

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Constitution of Nepal 2015
Date	20 Sep 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Nepalese Insurgency (1996 - 2006)

Inspired by the Maoist insurgency in Peru in the early 1990s, the Communist Party of Nepal (Maoist) – CPN(M) – declared war on the Nepalese government in February 1996. A key demand was the transformation of Nepal from a monarchy into a ‘People’s Republic’. Following a pronounced Maoist military strategy, the CPN(M) focused their insurgency on the rural areas. They gained significantly in strength and it took heavy international military support to stabilize the Nepalese government in 2002. After public protests escalated in Kathmandu in 2004, the Nepalese King Gyanendra took authoritarian control over the government. In the cities, a strong popular movement for democracy emerged, forcing the government into fast progressing peace negotiations in 2006 that concluded with the signing of a Comprehensive Peace Accord on 21 November 2006.

Close
Nepalese Insurgency (1996 - 2006)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Nepal peace process
Parties	Unsigned but passed by Nepal's Elected Constituent Assembly
Third parties	-
Description	Nepal's final approved constitution. The agreement covers a range of issues including state definition, governance reform, legal and judicial reform, elections, human rights, corruption, finance, and national security.

Agreement document	NP_150920_Nepal Constitution.pdf (opens in new tab) Download PDF
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Participation

Participation→Gender quotas

Page 40, PART 8 Federal Parliament, 84. Constitution of House of Representatives

...

(8) Notwithstanding anything contained elsewhere in this Article, women should account for at least one third of total members elected from each party in Federal Parliament. In case, one-third percentage of women are not elected while being elected under section (a) of clause (1), and section (a), clause (2) of Article 84, the party that fails to ensure one-third representation shall have to elect at least one-third of total numbers as woman in the Federal Parliament while electing members under section (b) of clause (1).

Page 41, PART 8 Federal Parliament, 86. Constitution of National Assembly and terms of members: (2) There shall be fifty-nine members in the National Assembly as follows:

(a) Fifty six members elected from an Electoral College comprising members of Provincial Assembly and chairpersons and vice- chairpersons of Village councils and Mayors and Deputy Mayors of Municipal councils, with different weights of votes for each, with eight members from each province, including at least three women, one Dalit, one person with disability or minority;

(b) Three members, including at least one woman, to be nominated by the President on the recommendation of Government of Nepal.

Page 43, PART 8 Federal Parliament, 91. Speaker and Deputy-Speaker of the House of Representatives:

(2) While electing Speaker and Deputy Speaker as per clause (1), either Speaker or Deputy Speaker shall be a woman and belong to different parties.

Page 43, PART 8 Federal Parliament, 92. Chairperson and Vice-Chairperson of National Assembly

(2) While electing as per clause (1), either Chairperson or Vice chairperson Chairman of the National Assembly shall be a woman.

Page 77, PART 14 Provincial Legislature, 176. Formation of the Provincial Assembly:

...

(9) Notwithstanding anything contained elsewhere in this Article, at least one third of the total number of members to be elected from each political party to the Provincial Assembly shall have to be women. In case at least one third of the candidates elected from a political party pursuant to section (a) of clause (1) are not women, the political party shall have to make provision of electing at least one third women while electing members pursuant to section (b) of the same clause.

Page 79, PART 14 Provincial Legislature, 182. Speaker and Deputy Speaker of the Provincial Assembly

...

(2) While electing speaker and deputy speaker as per clause (1), either of Speaker or Deputy Speaker shall be woman and they shall belong to different parties.

Page 89, PART 17 Local Executive, 215. Provisions related to Head and Deputy Head of Village Executive:

...

(4) Four women members that are elected by the Village Assembly members from among themselves and two persons elected from the Dalit or minority community with qualifications pursuant to Clause (5) below shall also be members of the Village executive and this election shall be held within 15 days following the final result of the election of Village Assembly as per Article 222.

Page 90, PART 17 Local Executive, 216. Provisions related to Mayor and Deputy Mayor of

Equality

Equality→Equality (general)

Page 4, Preamble:

...

Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice...

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality:

...

(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality:

...

(3) ... (3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters. Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Page 11, Part 3 Fundamental Rights and Duties, 19. Right to communication: (1) There shall be no prior censorship of publications and broadcasting, or information dissemination, or printing of any news item, editorial, article, feature, or other reading material, or the use of audio-visual material by any medium, including electronic publication, broadcasting and printing.

Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restriction on any act which may undermine the nationality, sovereignty, and indivisibility of Nepal, or the good relations between federal units, or jeopardizes the harmonious relations subsisting among different caste groups and tribes, or communities, or an act of treason, or defamation of social dignity of individuals through the publication and dissemination of false material, or contempt of court, or material that incites criminal offence, or an act that is contrary to decent public behavior and

Particular groups of women → Pregnancy/maternity

women

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ... (2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

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Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women: (1) Every woman shall have equal right to lineage without any gender discriminations. (2) Every woman shall have the right relating to safe motherhood and reproductive health.

