A Movement for Equal Citizenship Right of Women
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BACKGROUND

Right to citizenship is a basic human right of a person, which cannot be denied and deprived to any one in any case. It is a right to identity and nationality of a person that establishes a relationship with his/her nation. Moreover, it is the right that makes possible to create other rights and thus, it is the right to have other rights.

The Population Census 2001 reveals that the total population of Nepal is 2,31,51,423 among them there are 1,37,88,347 people who have attained the age of 15 and eligible for citizenship. Whereas, according to the statistics of the Ministry of Home only 1,26,94,403 have got the citizenship certificate till March/April,2005, which proves that more than 11,00,000 people are deprived of citizenship rights, a basic human right and right to identity.

The Constitution of the Kingdom of Nepal, 1990 under its Article 11 has guaranteed right to equality between men and women irrespective of sex. However, the provisions relating to citizenship in the Constitution and Citizenship law are directly discriminatory against women, which is the major barrier to ensure equal citizenship rights of women.

NATIONAL LAWS ON CITIZENSHIP AND ITS IMPLICATION

Article 9(1) and (2) of the Constitution of the Kingdom of Nepal, 1990, Section 3(1), 4 and 6(2) of the Nepal Citizenship Act 1963, provide that a Nepalese citizenship of descent may be conferred only subject to the condition that the father of a person in question is a Nepalese citizen at the time of acquiring Nepalese citizenship. Therefore, a woman cannot confer citizenship to her children. According to Article 9(5) of the Constitution of the Kingdom of Nepal, 1990, a woman of foreign nationality who has married a Nepali citizen, and who has initiated the proceedings for renunciation
of her foreign citizenship, may acquire Nepali citizenship. However, this provision does not apply to a man of foreign nationality, as the law does not permit husbands of foreign origin to acquire Nepali citizenship. This also affects the children born out of such wedlock, as the woman cannot transfer citizenship to her children.

**Discriminatory Aspects of Existing Citizenship Law**

- Discrimination on the basis of lineal descent,
- Citizenship can be determined on the basis of non identification of paternity but not of maternity,
- Discrimination to get citizenship on the basis of marriage.

In addition to the directly discriminatory aspects of the citizenship law, the procedural complication and provision that requires identification from father or husband has created further hassle in acquiring citizenship. Besides, the provision of Article 9 (2) of the Constitution that deems to be a citizen of Nepal by descent, if any child who is found within the Kingdom of Nepal and the whereabouts of whose parents are not known, has not been interpreted liberally. Similarly, the provision of Article 9 (6) that allows the son or daughter or descendant of a citizen of Nepal and who has resided in Nepal for at least two years may acquire the citizenship of Nepal as prescribed by the law has not been executed properly.

**INTERNATIONAL HUMAN RIGHTS CONVENTIONS AND STATE OBLIGATION TO ENSURE RIGHT TO CITIZENSHIP**

Right to nationality of a citizen has also been ensured by various international human rights conventions to which Nepal is a state party. *Art. 15 of the Universal Declaration of Human Rights, 1948* states that every one has the right to a nationality and no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. *Art. 24 of the International Covenant on Civil and Political Rights, 1966* ensures that every child has the right to a nationality. *Art. 9 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979* provides women equal rights with men to acquire, change or retain their nationality and also grants equal rights to the nationality of their children. Similarly, *Art. 7 of the Convention on the Rights of the Child, 1989* provides the right to acquire a nationality and further obligates the state parties.
to ensure the implementation of these rights, in particular where the child would otherwise be stateless.

The Government of Nepal committed itself to changing the Nationality laws upon the ratification of aforementioned international conventions including CEDAW Convention and granting women equal rights in their ability to acquire change or retain their nationality. However, there are no changes in the discriminatory citizenship provisions. Thus, Nepal has obligation to reflect those provisions into our domestic context under the Section 9 of the Treaty Act, 1991.

**CHALLENGES**

The movement has also traced out some of the challenges in the path of ensuring equal citizenship rights to women. Patriarchal social structure, male domination, discriminatory social and cultural values and norms against women, discriminatory citizenship law including Constitution itself, complicated procedural provisions, administrative hurdles, lack of family support, lack of realization on the importance of citizenship right, political reluctances, lack of seriousness on the issue, gender bias mindset are some of the major challenges for equal citizenship rights movement.

In this context, it is imperative to reform the existing discriminatory citizenship law that has denied and deprived thousands of Nepalese women and children from their right to citizenship resulting violation of their basic human rights. The discriminatory citizenship law and its impact on women, non recognition of women as an independent existence and apathetic situation of citizenship less people has encouraged and motivated a national movement to struggle for the elimination of discriminatory citizenship law and to ensure equal citizenship rights of Nepalese women.

**GOAL**

- Ensure equal citizenship right.

**OBJECTIVES**

- To identify the problems and its implications.
- To identify evidences and arguments for advocacy.
- To aware and do advocacy on the importance of citizenship right.
- To do advocacy for law reformation.
- To build network among the affected persons to raise the voice strongly and comprehensively.
- To build network with organization and individuals working on the issue.
- To build strategies for action.
MAJOR ACTIVITIES ON EQUAL CITIZENSHIP RIGHTS

Initial study on Discriminatory Laws in Nepal and Their Impact on Women

FWLD conducted a study on “Discriminatory Laws in Nepal and Their Impact on Women” in 2000. The study identified 118 discriminatory legal provisions against women in 56 different legislations and one of the major areas for discrimination is citizenship.

