the poverty line, landless and those which lost their housing due to disaster.	The government introduced three programs- Citizen Housing, Secured Housing, and Resettlement.	Program implementation is very weak.

Helpless single women	Article 43, Social Assistance Allowance	Social Protection Act 2075: Social Assistance Allowance	Social Assistance allowances, NRs 1000 monthly	The allowance amount has been increased to NRs 2000 monthly	Many such women are not aware of the policy and program.
People with disabilities	Article 43, Social Assistance Article 42(3): • Right to live with dignity and honour, • Identity of their diversity, • Equal access to public services and facilities. Article 31(2): Right to free higher education	Social Protection Act 2075: Social Assistance Allowance	Monthly social allowance, NRs 600 for blue disability card holders and NRs 2000 for red card holders	Monthly social allowances, NRs 1600 for blue disability card holders and NRs 3000 for red card holders	
		Compulsory and Free Education Act 2075: • Free higher education, scholarships, special education, residential education	Scholarships,	Scholarship for 63000 students, residential schools equipment.	
		Public Health Service Act 2075: • Free health services	Free health services	Free health services	
		Disable People Right Act 2075: • Local Governments and the concerned provincial ministries need to keep the record of disabled people living in their respective constituency.			No proper record of the people with disabilities.
		Child Rights Act 2075 • Children with disabilities have right to special care and personal development, rehabilitation support, and preparation for employment	Special education boarding institutions at province level will be established	Residential schools	Establishing special education institutions is against the idea of inclusive education and international laws which oppose the idea of special and seclusive education.

All Children	Article 43, Social Assistance	Social Protection Act 2075: <ul style="list-style-type: none">• Social Assistance allowance to all children	Social assistance allowance to the selected children	Social assistance allowance has been expanded to cover all children below poverty line across the country.	Social Protection Act contradicts with the Constitution and consequently, not all children are entitled to social protection allowances. Only the selected children are receiving. Orphan and other vulnerable children are not provided with the social protection allowance.
		Child Rights Act 2075: <ul style="list-style-type: none">• Children have right to nutritious food, clean drinking water and breastfeeding up to two-year-old.• Free basic health• Compulsory and free primary and free secondary education	Fee and compulsory primary education	Free and compulsory primary and free secondary education	Child poverty is disproportionately high, and many children are undernourished.

Vulnerable Children including Orphan, abandoned children, not being cared for by parents due to their disabilities, children in conflict with law and are in alternative care, living with jailed parents, children born out of rape and could not be cared for by mother, abused and neglected children, child labors, severely? disabled, crime victims, disaster and conflicted affected children, poor Dalit children.	Article 39(9): helpless, orphan, with disabilities, conflict victim, displaced or vulnerable shall have the right to special protection and facilities from the State.	Social Protection Act 2075: • Social Assistance allowance	Free school lunch to the primary students in the community schools in the 43 of the low HDI districts.	Many vulnerable children are excluded from social allowance benefits. The one who receive, except disabled children, stop getting the benefit once they attain 5 years of age.
		Compulsory and Free education Act: • Free school lunch	Fee school lunch to the primary students in the community schools in the selected low HDI districts	Many children are excluded from their right to receiving free lunch.
		Child Rights Act 2075: • Vulnerable children have right to be cared for, protection, health, education and other basic need to be fulfilled by the state. • Vulnerable children's right to alternative care in order by relatives, families, interested family or person, any organization which will give family environment, and lastly child home as the last resort	Children without guardianship, vulnerable and street children will be rescued, managed and rehabilitated.	The vulnerable children are not getting appropriate care by the State. Unnecessary institutionalization of children is very high.
Citizens belonging to the tribes on the verge of extinction	Article 43, Social Assistance allowance	Social Protection Act 2075: Social Assistance allowance	Social Assistance allowance, NRs 600 monthly	
Elderly	Article 41: The senior citizens (over 60 years in the case of Dalit and single women, and 70 for the rest) shall have the right to special protection and social security from the State.	Social Protection Act 2075: Social Assistance Allowance	-Social Assistance allowance, NRs 2000 monthly -Free health insurance up to Rs. 100,000	
			The allowance increases to NRs 1600 monthly.	
			The allowance increases to NRs 3000 monthly Free health insurance	

