

# Constitution-Making Process in Nepal

*A look back of the achievements in 2014- 2015*

*(Period covers until July 2015)*



**Nepal NCO**  
August 2015

# CONTENTS

<b>ABBREVIATIONS</b>	3
<b>EXECUTIVE SUMMARY</b>	4
<b>ACHIEVEMENT 1</b> <i>10 major child rights issues considered as fundamental rights of children</i>	7
<b>ACHIEVEMENT 2</b> <i>Best interest of the child provision that ensures the best interest of the children as a state policy</i>	12
<b>ACHIEVEMENT 3</b> <i>Consensus on the provision of a national human rights commission</i>	14
<b>ACHIEVEMENT 4</b> <i>Five bills including Civil Code, Criminal Code, Civil Procedural Code, Criminal Procedural Code and Sentencing Bills reviewed from child rights perspective and registered amendment proposal in Legislation Committee</i>	17
<b>ACHIEVEMENT 5</b> <i>The Legislative Committee on Women, Children, Senior Citizen and Social Welfare formed a sub-committee on Child Rights</i>	20
<b>ONGOING PROGRAMS</b> <i>Policy think tank Engagement in citizenship provisions</i>	22
<b>PUBLICATIONS</b>	26



# ABBREVIATIONS

<b>CA</b>	Constituent Assembly
<b>CCWB</b>	Central Child Welfare Board
<b>CFRDP</b>	Committee on Fundamental Rights and Directive Principles
<b>CIAA</b>	Commission for the Investigation of Abuse of Authority
<b>CPA</b>	Comprehensive Peace Agreement
<b>CPDCC</b>	Constitution Political Dialogue and Consensus Committee
<b>CRC</b>	Convention on the Rights of Children
<b>CZOPP</b>	Children as Zones of Peace
<b>FWLD</b>	Forum for Women, Law and Development
<b>NHRC</b>	Nepal Health Research Council
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund

# EXECUTIVE SUMMARY

The Comprehensive Peace Agreement (CPA) concluded between the Government of Nepal and the CPN Maoist in November 2006 opened a new era of political transition in Nepal. Since then, Nepal has been making important efforts for political stability and sustained peace in the country. Nepal held its first Constituent Assembly (CA) election in 2008, which lasted for four years. However, it was unfortunate that the CA could not promulgate a new constitution and dissolved in June 2012, which created a constitutional and political void in the country until the Second CA was constituted.

New hope for stability and ending the phase of a long political transition was renewed with the successful conduction of the CA-II election on November 19, 2013. Total 30 political parties and two independent individuals have been representing the second CA. Nepali Congress, CPN (UML) and CPN (Maoist) are the three largest political parties, respectively. With the endorsement of the Constituent Assembly Rules, 2014 and the Constituent Assembly (Conduct of Business of Legislative Parliament Rules, 2014), five thematic committees have been formed under the Constituent Assembly: i) Committee on Constitution Drafting, ii) Committee on Constitution Records Study and Determination, iii) Committee on Civic Relations and Constitution Suggestion, iv) Committee on Capacity Development and Resource Management, and v) Committee on Constitutional-Political Dialogue and Consensus. Further, a working calendar and timeline for the CA-II have been published, with an agreed date to conclude the process by Magh 8, 2071 (January 22, 2015). However, the Constituent Assembly failed to bring the first draft of the constitution within the stipulated timeframe.

Despite the political uncertainties, there has been significant achievements in ensuring child rights in the first draft of the new constitution, the Constitution of Nepal, 2072 (2015). This has been a result of UNICEF's continuous and intensified advocacy together with various child rights networks and organizations in Nepal with the exceptional technical support by Himal Innovative Development and Research Pvt. Ltd.

UNICEF has engaged with nine various child rights networks and alliances representing over 100 child rights organizations across Nepal through the technical support of Himal Innovative Development and Research Pvt. Ltd. for advocacy on child rights in the CA. The child rights network and alliances have heavily engaged in public consultation for child rights. In 56 districts, these network and alliances together with district child club members have appealed and shared their concerns on the missing child rights provision in draft constitution.

On 25 April and 12 May, 2015, Nepal was struck by two powerful earthquakes with magnitude of 7.8 and 7.3 on the Richter Scale. Over 2.8 million lives have been affected in the 14 most affected districts, of which 1.1 million (40 per cent) were children under the age of 18. As of mid-July, the number of casualties reached 8,897 people dead and 22,310 people injured (Ministry of Home Affairs, July 15, 2015). The devastation had instantly brought the political parties together to process the long awaited constitution writing process promptly. After relentless efforts, the CA successfully prepared the first preliminary draft of the Constitution, "The Constitution of Nepal, 2072 (2015)." The CA had also endorsed a proposal to distribute the draft constitution across the country for public consultation and collection of opinion by July 8, 2015.

*Significant achievements were made in 2014-2015. UNICEF continuously advocated, engaged and raised awareness on child rights issues to more than 100 CA members and ensured these issues were discussed during the constitution drafting process.*



Some substantive achievements included in the Draft Constitution, 2072 (2015) follows: 10 major child rights issues have been considered as fundamental rights of the children. In addition, the right to education, right to health, right to social security and the protection of the best interest of the child are also noticeable. A provision has also been included in the draft constitution to have a National Human Rights Commission comprised of four persons who have high reputation, actively been involved in the field of, and rendered to an outstanding contribution to the protection and promotion of human rights and child rights, or various sections of human life.

