

Nepal Misses Pro-Women Constitution

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KATHMANDU, Jun 5 (IPS) - Nepal's squabbling political parties have squandered an opportunity to pass into law one of the most gender-friendly constitutions ever devised.

After four years of intense work, the 601-member Constituent Assembly (CA) missed a May 27 deadline to adopt a new constitution with political parties failing to agree on restructuring the country into a federation of states based on ethnic lines.

The CA was dominated by Maoists who waged a ten-year (1996-2006) civil war supported by the country's many ethnic groups and lower castes that were, for centuries, marginalised by a feudal elite and a now defunct monarchy.

The biggest losers of the CA's failure were Nepal's women who saw the promise of equal rights dashed as the draft constitution - the key element in the peace process that followed the civil war - had incorporated truly progressive laws.

A feature of the CA, dissolved on May 27, was that it had 197 women members from 20 political parties, the largest ever empowered political representation by women in the history of what was until 2008 a monarchy.

The female legislators had formed a 'women's caucus' which was tasked with writing laws aimed at transforming the nation into a gender equal society.

"The women worked ceaselessly all these years to write laws, paying attention to detail so that no form of discrimination would exist," caucus member Sapana Malla Pradhan tells IPS.

Pradhan, one of the country's most prominent public interest litigation lawyers, had fought several landmark cases against gender discrimination over the past decade, forcing legal reforms on such controversial issues as marital rape and inheritance rights.

"Had the constitution been adopted, we could have ensured that women had rights equal to what the men enjoyed so far and what they had deprived Nepali women of," she said.

Reforms envisaged in the draft constitution would have ensured 50 percent representation for women in every state organ and allowed women to be appointed as ambassadors in Nepal's missions abroad.

"We would finally have had really progressive laws capable of impacting positively the socioeconomic situation of Nepali women," independent development practitioner Srijana Pokhrel tells IPS.

Recognition would have been given to the economic value of domestic chores and a special constitutional act was being planned to allow calculation of household work as part of the gross national product.

New reproductive health laws would have obliged the state to allocate resources and financial aid to ensure safe motherhood in a country with one of the world's highest maternal mortality rates.

More than 4,000 women die in Nepal annually due to pregnancy-related causes. There is a huge shortage of skilled birth attendants and the proportion of deliveries conducted by qualified health personnel is only 28 percent.

"We nearly achieved what Nepali women had been fighting for all these decades with all the political parties agreeing to every law proposed by the women's caucus," said Pradhan.

The country was to have a powerful women's commission with members having the authority to investigate any gender-related violation by the state or individuals or any case of discrimination.

Among the most disappointed by the failure of the CA to produce a constitution are women from the oppressed ethnic groups and castes.

"Who do we turn to now for help? I had one last hope and that died last week," says Urmila Chaudhary, a young woman from one of the most marginalised ethnic groups, the Tharus.

"This is really sad. We are now a country without a constitution," says Tharu rights activist Krishna Chaudhary, director of Society Welfare Action Nepal, a non-government organisation (NGO).

"The laws prepared for women were especially targeted at those from the most marginalised communities where the rates of female illiteracy and poverty are high," adds Krishna.

Krishna said his Tharu community had just begun to understand politics and was hopeful that the constitution would help them turn around their situation.

Nearly 90 percent of the four million Tharu people are landless, and the majority extremely poor with the women suffering exploitation.

Nepal's women have come a long way in their history of fighting for their rights which started on Jul.1, 1932 when Yog Maya Neupane and 68 of her followers drowned themselves in the Arun river after being detained for demanding social justice and reform.

In 1951, when Nepal's first constitution was written, it still carried features discriminatory to women and, although several reforms have been carried out since, the CA was the first real opportunity at progressive, implementable change.

For example, although Nepalis have the right to receive citizenship in the name of their mothers in principle, the law has never been seriously implemented.

"We have to pick up from where we left off... the democratic political process is absolutely the key," said Pradhan optimistically.
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