Dalit	Article 40: • Free education with scholarship from primary to higher education. • Special provision in technical and vocational education. • Special provision to provide health. • Social security. Article 43: Social assistance allowance to all Dalit children	Compulsory and Free Education Act 2075: • Free higher education Child Rights Act 2075: • Dalit children have right to free education with scholarship. Social Protection Act 2075: Social assistance allowance to all Dalit Children	Scholarship provisions	Scholarship for 1076000 Dalit students	Free higher education is not available. Scholarship provisions are not adequate.
			Social Allowance, NRs 400 until they reach to 5 years of age	Social Allowance, NRs 400 until they reach to 5 years of age	
			Unorganized farmers, laborers and self-employed people will be gradually covered by social insurance schemes.	Social insurance will gradually be expanded.	Informal sector workers are yet to be covered by social protection scheme.
Workers	Article 34: • Right to fair labour practice • Right to Appropriate Remuneration, facilities and contributory social security.	Contribution Based Social Protection Act 2074: • The Act Provisions Social Protection Fund to support social protection schemes such as medical, maternity, accident, disability, pension, dependent family members, unemployment. • The Act covers workers in all sectors: formal, informal and self-employed.			
		Labour Act 2074 • All workers have right to labour rights including social protection. • In the case of part time workers working with more than one employer, each employer needs to contribute, one basis of basic salary, for provident fund, pension or social security.			

Martyrs' families, conflict victims, democracy fighters	Article 42(5): Right to education, health, employment, housing and social security	The Compulsory and Free Education Act 2075 BS • special education opportunities for the children of martyrs, conflict victims.	Scholarship	Scholarship Emergency Health Service Fund to provide free health services	
Victims of Crime	Article 21(2): A victim of crime shall have the right to justice including social rehabilitation and compensation.	Crime Victim Protection Act 2075: • The victims are entitled to rehabilitation support and compensation either from their perpetrators or Victim Compensation Fund.	Scholarship	Emergency Health Service Fund to provide free health services	The victims are not getting compensation.
All citizens	Right to free education up to secondary level (Art 31)	Compulsory and Free Education Act 2075: • All citizens have right free education up to secondary level (20). • Right to education in their mother-tongue up to secondary level. (28)	-School education up to secondary level will be made free and compulsory gradually. - School lunch to the primary community school students in all low HDI districts.	Free and compulsory primary education. Free secondary education	

Right to Employment (Art 33)	Employment Rights Act 2075 <ul style="list-style-type: none">• Right to employment for at least 100 days in a year.• Unemployment people have right to get employment related information, skill training, and facilitation of loan arrangement through financial institutions to promote self-employment.• Unemployment allowances (fifty percent of the minimum wage for 100 days).	<ul style="list-style-type: none">-Creating employment and work for all citizens.-Prime Minister Employment Program.-Establishment of Employment Information centres at the local levels.-Free skill training according to market demands.-Equal wage-Minimum wage will be reviewed.-Up to Rs. 700,000 loan to high education accomplishers with minimum interest rate (5 percent) to promote their self-employment.-Up to Rs. 1,000000 loan to returnees from foreign employment to set up their own profession utilizing the skill that they acquired abroad.	Expansion of Prime Minister Employment program and President Women Empowerment proram.s.
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Right to free basic health (Art 35)	<p>Public Health Service Act 2075:</p> <ul style="list-style-type: none"> • All citizens have right to easy access to quality health service. • Right to free basic health services including infant health, pre/postnatal, contraceptive, transferrable diseases, mental health, elderly health, and basic emergency services. <p>Safe Motherhood and Reproductive Health Rights Act 2075:</p> <ul style="list-style-type: none"> • All women and adolescents have right to education, information, counselling related to sexual and reproductive health. • Paid maternity leave for 98 days. 	<p>-Expansion of health insurance to cover all citizens.</p> <p>-Establishment of health institutions in 1200 wards for free health services.</p> <p>-Transportation cost to women to have maternity checked up and safe delivery has been doubled.</p>	<p>Health insurance across the country.</p> <p>Establishment of health institution across the wards.</p> <p>Transportation cost to women to have maternity checked up and safe delivery</p>	<p>-Only 40 districts have been covered by health insurance program.</p>
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Right to be safe from the state of being in danger of life from the scarcity of food (Art 36).	Food Right and Food Sovereignty Act 2075: <ul style="list-style-type: none">• Every citizen has a right to access food required for active and healthy life (food security),• And to participate in food related policy formulation, to choose any occupation related to food production and distribution system, to choose agriculture tools/ seeds/technology, and to be free from the negative impacts of globalization and commercialization (Food Security).• Local governments need to identify, keep the records of and issue identity cards to the people vulnerable to food insecurity.• Nepal government and sub national governments shall provide free or subsidised food to the identified vulnerable people.• The governments shall take effective measures to minimize the risks causing food insecurity and to make food available during disaster.	Prime Minister's Agriculture Modernization Project (PMAMP)	Expansion of PMAMP		