Further, the Legislative Committee on Women, Children, Senior Citizen and Social Welfare has formed a sub-committee on Child Rights. Other important developments have been observed in the legislative framework and parliamentary process that are important for making child friendly legislative framework and parliamentary discourse on child rights, including: a review of the various child rights related provisions to ensure they are aligned with the Convention on the Rights of Children (CRC), and whether they sufficiently address child rights issues. Additionally, the revised bills (46 on civil code, 34 on criminal code, 5 on sentencing bill, 7 in criminal procedural code and 8 in civil procedural code) have been registered in the Legislation Committee of Legislative Parliament, mobilizing the CA members.

Against the background, UNICEF Nepal has a unique and historical opportunity to ensure that the fundamental rights of children in Nepal are included in the new constitution, bills, and legislation. Through its continuous and intensified engagement with the CA and legislative parliament, the main objective is to mainstream the child rights agenda in the new constitution and legal frameworks with a broader parliamentary awareness and actions through various parliamentary and CA committees.

# 2014-2015 Achievements at a Glance

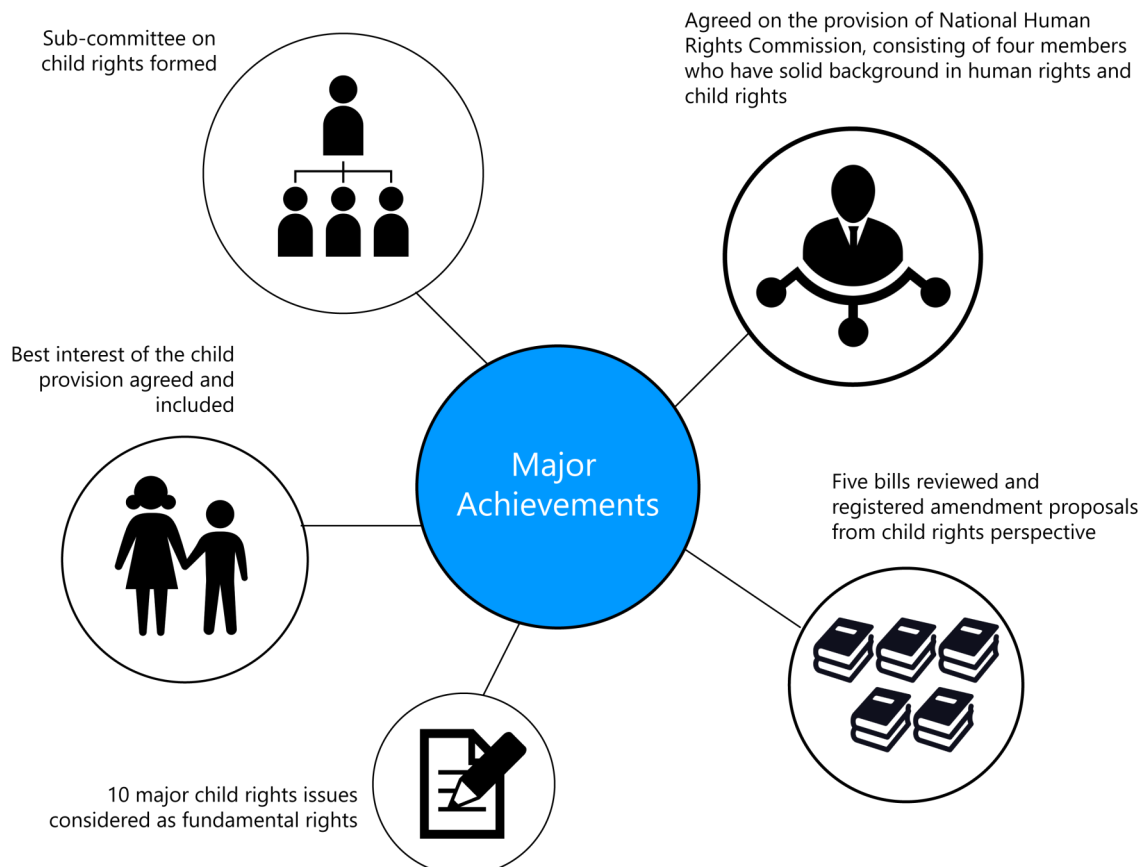
UNICEF's continuous engagement and advocacy on child rights and citizenship issues with the CA members have strengthened their commitment to discuss child rights issues in the CA and Legislative Parliament. As a result, major achievements were made including:

## Constitution-Making Process

- 10 major child rights issues have been considered as fundamental rights of children along with the right against exploitation, right to education, right to health and right to social security. Further, some of the key child rights issues have been well considered under the part of Directive Principles, Policies and Responsibilities of the State as well. All these issues have been listed as consensus issues and CA-II plenary has sent out these provisions to the Committee of Constitution Drafting to address them in the new Constitution and finally addressed in first draft of the new constitution 'The Constitution of Nepal, 2072 (2015).
- Best Interest of the Child: This provision provides the bottom line for any decisions affecting children, ensuring decision-makers to assess the appropriateness of their response in regards to the general child rights principle.
- First draft of the Constitution, "The Constitution of Nepal, 2072 (2015)" agreed on having a National Human Rights Commission, consisting of four persons who hold a high reputation and have been actively involved in the field of, and rendered an outstanding contribution to, the protection and promotion of human rights and child rights, or various section of human life.