Baseline Study on Citizenship

A Baseline study on “Citizenship Rights of Nepalese Women” was conducted by FWLD with the support of The Ford Foundation in 2004/2005. It is a major issue that hinders the realization of women’s right. The study revealed that the causes of the discriminatory citizenship rights and the barriers for reform are varied. Due to the patriarchal structure of the society, resistance found in the name of possible threat of security and population growth, not seen as a right violation issue. Among the challenges to amend the discriminatory citizenship laws as identified by the study are: lack of effective initiatives from the government, lack of political will, the existing socio-cultural bias towards women, lack of judicial activism, non implementation of commitment made under international human rights instruments, lack of documentation and in-depth research on the issue.

Shadow Report

FWLD coordinated the preparation and presentation of the Shadow Report on the Government Report on CEDAW (Initial Report as well as Second and Third Periodic Report) where citizenship issue was incorporated as one of the most priority issues. The report highlighted the discriminatory aspects of the citizenship law that has denied women’s independent identity and deprived from exercising various other rights conferred by the state.
NGO Presentation at the 30th CEDAW Session

A team of 8 members of CMC attended the 30th CEDAW session which was held in January 12-13, 2004. In the session, some of the representatives presented the women’s situation in Nepal. While raising the discriminatory legal issues relating to women, NGO representatives raised the issue of discriminatory citizenship law very strongly. The representatives stated the citizenship law in Nepal does not allow Nepalese women to confer citizenship to their spouse and children. Also they raised the question “Are we not the citizens of this country? If we are, why don’t we have equal rights to nationality as our brothers have? Isn’t it the violation of human rights guaranteed by Article 9 of the CEDAW?” They further said even the judiciary has validated the legal provision saying that it is subject to Constitutional amendment.

Study on Discriminatory Citizenship Law in Nepal and It’s Impact on Women and Children

The study was conducted with the support of UNIFEM to identify the impact of the discriminatory citizenship laws on women and children specially single women, women working in cabin and restaurant, internally displaced persons, badi community, orphan, street children and slum dwellers. The study was conducted in three districts; Kathmandu, Kapilbastu and Nepalgunj. The study found that the Citizenship law in Nepal fails to protect rights of women regarding conferment of citizenship and denies her individual identity, no initiatives were taken to amend the citizenship law, not comply with the provision of ICCPR, CEDAW, CRC and other human rights conventions, the present Constitution is more regressive than the previous one, administrative drawbacks and negligence of concern official hinder the process of acquiring citizenship. The study has strongly recommended for the reformation of discriminatory citizenship law to ensure right to citizenship.
Strategic Activities (January 2005 to February 2006)

After embarking a national movement on equal citizenship rights of women, FWLD with the support of The Asia Foundation has strategically conducted series of activities including case documentation, legal service to the needy people, advocacy at grass root level, lobbying at policy level, district conferences and district rallies. The continuous movement realized a National Conference to call the entire concerned stakeholder including political parties and civil society to pressurize the government for the elimination of discriminatory citizenship law. Those strategic activities were as follows:

Notification

A notice inviting affected persons of discriminatory citizenship law to contact FWLD was published in various daily and weekly newspapers both in English and Nepali language. It was published in Drishti Weekly on 18 and 25 January, in Bikalpa Weekly on 23 and 30 January, in Kantipur and Himalaya Times on 16 February, in Gorkhapatra and Samacharpatra on 16 February 2005. Notice was also aired by Radio Nepal and was disseminated through various means of communication. The notice was also kept in FWLD’s website.

Besides, letter for notification was also send to all the ward offices of the Kathmandu Metropolitan City and also put on the notice board of the ward offices to call the persons affected by discriminatory citizenship law on April 18, 2005. It also urged Nepal Bar Association and other Bar Associations on April 19, 2005 and to the Para Legal Committee of the various districts to refer the cases relating to citizenship to the FWLD.

Documentation of Case

After the notification, FWLD has started documenting the cases in a systematic manner. 200 cases have been documented from January to December 2005. The documentation has included the detail information including personal biography of the person, particulars of the cases, major problem, implication of discriminatory law and procedure, right violation of the person, initiatives taken by the person and achievement of the initiatives. The documentation of cases have also identified various problems such as; discriminatory
citizenship law, procedural complications, administrative hurdles and reluctances, denial of local authority, denial of family support, poor or/and non implementation of the law etc.

**Legal Counseling and Services**

Advocates from FWLD are providing legal counseling and services to the affected persons as per necessity. Counseling was provided in most of the cases, however, legal service was provide basically to those cases having procedural complications and to those who were denied their citizenship rights due to the lack of legal representation. Lawyers have been presented to the CDO Office and Municipality to deal with the cases of the affected person for their legal support as well. FWLD has provided legal counseling in 64 cases and consequently been able to do advocacy and facilitate to provide citizenship in 13 cases.

**Notification for Network Establishment**

A notice was circulated through email to all the NGOs working on human rights and women rights especially on the issue of citizenship rights of women for the establishment of network to work in collaboration for the reformation of discriminatory citizenship law. The notice was also sent to the NGO federation for dissemination of the notice to their network organizations. It was also requested to Sancharika Samuha to put the notice on their website.

**Sharing of Information**

Information regarding discriminatory citizenship law and its impact on women and also the activities carried out and to be carried out was shared in various programs organized by various organizations to raise the issue comprehensively. The sharing was made to the
representatives of various NGOs in the OP-CEDAW training program organized by FWLD, gender training program organized by Center for Micro-Finance of Women Cooperatives Group, Women Empowerment Program organized by Didi Bahini and also shared in Beijing+10 UN CSW 49 Interaction Program and future strategy of Preparation of Plan of Action.

