Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Nepal Interim Constitution
Date	15 Jan 2007
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 negations 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	Krishna Bahadur Mahara, Coordinator, Negotiating team, CPN (Maoist) Krishna Prasad Sitoula, Coordinator, Negotiating team, Government of Nepal
Third parties	Witnessed by Ian Martin, Personal Representative of the Secretary-General United Nations
Description	Interim Constitution agreed by both parties on 15 January 2007 and subsequently amended on 14 March 2007 (first amendment); 13 June 2007 (second amendment); 28 December 2007 (third amendment); 29 May 2008 (fourth amendment); 13 July 2008 (fifth amendment); 15 December 2008 (sixth amendment); 31 January 2010 (seventh amendment); 28 May 2010 (eighth amendment). The constitution covers a range of issues including human rights; the nature of the state; the establishment of political offices, institutions and state procedures; and the regulation of the national army.

Agreement document	NP_070115_interim-constitution.pdf (opens in new tab) | Download PDF

Women, girls and gender

Participation

Participation→Gender quotas

Page 39, Part 6 Constituent Assembly, 63. Constitution of Constituent Assembly: (4) In selecting candidates pursuant to Sub-clause (a) of Clause (3), political parties shall take into account the principle of inclusiveness; and in enlisting candidates pursuant to Sub-clause (b), political parties shall ensure proportional representation of the women, Dalit, oppressed communities/ indigenous peoples, backward regions, Madhesi and other Classes, as provided in law.

...(5) Notwithstanding anything contained in Clause (4), at least one-third of such total number of candidates nominated shall be women as to be derived by adding the number of candidacies made pursuant to Sub-clause

(a) of Clause (3) and' the number of candidates on the basis of proportional representation pursuant to Sub-clause (b) of Clause (3).

Participation→Effective participation

Page 11, Part 3 fundamental rights, 21. Right to social justice: The economically, socially or educationally backward women, Dalits, indigenous peoples, Madhesi communities, oppressed classes, poor farmers and labors[labourers} [sic] shall have the right to take part in the structures of the State on the basis of the principle of 'proportional inclusion' [sic].

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;
(dl)To have participation of Madhesi, dalit, indigenous peoples, women, labors, farmers, disabled, backward classes and regions in all organs of the State structure on the basis of proportional inclusion;

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment.

Page 90, Part 15 National Human Rights Commission, 131. National Human Rights Commission: ...(2) There shall be maintained diversity including gender perspective while making appointment of the Chairperson and Members of the National Human Rights Commission.

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party: (3) Every political party shall be required to fulfil the following conditions in order to qualify for registration pursuant to Clause (1):...(c) There must be an inclusive provision that the executive committees at various levels the executive committee at various levels include the members from women, Dalit and the excluded and oppressed sectors; and...

Participation→Other

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party:(4) The Election Commission shall not register any political party or organization which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country or the Constitution or Rules of such party or organization have the objective of protecting and promoting party-less or single party system

Equality

Equality→Equality (general)
Page 8, Part 3 Fundamental rights, 13. Right to equality:
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:
...(4) The fundamental economic objective of the State shall be to transform the national economy into an independent, self-reliant and progressive economy by preventing the economic resources and means available in the country from being concentrated within a limited section of the society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to eliminate economic inequalities and prevent economic exploitation of any caste, sex, class, origin or individuals, and by giving priority and encouragement to national enterprises, both private and public.

Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1) There shall be made progressive restructuring of the State with inclusive, democratic federal system of governance, by doing away with the centralized and unitary structure of the State so as to end discriminations based on class, caste, language, gender, culture, religion and region.

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party:(4) The Election Commission shall not register any political party or organization which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country or the Constitution or Rules of such party or organization have the objective of protecting and promoting party-less or single party system.

Page 108, Part 20 Provisions relating to Army, 144. Constitution of the Nepal Army: ...
(4a)In order to make the Nepal Army inclusive and national in character, the entry of the Mahesi, indigenous peoples, Dalit, women and people in backward area shall be ensured by law, on the basis of the principles of equality and inclusion.

Equality→Social equality

Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and

Particular groups of women No specific mention.

International law International law→General IHRL, IHL and IL
Page 90, Part 15 National Human Rights Commission, 131. National Human Rights Commission:
...
(2) There shall be maintained diversity including gender perspective while making appointment of the Chairperson and Members of the National Human Rights Commission.

Page 112, Part 22 Miscellaneous, 154. Constitution of commissions: The Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors Including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law.

New institutions New institutions→Infrastructure (general)
Page 112, Part 22 Miscellaneous, 154. Constitution of commissions: The Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors Including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law.

Violence against women Violence against women→Gender-based violence/VAW (general)
Page 11, Part 3, fundamental rights, 20. Rights of women:
...
(3) No woman shall be subjected to physical, mental or any other kind of violence; and such act shall be punishable by law.

Transitional justice No specific mention.

Institutional reform Institutional reform→Emergency/criminal law/corruption reform
Page 11, Part 3, fundamental rights, 20. Rights of women:
...
(3) No woman shall be subjected to physical, mental or any other kind of violence; and such act shall be punishable by law.
Institutional reform→DDR, army, parastatal or rebel forces
Page 108, Part 20 Provisions relating to Army, 144. Constitution of the Nepal Army: ...
(4a)In order to make the Nepal Army inclusive and national in character, the entry of the Mahesi, indigenous peoples, Dalit, women and people in backward area shall be ensured by law, on the basis of the principles of equality and inclusion.

Development

Development→General
Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment.
Development→Rehabilitation and reconstruction
Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;...

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;

Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1) There shall be made progressive restructuring of the State with inclusive, democratic federal system of governance, by doing away with the centralized and unitary structure of the State so as to end discriminations based on class, caste, language, gender, culture, religion and region.
Development→Education
Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment.
Development→Health (general)
Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment.
Development→Reproductive rights
Page 11, Part 3, fundamental rights, 20. Rights of women:
...
(2) Every woman shall have the right to reproductive health and reproduction.

Implementation

No specific mention.

Other

No specific mention.