## Legislative Process

- The Legislative Committee on Women, Children, Senior Citizen and Social Welfare formed a sub-committee on Child Rights.
- Five bills including Civil Code, Criminal Code, Civil Procedural code, Criminal Procedural Code and Sentencing Bills have been reviewed and registered notice of amendment proposals from child rights perspective in the Legislation Committee.





## **Achievement 1.**

10 major child rights issues considered as fundamental rights of children

*10 major child rights issues have been considered as fundamental rights of children along with right to education, right to health and right to social security.*



It is essential in Nepal to have a harmonization of national laws in line with the international instruments and commitments to protect, promote and fulfill the rights of the children. To achieve this, new laws have to be adopted and existing laws need to be reviewed and amended. In this respect, UNICEF along with its stakeholders continuously and intensively worked towards ensuring child rights in Nepal's new constitution. Together with its partners and stakeholders, technical support has been provided through parliamentary awareness of children's rights and key child related issues, particularly focusing on the new constitution making process.

The following approach and strategies have been adopted to fulfill this work:

- Provide policy analysis at various stages including gap analysis on the constitution draft, prepare briefing papers and review bills from a child's perspective to find where the gaps and strengths are to eventually find positive ways forward.
- Stimulate dialogues towards putting children at the center of constitution, legislation and policies through formal and informal channels.
- Continue influencing stakeholders to be aware on the need to invest in children for building more productive and efficient human resources in the future.
- Mobilize civil society networks.

Several meetings were conducted at various levels with the Secretary of Political Dialogue and Consensus Committee, UN citizenship working group, civil society network, Central Child Welfare Board (CCWB), etc., with the objective to have open discussion with political leaders and CA members on child rights issues in Nepal in relation to the new constitution and legislations. As a result of the continuous drive towards advocacy, the following child rights issues reached consensus and has now taken effect as the fundamental rights of children. The CA-II plenary sent out these provisions to the Committee of Constitution Drafting to address them in the new constitution.



*CCWB organized a residential dialogue with CA members on ensuring child rights in constitution on 20-21 June, 2014  
Participating CA members in the workshop / © HIDR / 2014*



**The first draft of the “The Nepal Constitution, 2072 (2015)” adopted the following provisions:**

**Article 25. Rights regarding justice**

(10) An indigent person shall have the right to free legal aid in accordance with law.

**Article 34. Rights against exploitation**

- (1) Every person shall have the rights against exploitation.
- (2) No person shall be exploited in the name of custom, tradition and practice, or in any other way.
- (3) No person shall be subjected to human trafficking, slavery or bonded labour.
- (4) No person shall be subjected to forced labour.

Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.

(5) Acts against sub-article (3) and (4) shall be punishable as per the law and the victims of those acts shall have the right to receive compensation from the perpetrator as per the law.

**Article 36: Rights to education**

- (1) Every citizen shall have the right to access basic education.
- (2) Every citizen must have a basic level of education as compulsory and free as well as every citizen shall have the right to obtain free secondary education.
- (3) Citizen from vulnerable and economically poor person shall have the right to free higher education as prescribed in the law.
- (4) As provided in the law, persons having visual and hearing impairments shall have the right to get education in Braille and sign language, respectively.
- (5) Every Nepalese community inhabiting in Nepal shall have the right to establish and operate schools and academic institutions in order to provide education till secondary level in the mother tongue.

**Article 40: Rights regarding health**

- (1) Every citizen shall have the right to free basic health services and no person shall be denied of emergency health services.
- (2) Every individual shall have the right to informed health services.
- (3) Every citizen shall have the right to equal access to health services.
- (4) Every citizen shall have the right to an access to clean drinking water, hygiene and sanitation.

**Article 44: Rights of the child**

- (1) Each child shall have the right to a name with an identity and birth registration.
- (2) Each child shall have the right to education, health, nurture, appropriate care, sports, entertainment and personality development from the family and the State.
- (3) Each child shall have the right to early childhood development and child participation.
- (4) No child shall be employed in factories, mines or other similar hazardous work.
- (5) Each child shall have the right against child marriage, illicit transfer and abduction or hostage taking.

- (6) No child shall be recruited or used in army, police or armed groups nor inappropriately used, abused, neglected or exploited physically, mentally, sexually or in any other ways in the name of cultural or religious practices in any form or by any means
- (7) No child shall be punished physically, mentally or in any other form in homes, schools or in any other place
- (8) Each child shall have the right to child friendly justice
- (9) Children who are helpless, orphans, with disability, conflict victims, displaced and at risks shall have the right to receive special protection and facility from the State
- (10) Acts against sub-articles (4), (5), (6) and (7) shall be punishable as per the law and child victims of those acts shall have a right to receive compensation from the perpetrator as per the law.

#### **Article 48. Rights regarding social security**

Economically marginalized, vulnerable groups, persons with disabilities, single women in difficult situation, children, people who cannot take care of themselves, and citizens of endangered tribes shall have the right to social security as prescribed by clause 1.