Consultation Meeting on Equal Citizenship Rights of Nepalese Women

A one-day “Consultation meeting on Equal Citizenship Rights of Nepalese Woman” was conducted on 25th May 2005 at Hotel Malla, Lainchaur. Human rights and woman rights activists, advocates, representatives of different organization, journalist from various media, affected persons and concerned stakeholders participated in the program.

The consultation meeting was organized to raise the citizenship issues as National movement in collaboration with concerned stake holder, to build the network among civil societies and among victims of discriminatory citizenship law, and to formulate future strategies for the reformation in citizenship law.

Formation of Various Networks

One of the major outcomes of the consultation meeting was the formation of various networks to join hand for eliminating discriminatory citizenship law and to ensure the citizenship rights of a person. The networks have been very crucial to bring the citizenship issue as a national movement and to facilitate the process of lobbying and advocacy among the affected person, NGOs and other stakeholders.

Three different Networks were formed after the Consultation meeting.

- **Civil Society Network**: A Network of civil society has been formed consisting 26 various NGOs working on the issue under the coordination of Ms. Sahana Pradhan, President of Women Security Pressure Group. The network has also formed a steering committee of 7 members from among the network members including representatives of FWLD, LACC, ABC/Nepal, INSEC, Pro-public and Maiti Nepal.
- **Victim Network:** A Victim network has also been formed to raise their voices strongly and to work for the reformation of discriminatory citizenship laws. The network has been formed consisting victims of existing discriminatory citizenship law in coordination of Ms. Tulasa Lata Amatya, president of CAC/Nepal.

- **Media Network:** Media Network has also been formed in coordination of Mr. Tanka Panta from Samachar Patra consisting various media person representing various media including print as well as electronic. The network has been formed with the aim of building public opinion in favour of equal citizenship rights of women.

**Program on Right to Identity**

FWLD celebrated its 10th anniversary on 29 May, 2005 with the slogan “Solidarity for Gender Equality, Collaborate for Right to Identity.” In the program, Mr. Kedar Pradhan, President, Philatelic Society, Ms. Sahana Pradhan, President, Women Security Pressure Group, Dr. Bhola Rijal, Advocate Shambhu Thapa, president, Nepal Bar Association delivered their remarks on the need of right to identity in the context of discriminatory citizenship law. Mr. Laxman Aryal, former justice, Supreme Court and Ms. Sangita Ghimire were honoured for their contribution on the issue.

**Advocacy Meeting with Media**

An advocacy meeting on citizenship rights of women was conducted on 13 June, 2005. The meeting discussed on the formulation of the media network, impact of the discriminatory citizenship law on citizenship deprived people, sharing of the studies carried out, and identifying the role of media on the citizenship movement. Testimonies of the citizenship deprived people were also made during the meeting.
Media Research

The formation of media network has been proved a strong mechanism to raise the issue comprehensively. Recognizing the media as an effective means to fight against the discriminatory citizenship law, a rapid research was conducted in August 2005 with the direct involvement of the media persons from the various print as well as electronic media. The research was focused on identifying the problems of the certain affected groups, procedural and administrative complications in the concerned agencies, exploring various aspects and impacts of discriminatory citizenship laws, collecting the views of different political parties and providing suggestion for the solution.

The areas of the research were; Ministry of Home, District Administration Office, Municipality, Village Development Committee, Political Party, Rehabilitation Center, Internally Displaced Persons, Street Children and Sex worker.

### Outcome of the Research

- Realization of the issue as national issue
- Need of collaboration among media, civil society and political parties
- Citizenship should be granted by both birth and blood relation basis
- Procedural complication and administrative hurdles should be removed
- Effective implementation of the existing laws regarding naturalization
- A prime right of mother should be recognized
- Sensitizing, motivating and encouraging program should be initiated to mainstream all the concerned authorities

Voices Collection, Publication and Dissemination

The issue of citizenship is not only related to the people affected from the discriminatory citizenship law. This is an issue of human rights of a human being. Thus, voices of various renowned personalities from the various sectors such as political party, sports person, artist, media, legal experts, human right activists etc were collected to get their views on the issue and to make the voice strong for the reformation of discriminatory citizenship law. The document was published to use as an advocacy document.

The voice collection has been published and disseminated to all the network members, concerned government
agencies, interviewed personalities, various NGO’s, INGO and also to the participants of the district conferences and national conference.

**IMPACT**

The opinions of the various renowned personality of the country were collected for the reformation of discriminatory citizenship law and has been used for the advocacy.

**Advocacy Leaflet on Citizenship Rights**

Two different advocacy leaflets on citizenship rights were developed and published. “Discriminatory Citizenship Law and Imperative to Change” includes the importance of citizenship, criteria and process to get citizenship, discriminatory aspects and its impact and counter argument to justify the need of change. Similarly, the next leaflet named “Complete Citizens Complete Rights, Equality in Citizenship Rights” includes the national laws on citizenship, international framework and states obligation and areas to be reformed. Those leaflets were used as an advocacy material in the grassroot level as well as policy level.