	Right to appropriate housing (Art 37).	<p>Housing Rights Act 2075:</p> <ul style="list-style-type: none">• Aims at providing Nepali citizens, who do not own and cannot afford shelter, with reasonably good and secured housing.• Local government are required to keep the record of the citizens, who do not have and cannot afford shelter, and provide them with identity cards.• Nepal government, and province and local governments shall coordinate among themselves and provide the card holders with shelter in a progressive manner.	Provision of Rs 50,00 each to the households below the poverty line, landless and those which lost their housing due to disaster.	Citizen Housing, Secured Housing, and Resettlement	
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6.2 Institution Mapping Table

Organization	Program	Specific Role in Social Protection System	Gaps in the existing programs from their perspectives
Ministry of Women, Children and Senior Citizens	Social Protection for the Persons with Disabilities	<ul style="list-style-type: none"> Policy/Guidelines formulation (Recently, a procedural law was developed and disseminated to the local governments). Coordination with national and international level stakeholders. Coordination for the implementation of international commitments. 	<p>Sensitization of local governments on their roles in social protection.</p> <p>Strengthening the role of DPOs in Coordination Committee.</p>
	Social Protection for Single Women		
	Social Protection for Elderly		
	Social Protection for Indigenous People		
	Social protection for children (400 monthly) for all children in Karnali and some other HDI low districts, and universal for all Dalit Children.		
The Ministry of Education, Science and Technology	Women Empowerment	<ul style="list-style-type: none"> Presidential Women Empowerment Program to build the skill and link for employment for their economic independence 	
	Health Insurance for elderly citizens	<ul style="list-style-type: none"> The Government buys insurance worth Rs 100,000 yearly to the elderly citizens above 70 years old 	
	Scholarship	<ul style="list-style-type: none"> The popular scholarship programs include Dalit scholarship, the 100 percent Girls' Scholarship Program (GSP), poor and talented scholarship, disability scholarship, scholarship for marginalized or endangered, and Karnali zone scholarship 	
	School Meal	<ul style="list-style-type: none"> In 42 District 	

The Ministry of Health and Population	Health Insurance	<ul style="list-style-type: none"> Implemented in 40 districts including 14 districts where poor people have been identified. The Ministry pays the premium (Rs. 3500 annually) to the identified poorest households. The insurance covers medical expenses up to Rs 100,000 for each insured household with no more than five members. 	<p>In the program districts, only 13 percent households have joined the program.</p> <p>Many households have withdrawn membership in the subsequent years.</p> <p>Poor quality in the government services is attributed to the membership being withdrawn.</p> <p>No study has been done yet to understand whether all the identified poorest have been covered in the 14 districts.</p> <p>Premium amount has not been used in productive sector and the government is bearing insurance cost which is higher than the collected premium. This poses a question of sustainability of the program.</p>
	Poor Citizen Fund	Financial support to the economically poor patients to cure heart and kidney diseases, cancer, Parkinson, Alzheimer, spinal and head injury.	
	Safe Motherhood	<ul style="list-style-type: none"> Maternity incentives, Transportation Cost for hospital delivery 	
	Free Health services	Setting up health Institutions at the ward levels and free medicine. At least one government employed doctor will be assigned at the local level.	
National Planning Commission		<ul style="list-style-type: none"> Five years development plan National Social Protection Framework (draft) 	
	Employment and Social Security	<ul style="list-style-type: none"> Social Security Fund O&M Survey for the structure of Social Security Fund. Registering formal employers and employees to SSF. 	
	Prime Minister Employment Program	Will implement Unemployment Benefit Act. The Act aims at supporting unemployed citizens to find employment. Those who do not get minimum employment will be provided with unemployment allowance.	<ul style="list-style-type: none"> Is in the process of developing by-law. Province consultation to make the sub national governments aware of the law. Employment Information Centre will be set up at the Palika level. An Employment Coordinator will head the centre.
Ministry of Labour, Employment and Social Security			

