

Legal Provisions for Women in Nepal

*An overview from the Constitution of Nepal 2015
and Acts, Policies and Plan of Actions*



Provision for Rights and Duties of Women

Constitution of Nepal 2015

Preface: To eliminate all forms of discrimination against women and to build an equitable society on the basis of proportionate, inclusive and participatory principles.

Provision of Citizenship (Part 2)

→ **Article 12-** Citizenship based on Descent along with Gender Identity

“A person who is entitled to obtain the citizenship of Nepal by descent in accordance with this Constitution may obtain a certificate of citizenship of Nepal with gender identity by the name of his or her mother or father”

Provision for Rights and Duties of Women

Constitution of Nepal 2015- Contd...

Fundamental Rights and Duties related to Women (Part 3)

- Article 16- Right to Live with Dignity
- Article 17- Right to Freedom
- Article 18- Right to Equality
- Article 21- Right of Victim of Crime
- Article 28- Right to Privacy
- Article 29- Right against Exploitation
- Article 33- Right to Employment
- Article 38- Rights of Women
- Article 42- Right to Social Justice
- Article 43- Right to Social Security

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Constitution of Nepal 2015- Contd...

(Part 3)- Article 38: Rights of Women

1. Every woman shall have equal lineage right without genderbased discrimination.
2. Every woman shall have the right to safe motherhood and reproductive health.
3. No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.
4. Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion.
5. Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination.
6. The husband and wife shall have the equal right to property and family affairs.

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Constitution of Nepal 2015- Contd...

- **Part 27- Article 252**- Provision of National Women Commission
- **Part 04- Article 51**- Policies relating to Social Justice and Inclusion
- **Part 06- Article 70**- President and Vice-President to Belong to Different Sex or Community
- **Part 08**- Federal Legislature
 - ◆ **Article 84 (2)**- The federal law shall provide that in filing candidacy by political parties for the election to the House of Representatives under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women.
 - ◆ **Article 84 (8)**- Notwithstanding anything contained elsewhere in this Part, at least one third of the total number of members elected from each political party representing in the Federal Parliament shall be women.

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Constitution of Nepal 2015- Contd...

→ Part 08- Federal Legislature

- ◆ **Article 86-** (2) The National Assembly shall consist of fifty-nine members as follows: -
 - (a) Fifty six elected members consisting of at least three women
 - (b) Three members consisting of at least one woman nominated by the President on the recommendation of the Government of Nepal.
- ◆ **Article 91-** (2) Speaker and Deputy Speaker of House of Representatives
 - Election shall be so held that there is one woman out of the Speaker and the Deputy Speaker, and the Speaker and the Deputy Speaker of the House of Representatives shall be representatives from different parties.
- ◆ **Article 92-** (2) Chairperson and Vice-Chairperson of National Assembly
 - Election shall be so held that there is one woman out of the Chairperson and the Vice-Chairperson of the National Assembly.

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Constitution of Nepal 2015- Contd...

- **Part 14-** Provincial Legislature- Article 176: (6) and (9); Article 182: (2)
- **Part 17-** Local Executive- Article 215: (4); Article 216: (4); Article 220 (3)
- **Part 18-** Local Legislature- Article 222: (3); Article 223: (3)

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Policies of Nepal

- **Human Trafficking and Transportation (Control) Act, 2064:** Criminalizes trafficking in persons for prostitution, organ extraction and engaging women and girls in prostitution or sexual exploitation.
- **National Criminal (Penal) Code Act, 2074:** It has new provisions of crimes such as rape, incest, pedophilia, polygamy, forced marriage, etc. The code has put forward the rightist concept of women's physical safety and dignity, personal autonomy, protection from sexual violence, protection of rights related to reproductive health, contraception and abortion.

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Policies of Nepal (Contd...)

Following acts have several provisions for Women Rights Protection in Nepal:

- National Human Right Commission Act, 2053
- Compensation for Torture Act, 2053
- National Women Commission Act, 2074
- The Sexual Harrasment of Women at Workplace (Prevention) Act, 2071
- An Act to Amend Some Nepal Acts for Maintaining Gender Equality, 2063
- Domestic Violence (Offence and Punishment) Act, 2066
- **Civil Service Act, 2049-** In the case of male and female candidates, those who have already completed the age of Thirty Five years and that of Forty years can apply for Civil Service.

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Nepal Government Policies, Strategies and Plan of Action:

- The National Plan of Action Against Gender Based Violence, 2066
- National Plan of Action on the Implementation of the Convention on the Elimination of All Kinds of Discrimination Against Women, 2060
- National Plan of Action on Gender Equality and Empowerment of Women, 2061
- National Strategy and National Action Plan on Gender Empowerment and Ending Gender-Based Violence, 2069
- National Gender Equality Policy, 2077
- National Plan of Action to Combat Human Trafficking 2068 and its implementation plan 2071
- Different Periodic Plans- **The Fifteenth Plan (Fiscal Year 2019/20 – 2023/24)**

Provision for Rights and Duties of Women

Major Institutions and Mechanisms for Protection and Realization of Women's Rights:

Apart from the constitutional and legal provisions for the protection and implementation of Women's Right in Nepal, there are some institutional and structural mechanisms as follows:

- National Women Commission
- Ministry of Women, Children, and Senior Citizens
- Women, Children and Senior Citizen Service Directorate and Service Centres in the Nepal Police
- Social Development Ministries in seven Provinces
- Women Development Units in 753 local bodies
- Gender focal point in each Ministry/Agency
- Gender Responsive Budget Committee in the Ministry of Finance

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Major Institutions and Mechanisms for Protection and Realization of Women's Rights (Contd...)

- Rehabilitation Centres for women and girls victims of trafficking and those affected by trafficking
- Service Centres for women victimized or affected by domestic violence
- Hospital based One-stop Crisis Management Centres (OCMC) for Violence Victims
- Human Trafficking and Investigation Bureau in the Nepal Police
- The provisions of Judicial Committees under Vice-chairpersons or Deputy Mayors in local levels
- Pro bono legal aid committee coordinated by the District Office of the Attorney General
- Free service of lawyers available in courts at all levels
- Legal aid chamber at Bar Association Offices, etc.

A pink map of Nepal is centered on a white background. Overlaid on the map are several stylized icons representing different aspects of Nepalese culture and religion. From left to right, the icons include: a woman in a red and black sari, a woman in a blue and red sari with a red headscarf, a woman in a purple sari with a crown, a woman in a black sari with hands in a prayer position, a woman in a purple sari with hands in a prayer position, a woman in a purple sari with hands in a prayer position, a woman in a purple sari with hands in a prayer position, a woman in a purple sari with hands in a prayer position, and a woman in a purple sari with hands in a prayer position.

Thank You