**District Conferences**

District Conference on “Equal Citizenship Rights of Nepalese Women” was organized in 10 districts. Districts were selected on the basis of 2 districts from each developmental region, which were Saptari, Morang, Chitwan, Kavre, Kaski, Nawalparasi, Dang, Surkhet, Kailali and Dadeldhura.
The district conference was organized with the objectives of realizing the importance of the citizenship rights, raising the issue at national wide, building the network at district level for the reformation of discriminatory citizenship law and advocating the concerned government agencies to reduce the procedural hurdles and to facilitate the procedures for granting citizenship certificate.

**Formation of District Network**

As a result of District Conference, District Networks were formed in all the 10 districts where the district conference was organized. District network were formed to work together for the elimination of discriminatory citizenship law in coordination with the Network formed at Central level.

**District Rally**

District rally was organized at the same ten districts i.e. Saptari, Morang, Chitwan, Kavre, Kaski, Nawalparasi, Dang, Surkhet, Kailali and Dadeldhura as a follow-up program and also to create public pressure for the reformation of the discriminatory citizenship law against women.

The district rally was organized with the aim of realizing the importance of citizenship, building common consensus on the issue, creating sensitization to the government officials, building pressure to amend the citizenship law and pressurizing the concerned agencies for the effective implementation of the existing law.

**Poster on Citizenship: Publication and Dissemination**

Two different posters on the importance of citizenship rights and process to acquire citizenship certificate were published with the support of Action Aid/Nepal. The first poster
A Movement for Equal Citizenship Right of Women highlights and awareness on the importance of citizenship rights whereas another provides information regarding the process to acquire citizenship certificate.

The posters were also widely disseminated to all the participants of the national conference and also delivered to all the VDC, Municipality, DDC, CDO Office, and Police Office.

**Preparatory Meeting on the National Conference and Rally**

A preparatory meeting to organize the national conference was held on 11 January, 2006 at SAP Phalcha. Members of the Network participated in the meeting. The meeting discussed on the model, process, participation and presentation on the national conference and finalized it.

The meeting also decided to formulate various sub-committees to run the national conference smoothly. Those were:

- Sub-committee on Conference Management
- Sub-committee on Rally Management
- Sub-committee on Participants Management
- Sub-committee on Hall Decoration and Stall Management
- Sub-committee on Food Management
- Sub-committee on Victim Hearing
- Sub-committee on Memorandum Preparation
- Sub-committee on Media Mobilization
- Sub-committee on Mobilization of various sector of society
- Sub-committee on Financial Management.
Pre-Press Conference

Pre-press conference was organized on February 25, 2006 in order to give information to the media on the need of the National Conference and also to share the activities to be carried out at the national conference. During the pre-press conference Ms. Sahana Pradhan, coordinator of the Civil Society Network and Advocate Sapana Pradhan Malla briefed and shared the information on the National Conference. Flyers highlighting on the imperative of National Conference and National Rally were disseminated in the meeting. A press release highlighting on the imperative of the National conference was also issued and disseminated to all the media persons.

NATIONAL CONFERENCE ON
“EQUAL CITIZENSHIP RIGHTS OF NEPALESE WOMEN”

A National Conference on Equal Citizenship Rights of Women was held with the slogan “Complete Citizen Complete Rights, Equality in Citizenship Rights” on February 28, 2006 at the City Hall, Kathmandu. The National Conference and Rally was organized with the support of The Asia Foundation and Ford Foundation. UNICEF and Action Aid/Nepal also supported for the district participants.

Participation

The concerned government stakeholders of the central level, representatives of the various political parties, representatives of the INGO and NGOs, human rights organizations and women rights organizations, representatives from the women groups, private lawyers, social mobilizers, members of the Para legal committee, district participants, media persons and the affected people of the existing discriminatory citizenship law participated in the program. More than 500 participants including 250 participants from 50 districts participated in the Conference.
Proceedings of the Conference

Theme Dance on “In Search of Identity”

The National Conference was commenced with a theme dance on “In Search of Identity” The dance was performed by the members of Blue Diamond Society. The symbolic dance challenged the existing discriminatory citizenship law that promotes discrimination between men and women while providing identity of a nation and expressed their search of identity.

Chair of the Conference

Ms. Sahana Pradhan, the pioneer women leader, central member of CPN – UML and also the coordinator of the civil society network chaired the National Conference.

Welcome and Highlights on the Objectives

Advocate Sabin Shrestha, Coordinator, Forum for women, Law and Development

Advocate Shrestha delivered welcome speech. Warmly welcoming all the participants and highlighting on the objectives, Mr. Shrestha said that the existing citizenship law has denied and deprived thousands of people from their identity and this is the conference to seek their
independent legal identity, which is the natural and basic human rights of a person. In this context, he said the major objective of the conference is to pressurize the state to find out the solution of this national problem and to ensure right to citizenship of every citizen.

Inauguration of the Conference

The National Conference was formally inaugurated by the people deprived of citizenship rights due to the prevailing discriminatory citizenship law. They jointly lightened the lamp (panas) and wished for the equal citizenship rights.

Highlights on the Issue

Advocate Sapana Pradhan Malla, President, FWLD

Advocate Sapana Pradhan Malla said that the citizenship right, right of the rights, the basis of political, social and economic rights has been denied to thousands of women due to the existing discriminatory citizenship law. She said “mother is an universal fact whereas father might be an assumption.” But the existing law does not recognize the fact. The impact of denial of citizenship is very serious resulting generation to generation impact, since if a mother is denied citizenship her children become stateless.