Ministry of Land Management, Cooperatives and Poverty	Poverty Alleviation Division	<ul style="list-style-type: none"> • Poverty identification: (based on consumption) • Households are stratified as poorest, poorer, poor and non-poor. Poverty identification has completed in 26 districts and the ministry has a plan of doing the same across the country. • Poverty identification Guideline. • In FY 2018-19 the ministry is distributing 5 million each to 14 Palikas to support the poor households. • Policy, Monitoring and Coordination • Coordinating with stakeholders to target the identified poor by development interventions. 	The identification process has been contested.
	Farming Insurance	<ul style="list-style-type: none"> • The government subsidizes on insurance premium for crops, livestock and fish farming by 75 percent. 	
	Civil Registration	<ul style="list-style-type: none"> • Vital event registration • Social protection budget is disbursed to local governments from the ministry of finance based on the beneficiaries data provided by Department of Civil Registration. 	<ul style="list-style-type: none"> -Social Protection framework -Social Mobilization
	Poverty identification (in 51 districts)	<ul style="list-style-type: none"> • Providing required support to the Ministry of Land Management, Cooperatives and Poverty to identifying the poor people. 	<ul style="list-style-type: none"> -The proxy means test lacks accuracy and has issues in methodology. - There are issues in data collection and there should thus be a Joint Data Collection for Social Protection programs.
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH	Social Health Protection	<ul style="list-style-type: none"> • This program aims for expanding health insurance to poor people. 36 districts (1.2 million HHs) have been reached to. • With the Health Insurance Board (Nepal), GIZ helps in legal aspects such as health insurance policy and technical cooperation. • GIZ is a member of Technical Working Group for this program along with World Health Organisation and World Bank. • GIZ also involves in capacity building of the concerned stakeholders. 	

UNICEF	Strengthening child centred Social Protection system	Expanding the coverage of child grants schemes: <ul style="list-style-type: none"> • Child poverty analysis with World Bank. • Updating policies and guidelines in line with the new policy requirements. • Budget Analysis • Supporting local governments for rolling out child grant scheme. • Conducting World Conference on Universal Child Grant in March 2019. 	
		Policy development and networking: <ul style="list-style-type: none"> • SPTT member • Working to finalize National Social Protection Framework. 	
		Data collection, monitoring and evaluation <ul style="list-style-type: none"> • Supporting the governments to adopt Monitoring and Evaluation framework for social assistance schemes. • Monitoring the implementation of child grant program through SMS and IVR (20 percent response rate). - Multiple Indicator Cluster Survey (MICS) Report will be made public by early next year. - Conducting evaluation assessment of child grant program in 20 districts. 	
		Shock responsive social protection	
		<ul style="list-style-type: none"> • Analysing options to channel funds to the local level during emergency (with OPM). • Supporting the governments for preparedness. • Assessment of the response to flood and drought 	

International Labour Organization (ILO)	Formal sector	Supporting the Ministry of Labor, Employment and Social Protection to implement Social Security Fund: <ul style="list-style-type: none">• Technical assistance.• Setting up system.• Supporting for data base of employers and employees.• Guideline development	<ul style="list-style-type: none">• Sensitization and awareness.• Capacity building.• Organizing and strengthening.• Brining good examples in from other countries.
	Informal sector	Empowering home based workers and formalization of informal sector: <ul style="list-style-type: none">• Unionising• Advocacy for ensuring their labour rights including social protection.• Research/mapping	