#### **Article 51. Right to constitutional remedy and execution of fundamental rights**

- (1) Right to remedy is guaranteed as stated in articles 137 or 148 for the enforcement of rights provisioned in this chapter.
- (2) For the execution of the rights provisioned in this chapter, the State shall as necessary establish legal provisions within three years of the promulgation of this constitution.

#### **Chapter 4. State Directive Principles, Policies and Obligations**

(H) Policy related to citizens' basic necessities

- (1) By making education scientific, technical, vocational, practically employment oriented and people centered, human resource will be developed that is able, competitive, ethical and dedicated to national interests.
- (2) Increasing State's investment in education, private sector's investment in education will be regulated and managed to make it service oriented.
- (3) Higher education to be made easily available, of quality and accessible and to be gradually made free
- (4) Community information centers and libraries to be established and promoted for citizens' personality development
- (5) In order to make citizens healthy, the State will increase investment necessary in the sector of public health
- (6) Ensure everybody's easy, simplified and equal access to quality health services
- (7) Increasing State's investment in the health sector, the private sector investment in this area will be regulated and managed to make it service oriented.
- (8) In order to make health services easily available and of quality, health research will be emphasized and the number of health institutions and health workers will be increased.
- (9) Family planning will be encouraged for management of population based on the nation's capacity and needs and maternal and child deaths will be decreased and life expectancy increased.

(I) Policy related to labor and employment:

- (3) All forms of labor exploitation including child labor will be eliminated.

(J) Policy related to social justice and inclusion:

- (4) Jobs and contributions such as child care, family care, etc will be assessed in monetary terms
- (5) Best interest of the child will be given a primary attention
- (12) Priority to be given to financially poor people within all gender, geographical area and community while providing social security and social justice

#### **Article 56. Obligations of the State**

While maintaining integrity of Nepal's sovereignty, national independence and indivisibility, the State's obligations will be to protect and promote fundamental rights and human rights, to follow the State Directive Principles and to gradually implement State's policies

#### **Article 57. Report to be submitted**

Annual report shall be submitted to the President on the interventions and achievements made by the government of Nepal to implement state directive principles, policies and obligations included in this chapter; and such a report shall be transferred by the President through the Prime Minister to the federal parliament.

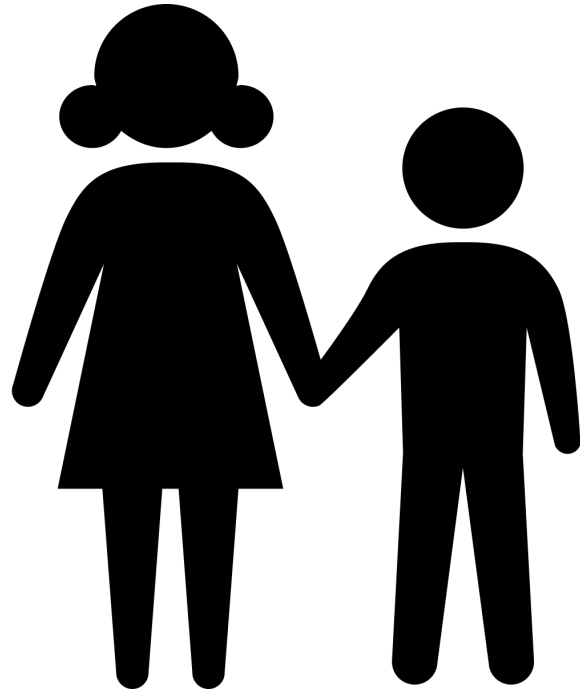
#### **Article 58. Provision for monitoring**

- (1) A committee in federal parliament will be formed as per law to monitor whether the state directive principles, policies and obligations included in this chapter have been progressively implemented

### **Chapter 24. National Human Rights Commission**

247: National Human Rights Commission:

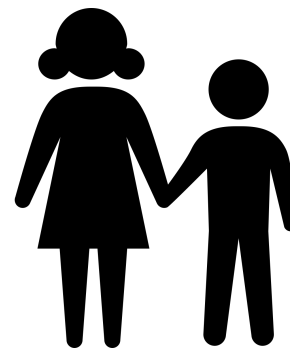
- (1) There shall be a National Human Rights Commission in Nepal with the following composition of chair and members:
  - (b) Four people from among those renowned persons engaged in human rights protection and promotion, children's rights or actively involved in different sectors of national level and have made special contributions -Members



## **Achievement 2.**

Best interest of the child provision that ensures the best interest of the children as a state policy

*The best interest of the child provision ensures the **best interest of the child** will be given **primary attention in State Policy**.*