Page 22, PART 4 Directive Principles, Policies and Responsibilities of the State, Policies regarding the basic needs of citizens: (10) It shall be the policy of the State to increase general life expectancy by decreasing maternity-infant mortality rate by encouraging family planning population management based on the need and capacity of the country. Particular groups of women → Other

Page 14, Part 3 Fundamental Rights and Duties, 40. Right of Dalits: (7) The facilities provided to the Dalit community according to this Article, shall have to be justly distributed to Dalit women and men and all the Dalit communities living in different parts of the country, ensuring that all Dalits receive the facilities proportionally.

International law

No specific mention.

New institutions

New institutions→Institutions for women

Page 117, PART 27, Other Commissions, 252. National Women Commission:

(1) There shall be a National Women Commission in Nepal consisting of a Chairperson and four other members.

Page 117, PART 27, Other Commissions, 252. National Women Commission:

...

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the National Women Commission.

Page 117, PART 27, Other Commissions, 252. National Women Commission:

...

(3) The term of office of the Chairperson and other members shall be six years from the date of appointment.

Page 117, PART 27, Other Commissions, 252. National Women Commission:

...

(4) Notwithstanding anything contained in Clause (3), the office of the Chairperson and members of National Women Commission shall be deemed vacant in the following circumstances:

- (a) if she submits written resignation to the President,
- (b) if she attains the age of sixty five,
- (c) if a motion of impeachment is passed against her as per Article 101,
- (d) if she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness.
- (e) if she dies.

Page 117, PART 27, Other Commissions, 252. National Women Commission:

...

(5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. Provided that nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well.

Page 117, PART 27, Other Commissions, 252. National Women Commission:

...

(6) Any person who possesses the following qualifications is eligible to be appointed as the Chairperson or member of National Women Commission:-

- (a) a woman who has made a significant contribution for the rights, interest of women or gender justice or women development or in the field of human rights and law for at least ten years,
- (b) holds a Bachelor's Degree from a recognized university in case of the Chairperson,
- (c) has attained the age of forty-five,
- (d) is not a member of any political party immediately before the appointment, and
- (e) possesses high moral character,

Page 118, PART 27, Other Commissions, 252. National Women Commission:

...

(7) The remuneration and other conditions of service of the Chairperson and other members of the National Women Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the member of the National Women Commission shall not, so long as they hold office, be altered to their disadvantage.

Violence against women

Violence against women→Sexual violence

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women:

...

(3) There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law.

Violence against women→Gender-based violence/VAW (general)

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women:

...

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Transitional justice No specific mention.

Institutional reform Institutional reform→DDR, army, parastatal or rebel forces

Page 125, PART 28 Provision regarding National Security, 267. Provision relating to Nepal Army:

...

(3) The entry of women, Dalit, indigenous community, Khash Arya, Madhesi, Tharu, Muslim, people of backward class and backward region shall be ensured in Nepal Army, based on the principle of equality and principles of inclusion as provided for in the Federal law.

Institutional reform→Other

Page 27, PART 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies, Policies regarding social justice and inclusion:

...

(13) Making a well planned investment in sports and sports men and women in order to produce healthy, able and disciplined citizens and developing sports as a medium of consolidating national unity and promoting national prestige in the international arena.

Development

Development→General

Page 133, Part 32 Miscellaneous, 281. Review and revision of Special Powers:

The Government of Nepal shall review and revise, along with census of every ten years, the provisions regarding special rights of the women and Dalit community and its implementation and effectiveness based on human development index.

Development→Rehabilitation and reconstruction

Page 27, PART 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies, Policies regarding social justice and inclusion:

...

(2) Making women self reliant who are vulnerable, victims of conflict, excluded by family and the society, by making necessary arrangements of rehabilitation, protection and empowerment for them.

Development→Education

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women:

...

(5) Women shall have the right to special opportunity in the spheres of education, health, employment and social security on the basis of positive discrimination.

Development→Health (general)

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... (5) Women shall have the right to special opportunity in the spheres of education, health, employment and social security on the basis of positive discrimination.

Page 22, PART 4 Directive Principles, Policies and Responsibilities of the State, Policies regarding the basic needs of citizens: (10) It shall be the policy of the State to increase general life expectancy by decreasing maternity-infant mortality rate by encouraging family planning population management based on the need and capacity of the country.

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Development→Reproductive rights

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women:

...(2) Every woman shall have the right relating to safe motherhood and reproductive health. ...

Implementation

No specific mention.

Other

No specific mention.