Despite the ratification of various international human rights conventions including CEDAW to ensure right to equality to women, the commitment under those conventions have not been reflected into practice. Raising an another issue, she said the state has recognized and adopted the new technology of test tube baby but the state has no law to provide identity to those babies. Concluding her remarks, she said, in the present context of strong voice on the Constitution Assembly, equal citizenship right should be the major agenda and we all should join hand for this movement.
Advocate Ratna K. Shrestha, Program Coordinator, FWLD

Advocate Ratna K. Shrestha shared on the activities carried out by FWLD from January to December 2005 regarding the issue. He said FWLD documented 200 cases and providing them legal counseling and support and was successful in 13 cases with providing citizenship. Civil society network, victim network and media network have been formed to work together to fight against discriminatory citizenship law.

District Conferences were conducted in ten different districts to aware on the importance of citizenship rights and to raise the voice for eliminating discriminatory law. He revealed that the conference was proved very effective for victim hearing, commitment from CDO and political parties, submission of memorandum to minimize the procedural hurdles and formation of District networks were some of the major achievement of the district conferences. Besides, District rallies were also conducted in the same ten districts to pressurize the government for the reformation of the discriminatory citizenship law. Approximately 6100 people participated in the rally with their strong voices demanding equal citizenship rights.

Victim’s Hearing

Sushil asks “Why the state does not recognize me as a Nepali citizen?”

Sushil Manandhar, 27, sharing his grief, said that he has no idea about his father and while his mother was dead he was a minor. He is a graduate student and want citizenship certificate in order to get job. He had tried to get citizenship certificate under the guardianship of his uncle (Mother’s brother) but the concerned authority did not allow though there is provision to grant citizenship certificate under some one’s guardianship. He asked “why am I not a Nepali, while I was born in Nepal, I speak Nepali, I dress Nepali, I have relationship with Nepali soil and I have faith on my country, Nepal?” He asked why the state does not provide me an opportunity to be a Nepali citizen. He finally urged the government for the proper implementation of the existing law and to amend the discriminatory citizenship law to give Nepali identity to its citizens.
Meena is victimized due to the male based citizenship law

Meena Maharjan, 18, with her tearful eyes shared that her father had got second marriage when she was two years old. Now, she along with her mother has been staying in grandfather’s (mother’s father) house. She could not get citizenship certificate, despite her lots effort. When she started the process for obtaining citizenship certificate, she was asked to identify her father, but she was unable to do so. She could not present her father before the Chief District Officer, as a result she was denied to get citizenship certificate. She said the citizenship law of Nepal is based on male which has deprived thousands of women and children like her. She said such a serious discrimination should not be continue even for moment and right to identity of a person should be ensured at any cost.

Guest Remarks:

Sugarika KC, Miss Nepal 2005

Delivering remarks, Miss Nepal Sugarika KC said that there is a saying that men and women are two wheels of a cart and it is also reflected in our Constitution under the right to equality but practically discrimination is remains in the society. She questioned, what kind of society is this which do not recognize mother to identify her children, while she carries her babies in her womb for nine months? This is sheer discrimination.” She said, “I strongly believe that each and every person should have access for the right to identification by obtaining citizenship certificate.”

Ms. Salini Wadhawa, Editor, Voice of Women (VOW)

Ms. Salini Wadhawa, Editor, Voice of Women demonstrating two glass of blood in her two hand said that there is no difference in blood between men and women. Further, she said neither any technology has been developed yet that can differentiate the blood between men and women nor a god can do that. Then, why different legal provision for men and women while providing the right to citizenship. If god listen such discrimination, he might laugh at. She said no country has authority to make such law that discriminates on the basis of sex to provide right to identity. So we should revise and reform the discriminatory law in order to establish equal footing to men and women.
**Victim Hearing**

*Law could not address the problem caused by situation*

My aunt sent me with her brother in pursuit of work in Hetauda as a domestic worker; however, her brother sold me to a brothel in Pune. After six months, I was rescued by Rescue foundation, Maiti Nepal, Mumbai and India Police and since then I have been staying with Maiti Nepal. As I needed citizenship certificate, I went home to get my citizenship document made but my family had already moved out from the house, I went to my uncle and asked him to help me but my uncle denied.

My life is affected due to the discriminations in the law and in practice, my right to identify, my right to foreign employment and my other rights are denied because of this discrimination. (She spoke from behind the curtain for confidentiality)

*Meena living a painful life due to the lack of citizenship*

My husband is alcoholic and abused me verbally and physically everyday. Though I thought my husband is my destiny, since the abuse was unbearable, I moved out of the house and living separately for 7 years. My husband had denied providing citizenship to me and my children. I am asked for my citizenship for so many things and even for my rented room. I don’t know where I go or live without my citizenship document?

Why this rule is? *It is very painful for me as a mother to see my children being no identity and to see them running behind someone who abused me and my children.* I want to urge all the responsible not to leave us identity less, state less and make us vulnerable for our basic rights, my right to live and my right to ensure my children’s identity.

*A Stage Performance*

A famous actress, Mausami Sen with her group performed a stage show. The show highlighted on one aspect of discriminatory citizenship law and its various impacts on women and their children. It also highlighted the problems that women and their children have to face due to the discriminatory citizenship law. The show gave lesson that the movement for equal citizenship rights is the need of today.
Commitment Remarks from Political Parties

**Mr. Raghuji Pant, Representative, CPN-UML**

Mr. Panta, representing CPN-UML appreciated for raising the issue of recognition of identity, though it is late. He said, in the general convention of CPN-UML, we not only discussed for property right of women but also for their right to descent. He further shared that the Ninth meeting of the UML passed the decision to provide women equal right to citizenship. Since we have been talking about the Constituent Assembly, women have to make a concrete vision on Constituent Assembly in order to draft new Constitution guaranteeing their equal rights.