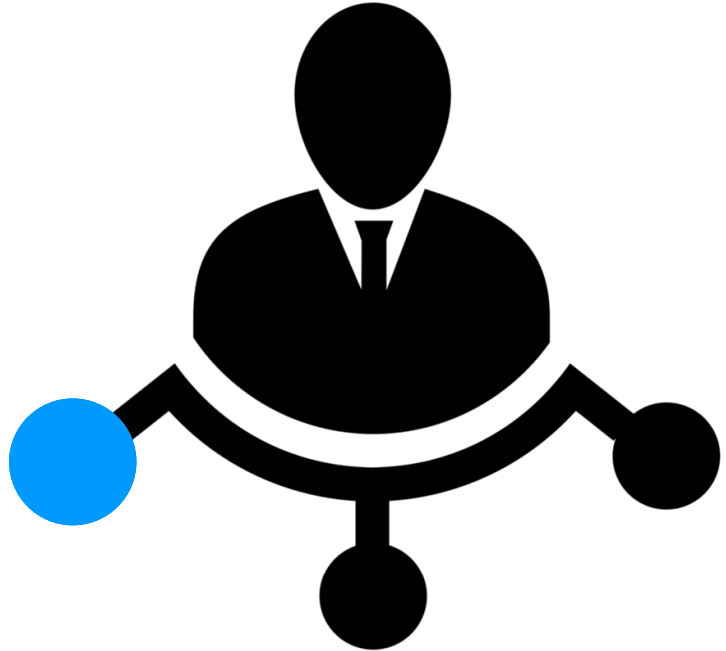
Principle of the best interest of child included under the part-4: Directive Principles, Policies and Responsibilities of the State. Article 55 (J) 5 ensure *the best interest of the child will be given primary attention*. The Directive Principles, Policies and Responsibilities of the State mentioned shall remain as guidelines for the governance of the State. The State shall mobilize or have it mobilized, the required resources and means for the implementation of the principles, policies and responsibilities mentioned in this Part (Art. 53).ga

This provision provides a bottom line for any decision affecting children and ensures decision-makers assess the appropriateness of their response with regard to general child rights principles. It is enshrined in Article 3 of the CRC, which Nepal has ratified. It means that when making decisions that affect a child, the primary consideration of the adult should be the child's best interests. When adults make such decisions, particularly if they are law or policy-makers, they should also consider how the decision would affect children. Adopting this clause would bring Nepal in line with its international commitments, and ensure a practical application of all the other rights it guarantees for children.

Several information sharing, updates meetings were implemented to advocate for this provision. Considering the fast development in the CA process, increased lobby meetings were organized with political leaders from the Political Dialogue and Consensus Committee regarding the missing child rights issues. These child rights issues are ones that were not included as consensus issues or not introduced as agenda for discussion in various stages of constitution drafting process. Among them was the major issue of ensuring the best interest of the child.

Through lobby meetings, this issue was introduced in the agenda of Political Dialogue & Consensus Committee and finally has been addressed in the first draft of the constitution.

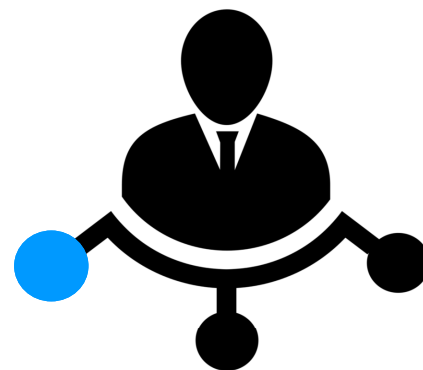
*The positive improvement in the child rights advocacy is that, the report of Political Dialogue & Consensus Committee introduced missing child rights issues as new identified issues in their agendas for discussion under the section "the points that need serious discussion". Among them the best interest of children which amongst the issues they made a consensus to keep following statements in the section of Responsibilities, Directive Principles & Policies of the State as; "The state pursues of the best interest of the child in all matters and programs concerning children".*



## **Achievement 3.**

Consensus on the provision of a national human rights commission, consisting one chair and four members who have solid background in human rights and child rights.

Consensus was reached on the provision to have *a national human rights commission*, including *members with solid experience in the field of human rights and child rights*.



UNICEF works toward advocating to ensure and protect the fundamental rights of children and women in Nepal so they are rightfully included in the new constitution of Nepal. Through continuous engagement with CA/legislative parliament, UNICEF aims to mainstream the child rights agenda in the new constitution and legal frameworks of Nepal through a broader parliamentary awareness and actions through various parliamentary and CA committees. One way is to have a commissioner with child rights expertise in the National Human Rights Commission. Through relays of meetings with high level CA members and a number of workshops and discussions, the first draft of the Nepal Constitution, 2072 (2015) agreed on the provision of having a National Human Rights Commission with four person members.

#### Meetings with CA Members

High level meetings were organized with the UNICEF and CA members to discuss UNICEF's concerns in ensuring and protecting child rights as fundamental rights in the new constitution. One of the this areas that complies with the Convention on the Rights of Children (CRC) is to have a child rights mechanism, which is to have a commissioner within the National Human Rights Commission. Several meetings were conducted at various levels with the Secretary of Political Dialogue and Consensus Committee, UN citizenship working group, civil society network, Central Child Welfare Board (CCWB), with the objective to have open discussion with political leaders and CA members on child rights issues.



*Meeting with UNICEF and CA members to discuss on child rights mechanism / © HIDR/ 2014*

As a result of relentless advocacy efforts, the issues on child rights concerns have been addressed by CA in various reports of the Political Dialogue and Consensus Committee. The Committee report stated on the concrete progress made on the child rights issues. The first report highlighted on one of its new provisions: the provision of child rights commissioner in the National Human Rights Commission (Section A, No. 26). The second report listed the issues that reached consensus, including the consensus on having a Human Rights Commission with a qualified chair and a number of members. The Committee agreed on having a five members commission with one chair and four members with human rights background, including one member with significant work experience in the protection of child rights.

