

Summary of the Interim Constitution of Nepal

Title: Interim Constitution of Nepal- 2007

Date legislation was first published (adopted): 15/01/2007

External URL:

http://www.lawcommission.gov.np/index.php?option=com_rubberdoc&view=doc&id=163&format=raw&Itemid=13&lang=en

Summary: The external URL above contains the full text of the Interim Constitution of Nepal enacted by the president of the Federal Republic of the Nepal. It was adopted on 15/01/2007 and it has been in force from the adopted date.

Content:

The 2007 Interim Constitution of Nepal was promulgated after the adoption of the Comprehensive Peace Agreement between the Seven Political Parties and the Unified Communist Party of Nepal (Maoist) with the purpose of progressively restructuring the State and overcoming existing problems relating to class, ethnicity, regional disparities, and gender. Democratic values and norms including civil liberties, fundamental rights, and human rights, such as the right to vote and freedom of the press, are guaranteed in the Interim Constitution. This was the first time in Nepal that a constitution has incorporated a specific provision on women's rights (in its chapter of fundamental rights).

Rights of women are incorporated in different articles of the constitution, which are discussed below:

Preamble: Full commitment to solve all forms of discrimination against women.

Citizenship Rights: This was the first time in Nepal that a constitution has guaranteed equal rights for men and women in order to provide equal citizenship and equal rights within the family, for instance, according to article 8(b) of the Interim Constitution.

Fundamental Rights

Rights to Equality: Although equal rights have been guaranteed by the Interim Constitution for all citizens of Nepal, according to Article 13(3) the State can make special provisions for the protection, empowerment, or advancement of women.

Besides, Article 13 (4) recognizes that gender discrimination in regard to remuneration is prohibited for the same kind of work.

Right Relating to Employment and Social Security: Article 18 (2) establishes the right to social security as a fundamental right for women and other disadvantaged people in Nepal.

Separate provision on the rights of women: Article 20 specifically addresses women's rights:

- **Equality:** There shall be no form of discrimination against the women by virtue of sex.

- **Reproductive Rights:** Every woman shall have right to reproductive health and reproduction
- **Freedom from Violence:** No woman shall be subject to physical, mental or any other kind of violence; and such act shall be punishable by law.
- **Equal Property Rights:** Sons and daughters shall have equal right to ancestral property.

Right to Social Justice: Article 21 states that women have the right to take part in the structure of the State on the basis of the principle of 'proportional inclusion', which is considered to be a fundamental right.

Constitution of Constituent Assembly: Article 63 (5) establishes that at least one-third of the total number of candidates nominated for the Constituent Assembly have to be women, including candidates for directly elected seats and seats occupied under proportional representation.