**Mr. Lil Bahadur Thapa, Representative, Janamorcha Nepal**

He said Janamorcha Nepal has full commitment on the issue of equal citizenship rights of women. “Women should have equal right to citizenship,” he stressed. Sharing the bitter
experience of parliament, he said decisions are easily made for political and individual interest in the parliament by the 2/3 majority but why the parliament can not make such remarkable decision in terms of providing equal citizenship rights to women. He reinforced equal citizenship rights should be the common agenda of all the political parties and they should go beyond their political interest for this movement.

**Mr. Anil Kumar Jha, Representative, Nepal Sadbhavana Party (Aanandadevi)**

Mr. Jha claimed that Nepal Sadbhavana party is the one that has continuously and strongly lobbying for the right to citizenship of every people. Citizenship certificate should be given easily for every citizen of the country, as it is an identity of a citizen in relation to the nation. He also reminded that Sadbhavana Party raised question on citizenship several times during the parliamentary process and the party is always in favor of this of movement of equal citizenship rights of women.

**Ms. Pratibha Rana, Representative, Rastriya Prajatantra Party**

Equal right to women cannot be provided unless we make political commitments in every front. We should not think that this is only women’s problem but it is the national problem that includes thousands of women and children. She said, RPP is serious in this issue. She said this is the right time to click as the environment for the Constitutional Assembly is being created and women’s representation should be ensured there. She urged all the concerned parties to support for the movement to end the discrimination for ever.

**Mr. Manamohan Bhattarai, Representative, Nepali Congress (Democratic)**

Mr. Bhattarai said that citizenship issue has become a national issue for few years. The impact of the discriminatory citizenship law has no boarder and which has made women and children more vulnerable. Though the problem is directly related to women, men should be sensitive to make the movement conclusive. Citizenship right with the name of mother is must to establish the just and progressive society. On behalf of Nepali Congress (Democratic), he expressed
his commitment that the party is always in favour of the movement that ensures equal citizenship rights to women.

**Ms. Suprabha Ghimire, Representative, Nepali Congress**

Citizenship law that set two different provisions to provide citizenship for men and women is directly discriminatory against women. Expressing her commitment, she said Nepali Congress is always in support to resolve this problem and further, this issue should be the common agenda of all the political parties. She reinforced to change our traditional mindset to view women’s issue. Further, she said this is the time to fight for democracy because complete rights of the people can only be secured in complete democracy.

**Remarks**

**Ms. Raghini Upadhyaya, Artist**

As the citizenship law is discriminatory, not only the poor and uneducated women but also educated women are facing the problem of citizenship. Giving her own example, she said, “I myself married to a foreigner and have been facing many problems to provide citizenship to my children.” I should request for visa for my children regularly in every months by visiting in the Emigration Office. Every man should understand that women are also a part of the society and be ready to be a part of this movement of women’s right.

**Mr. Gauri Pradhan, President, CWIN**

I strongly believe that women’s power is human power and women’s problem is human’s problem and thus, it is the problem of the nation. Therefore, the solution should also be sought in the national level. He expressed his hope that the national conference will certainly bring a way out. Denial of citizenship rights deprives all other rights. So women should be provided equal citizenship rights and their contribution should be recognized for the development of the country.
Mr. Chandi Raj Dhakal, Chairman, Federation of Nepal Chamber of Commerce and Industry

FNCCI is doing best for empowering women by activating the Women Committees of FNCCI. Linking to the citizenship rights, he stated that citizenship is a hurdle that has deprived women from various opportunities. In the context, right to equal citizenship issue is very critical. He also expressed his commitment on behalf of FNCCI to work together and to provide possible support for this movement.

Dr. Sudha Sharma, President, Nepal Medical Doctors Association

Citizenship right is a basic human right of every one and which is very critical to participate in every sphere of the society. This conference in this perspective is very contextual to deal with. She stressed denial of citizenship right is the crux of the entire problem, which ultimately affects the entire nation. Further, she said if the law could not address newly develop medical technology such as artificial insemination and test tube baby, it will create a serious problem. It is the matter of identity of a person which should not be denied at any cost.

Anni Choing, Famous Singer

Ani Chhoing, a famous singer said, “It is better to light a lamp than to curse to darkness.” “If you have good eyes, the world is beautiful for you.” So we should always try to make the world better and beautiful. She said women are as powerful as men and this power has to be exposed to fight against the discriminatory citizenship law. During the program, she also sang her two very famous songs; “Phool ko Aakhama Phoolai Sansara, Kaanda ko Aakhama Kaandei Sanaara” and “Jaya Hos Timro Mangala Hos.”
Victim’s Hearing

*Raj Kumari says, “the citizenship law has made my life hopeless”*

Raj Kumari Mahato is a resident of Biratnagar and studying at grade 9. She is struggling for citizenship certificate but not being able to get as her father and mother does not have citizenship certificates. When she knew that Nepali citizenship law does not allow citizenship just being born in Nepal, she became frustrated. She said under the present citizenship law, it is not possible to get citizenship, thus, it should be amended promptly to ensure the right to identity of every one. She said, “*My life is dark, and I am not hopeful to my future.*” Its amazing that the state wants citizenship certificate in every step from its citizens but not ready to provide the citizenship easily to its citizens.