As a result, the first draft of the Constitution of Nepal, 2072 (2015) carried out the following provision: Four persons from amongst the persons who hold a high reputation and have been actively involved in the field of, and rendered an outstanding contribution to, the protection and promotion of human rights and child rights, or various sections of human life—Member (Art. 247 (b)).

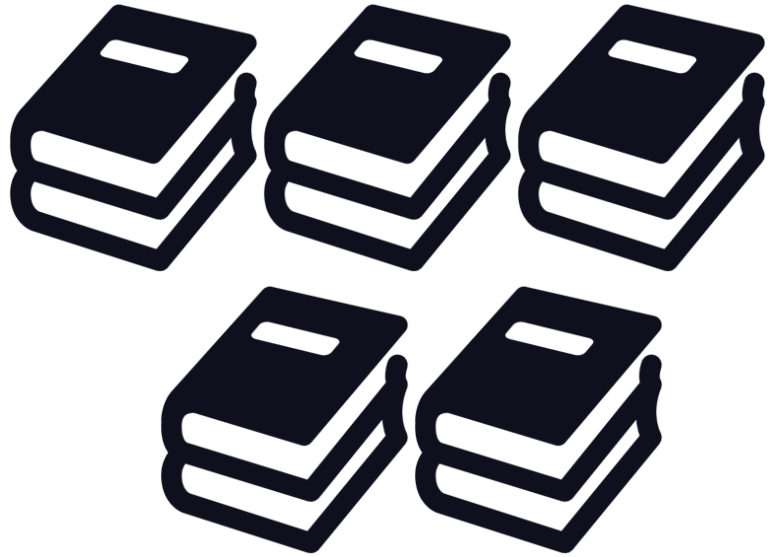


*Meeting with Hon Krishna Sitaula, Chair, Constitution Drafting / © HIDR/ 2014*



*Meeting with Bishnu Paudel, Chair of Constitution Documentation Study and Determining/ © HIDR/ 2014*

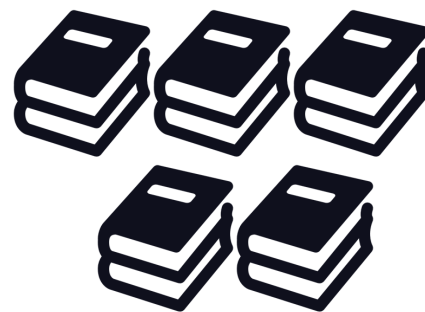




## **Achievement 4.**

Five bills including Civil Code, Criminal Code, Civil Procedural Code, Criminal Procedural Code and Sentencing Bills reviewed from child rights perspective and registered amendment proposal in Legislation Committee

*Five bills including Civil Code, Criminal Code, Civil Procedural Code, Criminal Procedural Code and Sentencing Bills were reviewed to ensure that all child rights related provisions are in line with the Convention on the Rights of the Child.*



Important developments have been observed in the legislative parliamentary process, which prepared the stage for making child friendly legislative framework and parliamentary discourse on child rights. This includes a review of the various child rights relevant provisions to ensure they align with the CRC and sufficiently address child rights issues.

The Government of Nepal submitted five bills in the legislative parliament in 2014: Civil code, Civil Procedural Code, Criminal Procedural Code and Sentencing bill. These bills have been reviewed from a child rights perspective, with the technical support from UNICEF. Based on the reviews, parliamentarian have registered notice of amendment proposals on the following: 46 on Civil Code, 34 on Criminal Code, 8 in Civil Procedural Code, 7 in Criminal Procedural Code and 5 in Sentencing bill. These bills were submitted to replace the existing national code once endorsed by the legislative parliament.

### Review Process

UNICEF worked together with a team of child rights experts including civil society activists, academia and CCWB. Once bills were reviewed by this team of experts, they were further validated in organized workshops among the civil society network members. After incorporating the inputs given, documents have been finalized and shared with parliamentarian for further action to register the notice of amendment proposals in the legislation committee.

#### Notice of Amendment Proposals



## Outputs of the Consultation

- Received feedback from the civil society child rights' organization on the reviewed proposals and recommendations.
- Received commitment from CA members to play vital roles in registering amendment proposal and parliamentary discussion.

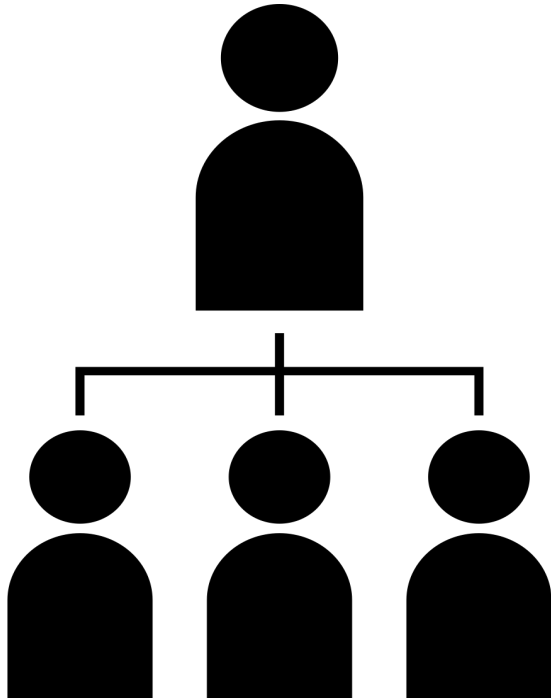
Series of meetings and workshops were conducted with the members of the legislative parliament to assist them to clearly understand on the rational of the amendment proposal from child rights perspective.