World Food Program (WFP)	Health and Nutrition	<p>School Meal:</p> <p>Supporting government to implement this program in 42 districts, wherein 17 districts are being fully covered and 25 districts involve targeted interventions.</p> <ul style="list-style-type: none"> • WFP is implementing this program in 11 districts and providing technical support in 31 districts. • WFP is committed to Universal Coverage and lends indirect support in this domain • Homegrown School Meal: an initiative done in collaboration with Imperial College London to develop a software for generation of special menus in schools and also promote local agriculture and production. 	<ul style="list-style-type: none"> • Indicators used by GoN for targeting beneficiaries lacked uniformity across different districts • Ensuring that the genuine beneficiaries are receiving compensation and aid becomes a challenging task but increased awareness programmes help to a great extent in this regard
		<p>Mother and Child Health Nutrition Programme:</p> <ul style="list-style-type: none"> • Across 5 districts of Karnali Province, the GoN procures super cereal (blended foods) targeted at pregnant/lactating women and children from 6-36 months of age. WFP assists the GoN with logistical support along with complementary services such as health screening, delivery of meals to beneficiaries, post and pre-natal counselling etc. in coordination with a local NGO partner. • Rice Fortification: WFP ensures distribution of fortified rice by the National Food Corporation (NFC) and has been continuously engaged in this regard for the past 2 years 	
	Resilience Building	<p>Climate Change Adaptation for Food Security:</p> <ul style="list-style-type: none"> • Programme running across 3 districts in Karnali Province to promote local agriculture and focus on climate change <p>Livelihood Programme:</p> <ul style="list-style-type: none"> • Consists of “Food for Work” and “Cash for Work” programme in 4-5 districts across Provinces 6&7 targeted at community building and short-term • employment generation with a policy of 50 percent women participation. 	

Save the Children	Social Protection Inclusion (Four districts)	<ul style="list-style-type: none"> • Identifying the social protection eligible beneficiaries who have been excluded from social protection schemes. • Identifying the reasons for exclusion. • Coordinating them with Ward offices for their inclusion in social protection program. 	
	Parenting Education to the parents of child grant beneficiaries	All together 14 sessions on social protection, nutrition, family budgeting.	
	Public Auditing	<ul style="list-style-type: none"> • How much has been spent on social protection. • Whether beneficiaries have received right amount in the right time. 	
	Prime Minister Employment Program	<ul style="list-style-type: none"> • Financial and technical support to hold province level consultations to get feedback on program guideline and procedure. • Supporting the concerned ministry to develop and run MIS system. • Wrapping up Karnali Employment Program. 	
Oxford Policy Management			

World Bank, Nepal	<ul style="list-style-type: none"> • Strengthening civil registration system in partnership with Department of Civil Registration. Supporting for MIS system and electronic payments of social protection cash. • Member of SPTT (Previously convener) • Conducting a Panel Survey across 50 districts/6,000 households over 3 years. The purpose of this is to understand who the vulnerable in Nepal are from disaster and shock perspective. • Conducting Adaptive Social Protection study to look at potentiality of social protection policies to respond to shocks. • Conducting a study on service delivery in the new context. The idea is to support for integrated service. The report will publish in next few months after. • Mapping pension schemes. • Interested in supporting to the Ministry of Labor, Employment and Social Security to set up service centres at the palika levels, and linking the centres with the private sector employers. 	<ul style="list-style-type: none"> • Published a book on social protection in partnership with GIZ. • Was involved in drafting Labour Act, and Contribution based Social Protection Act, Regulation and procedure. • Currently working with GIZ and the Ministry of Health to formulate Public Health Service Regulation. • Serving as a member of the global advisory group of International labour Organization. 	<p>Policy discourse on:</p> <ul style="list-style-type: none"> • Clarity on the role of national and sub national governments. • Financing social protection. • Comparative study on retirement age in Nepal in relation to life expectancy. Inconsistency in retirement age in Nepal from 46 years (Police Act) to 65 years
General Federation of Nepalese Trade Unions (GEFONT)			

Disabled Human Rights Centre	Access to justice	<ul style="list-style-type: none">• Filed case in the Supreme Court to increase social protection benefits.• Working with Palikas for disability identification.• Income support to People with disabilities (PwDs)• Awareness raising on the right of PwDs on social protection.• Working with police and judicial academy and developed a manual.	
Niti Foundation	Marginalized, vulnerable groups and social protection	<ul style="list-style-type: none">• Policy Research• Policy Dialogue	



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