*Women could not get rid of sex work due to the lack of citizenship certificate*

My name is Parbati (pseudonym). My husband denied me to provide citizenship. Because of the prevalent discriminatory citizenship law my right to citizenship including my various rights has been denied. I have been working as a peer educator for sex workers where I have seen many women have been forced to work as a sex worker as they do not have citizenship document. Citizenship certificate has become very essential these days. They said, if they had citizenship, certainly they could have got better opportunity of employment.

*Remarks from Women Leader*

**Ms. Uma Adhikary, Nepal Women Federation**

In our society, it is an axiomatic that women are discriminated in every sphere of life. Discrimination in the citizenship right is severe one that has overall impact. As a mother does not have right to transfer citizenship to her children, in many cases, children from the first wife are often neglected and deprives of citizenship. She urged all the concerned parties to make the movement success. She also call to all women to be united and fight together to achieve the desired goal.
Ms. Meena Panday, President, Nepal Women Federation

Ms. Pandey expressed her dissatisfaction that the political parties often express their theoretical commitment to ensure equal citizenship rights to women but never reflect into the practice. Sharing her experience, she said that the issue was also raised in the parliament but never taken as matter of priority. Guaranteeing equal citizenship right can also address to the root cause of the conflict in the country as it recognize women as a part of the society and include in the mainstream of development.

Asta Laxmi Shakya, Central Member of CPN-UML

The discriminatory citizenship law has created a nationwide problem, which has not only victimized women but also thousands of Nepali children and others. CPN-UML has already made its commitment on the issue with its decision to ensure equal citizenship rights to women. The decision and commitment requires to be implemented into practice. There is an urgent need to change in our mindset against women and be united to create just society.

Prof Dr. Shanta Thapaliya

Our culture and custom believe that mother is the source of power. However, this belief is not recognized by our existing law and has denied equal citizenship rights to women as of men. Giving historical example, she said children were identified by their mother’s name but this is neglected in the present. Therefore, providing equal status to women in the society is not against any social or religious norms as some people argue. She said, political agenda must be clear and specific for the establishment of women’s equal right in citizenship.

Advocate Geeta Pathak

Advocate Pathak said that the discriminatory citizenship law has kept women in the second class citizens. She also shared the trend of the judiciary and said that even the Supreme Court could not be liberal enough to guarantee the equal citizenship rights of
women. She also requested to all the concerned agencies to be a part of this movement of equality and coexistence.

Ms. Sushila Karki, Senior Advocate

No one has different opinion that the citizenship law in Nepal is discriminatory against women. She stated, the movement has turned into the national movement, the voices for the reformation in the citizenship law has been raised from the grass root level to national level and the commitment has been expressed from all the sector including all political parties and thus, we need to transform those commitment into power to eliminate the discriminatory citizenship law.

Mr. Laxman Prasad Aryal, Former Justice, Supreme Court, Nepal

Mr. Aryal, former justice and also a member of drafting committee of present Constitution said that law must be promulgated and interpreted as suitable with time and situation. Interpretation and application of law by the concerned authority has made the citizenship law more complicated. Therefore, judiciary should play positive role, while dealing with such cases. He also expressed his hope that the conference will have remarkable impact in ensuring equal citizenship rights to women.

Memorandum Adoption

Coming into the conclusion, the conference adopted a memorandum with unanimous consent of all the participants of the National Conference. The memorandum was read out by Ms. Durga Ghimire, president of ABC/Nepal. The memorandum realizing the existing citizenship law as discriminatory against women, affirming its severe impact on thousands of women and their children, has urged the government and other concerned agencies for amending the discriminatory citizenship law to ensure women’s equal citizenship rights. The participants of the conference passed the memorandum and signed on it.
Commitment of Various Organizations

During the conference, various organizations expressed their solidarity and commitment to join hand in the movement of equal citizenship rights. The organizations are: Shantimalika, LARC, CWIN, KSOL, HRDF, Forum for Women and Justice, Forum for Constitutional Development, Samudayik Kanuni Srot Kendra, Yakikrit Mahila Samaj, Creative Society Nepal, WOCAS, GONESA, HURALS, Department of Women’s Studies (P.K. College).

Indifference of the Government on the Issue

The concerned government stakeholders such as; Office of the Cabinet and Prime Minister, Ministry of Home, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Women, Children and Social Welfare were also invited in the National Conference to view their concern and express their commitment on behalf of the government. Unfortunately, the representatives of the government were not present in the conference which shows indifference of the government on the issue.

Vote of Thanks

The moderator, Mr. Bijaya Paudel delivered vote of thanks to all the participants of the conference on behalf of organizer. Firstly, he thanked to all the members of civil society network, victim network and media network for their joint effort to organize the national conference, and also to all the district network members and district participants for their commitment on the issue who came along through various 50 districts despite of on going conflict situation. He also expressed gratitude on behalf of organizer to all the representatives of various political parties and their sister organization, NGO, INGO, human rights activist, women rights activists, private lawyers, social mobilizers, government officials, VDC, municipality and media persons. He specially thanked to The Asia Foundation and The Ford Foundation for their support and collaboration in the movement and also to UNICEF and Action Aid/Nepal for their support to the district participants.

Concluding Remarks

Ms. Sahana Pradhan, Chair of the conference

Ms. Sahana Pradhan, a pioneer women leader and the coordinator of the Civil Society Network delivered her concluding remarks in the program. Expressing her views, the chairperson said this is the movement for identity, equality and existence thus; this is not only women’s movement but a national movement. She said, the National Conference is an indication that women have come out for their independent existence. We should prepare a road map to ensure women’s equal
citizenship rights so that no citizen will be deprived of citizenship, an identity of his/her country.