*Participants of the residential workshop on proposed criminal code bill © HIDR / 2014*



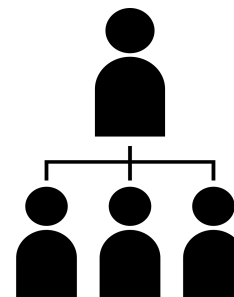
*Participants of the residential workshop on Civil Society © HIDR / 2014*



## **Achievement 5.**

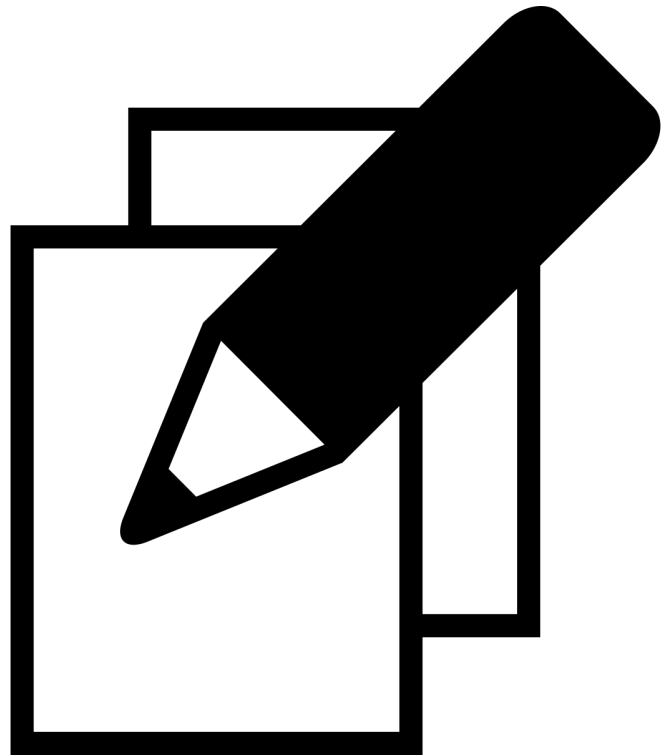
The Legislative Committee on Women, Children, Senior Citizen and Social Welfare formed a sub-committee on Child Rights

*The Legislative Committee on Women, Children, Senior Citizens and Social Welfare formed a sub-committee on Child Rights.*



A sub-committee on child rights was needed to further promote and protect child rights in the legislative parliament and CA. Introductory meetings were conducted with the chair and secretariat of Women, Children, Senior Citizens and Social Welfare Committee to form a sub-committee within this body. These meetings alone were assumed to have influenced the CA members and parliamentarian to realize the importance of having a child rights sub-committee to promote child rights in legislative parliament and CA. With the formation of the sub-committee, the committees together can be the avenue and the specialized body for advocating women and children rights into the legislative parliament, as well as become the entry point for capacity building and other parliamentary advocacy work.

The sub-committee on Child Rights have been formed under the Women, Children, Senior Citizens and Social Committee. UNICEF along with civil society network members have organized meetings and workshops for the committee members to advocate child rights in legislative bills. One of the workshops organized was on civil and criminal code. The main objective was to provide information to the committee members on the key concerns related to the criminal and civil code from child rights perspective, as well as the amendment proposals registered in the legislative committees on these bills.



## **Major Ongoing Programs**

Policy Think Tank Forum

Citizenship Provision and other advocacy work

*Council of Thinkers: Policy think tank  
forum of multi-disciplinary thinkers,  
policy makers and practitioners to  
generate knowledge in governance and  
policy frameworks on child rights.*



Council of Thinkers is a Policy Think Tank forum of multidisciplinary thinkers, policy makers and practitioners engaged in generating knowledge with a view to contribute to the governance and policy frameworks, focusing on the policy issues. It is a forum for policy study, research, dialogue, and policy intervention on the agenda of children, youth, women and marginalized people. Simultaneously, it will also be engaged in the areas of social, political, economic and legal dimensions associated with nation-building process. The forum aims to enhance a tri-partite (academia-policy-practitioner) commitment in contributing towards policy-building and examining their effects.

### **Objectives**

The main objective of the Council of Thinkers is to produce a non-partisan and objective knowledge based for helping key stakeholders, especially the central and local bodies of government agencies in designing effective policies and programs for achieving and performing: the institutionalization of democracy with equal citizenry practices, developing and managing job and market opportunities, promoting the rule of law, strengthening social protection, enhancing State interactions with international and regional communities amidst the growing phenomena of global governance and constitutionalism.