She also thanked to all the network members, coordinating members, district participants, supporting developmental partners and all the participants for their effort to bring the issue at national level and also hoped to have support in the days to come to achieve the desired end of equal citizenship right to women. At the end, she declared the closing of the program and also requested all the participants to join the rally.

National Rally Demanding Equal Citizenship Rights

The National Conference was followed by the National Rally demanding equal citizenship rights. The enormous rally started from Tinkune Koteshwor demonstrated through Min Bhawan - New Baneshwor - Bijuli Bazaar - Babarmahal - Maitighar and ended at Maitighar Mandala. Almost 3000 participants participated in the rally. Some organizations; FECT/ Nepal, Didi Bahini, CAC/Nepal, WATCH supported to bring their members in the rally. Participants demonstrated their consensus creating pressure to the government for the reformation of discriminatory citizenship law. The participants were present with their banner and play cards demanding equal citizenship rights to women. The rally also chanted various slogans for women’s equal rights in citizenship.

Turning into the Assembly

After the rally, the mass turned into an assembly at Maitighar Mandala. In the assembly, addressing to the mass, Ms. Shanta Manabi, Central Member of CPN-UML, Ms. Tulsa Lata Amatya, President of CAC/Nepal, Ms. Sharmila Karki, President of Jagaran Nepal, Mr. D.R. Pant, Vice President of Nepal Journalist
Federation spoke on the need of reformation in the discriminatory citizenship law to ensure equal citizenship rights of women. They assured that the voices of the rally will certainly wake up the government and compelled to be serious on the issue. They also urged all the concerned stakeholders for their continuous support in future to accelerate the movement effective and strongly.

At the end, Advocate Meera Dhungana, delivered the vote of thanks on behalf of the organizer. She stated this is the beginning of the movement and will end with achievement of the goal that is independent identity and equal citizenship rights of women. She thanked to all the participants of the rally for their active participation throughout the whole day and also hoped for their support to make the movement success.

**Submission of Memorandum**

The memorandum unanimously adopted by the National Conference was submitted to the concerned stakeholders of the government, political parties and civil societies with covering letter urging for the possible support.

**Post-Press Conference**

A post-press conference was organized at the SAP Falcha on March 7, 2006. The conference was mainly focused on the sharing of the activities after the national conference. Submission of the memorandum to the concerned stakeholders of the government, political parties and civil society, impact sharing and the way forward was discussed during the press conference.

**Outcome of the Movement**

- Mainstreaming of the issue by all the women’s group, political parties, NGOs and INGOs,
- A debate for discussion,
- Documentation of case,
- Identification of various problems,
- Collection of voices of the renowned personality of the country for the reformation of discriminatory citizenship law,
- Media coverage on the issue of equal citizenship right of Nepalese women,
- Legal support to the affected people,
- Success in 13 cases with providing citizenship certificate,
- Formation of Networks (Civil society network, Victim network, Media network),
- Massive awareness on the importance of citizenship rights through district conferences,
- Realization of existing discriminatory citizenship law and build common consensus for the reformation of citizenship law,
- People’s commitment and pressure to the government through district rally,
- Formation of district network on the equal citizenship rights of women,
- Signature campaign to demonstrate people’s commitment to amend the discriminatory citizenship law through district conferences and rally,
- Hearing of the people deprived from citizenship rights,
- Commitment from the CDO to facilitate minimizing the procedural hurdles to acquire citizenship,
- Commitment of the political parties to take the issue as a prior agenda and to support amending discriminatory citizenship law,
- CPN-UML in its 9th meeting has come with the decision that citizenship should be granted in the name of mother as well,
- Inter party Women Alliance has been formed to work for the elimination of discriminatory laws against women, which has special focus on ensuring equal citizenship rights,
- The government realizing the seriousness of the issue has announced to resolve the existing citizenship problem of the country through its proclamation of the House of Representatives on May 18, 2006.

“The House of Representatives has unanimously endorsed a landmark proposal on women’s right to confer citizenship to their children on 30th May, 2006. The proposal was presented by MP Bidya Bhandari (CPN-UML).”
Future Activities Required

Despite afore mentioned outcome so far, the movement requires further activities on the issue. Moreover, in the changing political context, it is further important to gear up the momentum of the equal citizenship rights movement. Following activities are required in future:

- Need to continue the advocacy at grass root level to aware on the importance of the citizenship rights,
- Need to reach remaining districts through conference and rally,
- National campaign for the common consensus on the issue,
- Legal counseling and support to the people deprived of citizenship,
- Sensitization program to the concerned agencies especially to the personnel of VDC, Municipality, CDO Office etc.,
- Need to make documentary for the advocacy,
- Coordination among the networks and organizations working on this issue,
- Mobilization of the political party and their sister organization to take the citizenship issue as a prior agenda,
- Media campaign to raise the issue comprehensively and to create the public pressure to the government,
- Program to oblige the state in their commitment under the various international human rights convention including CEDAW,
- Discussion with the intellectual circle to make realize the difference between open border issue and equal citizenship right issue and also to build the common consensus on citizenship rights of every one.
- In the context of Constitutional Assembly and formation of new Constitution, a strong and effective campaign from all the concerned sectors should be initiated promptly to ensure equal citizenship rights of women.
GLIMPSES OF DISTRICT CONFERENCE AND RALLY

A Movement for Equal Citizenship Right of Women