### **Key Activities**

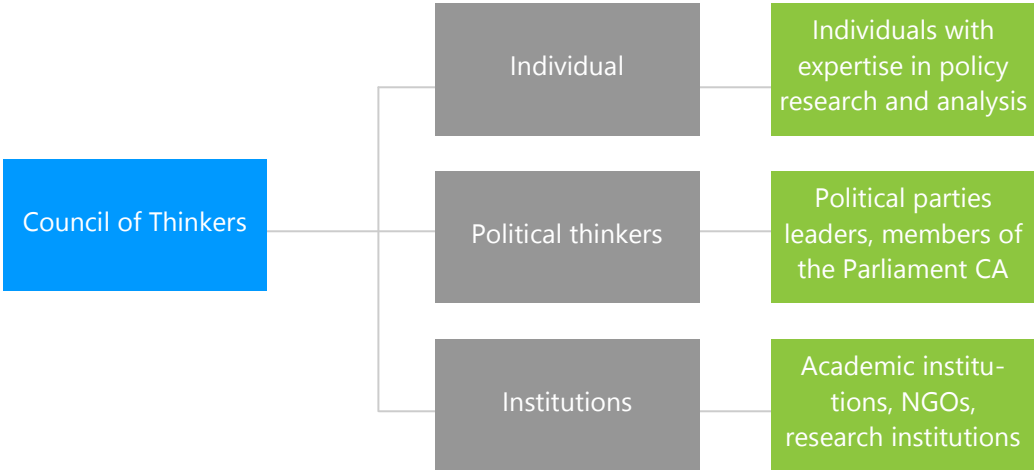
The Council of Thinkers will engage in the following three activities:

- **Research:** Activities include studies, data collection, data analysis, and preparation of papers, reports, booklets and books.
- **Dissemination:** Activities such as organizing talk programs, conferences, seminars and publication of papers, reports, booklets and books.
- **Networking:** Activities involve partnership building with different institutions, academics, policy analysts, social scientists, policymakers, leaders, diplomats and social figures in both national and international levels, including establishing the Council of Think Tanks.

**Institutional Structure**

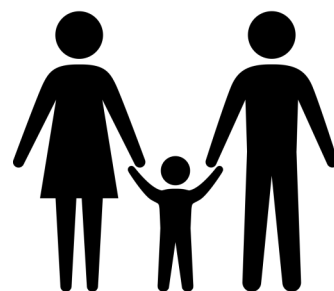
The institutional structure of the Council of Thinkers forum consists of individuals with expertise in policy, research and analysis. Since political actors play key roles in policymaking, activities enabling them for better policymaking is urgent in the Nepalese context. Therefore, political thinkers are also included as the key components of the institutional structure of the Policy Think Tank. Finally, institutions matter for better delivery and implementation of the policy goals. For this reason, some key institutions are also included as part of the institutional structure of the Council.

Broadly, the Policy Think Tank Forum will engage in activities such as research, knowledge dissemination and networking. The launch of this forum is scheduled to be held in August 2015.





*Continuous engagement with political leaders and Civil Society Network has taken place to reflect the revised provisions on citizenship rights in the New Constitution.*



With the engagement of Nepali politics in the constitution making process since 2008, the CA has faced myriads of issues. Some were addressed with political consensus and some have eluded any political consensus within and outside the CA. Among them, from the CA - I to the CA -II, the proposed provision on citizenship has constantly appeared as one of the consensus issues. Despite this fact, the proposed provision is regressive, discriminatory, and patriarchal in its nature and content.

### **Working towards to amend the citizenship provisions**

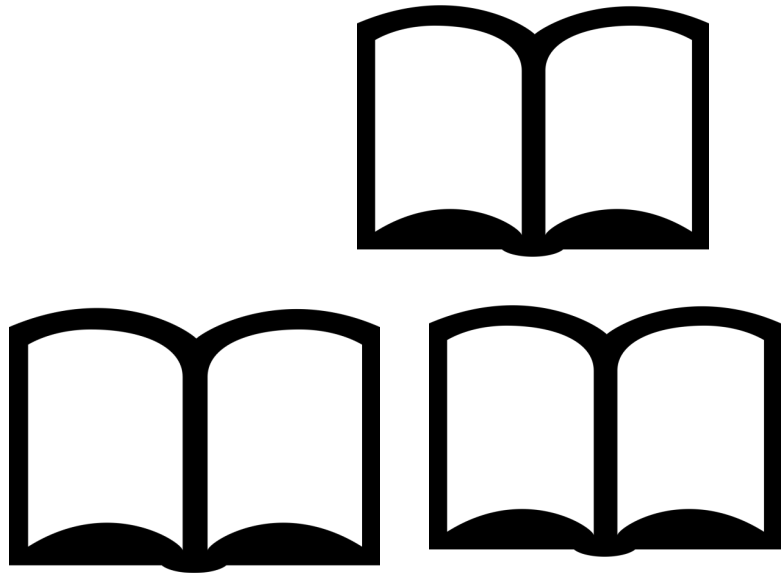
A serious attention from stakeholders has been drawn towards the political economy and implications of such discriminatory provisions. Discussions are primarily focused on the three major provisions proposed by CA at various stages of constitution writing process:

1. To acquire citizenship by descent in Nepal, both father and mother should be Nepali citizens at the time of receiving citizenship.
2. A person who was born to a Nepali woman in Nepal and has been residing in Nepal, but the whereabouts of whose father is not known may acquire descent citizenship as per the prevailing laws of Nepal.
3. If a foreign man married to a Nepali citizen, wants to obtain naturalized citizenship on the marital ground, he should be permanently resided in Nepal for at least 15 years, whereas the same requirement is waived to a foreign women married to a Nepali man.

To address these concerns, UNICEF has been working with various networks including the Civil Society Network for equal citizenship rights, Youth Networks, nine child rights networks, meetings with influential CA members, lobby meetings with senior leaders, UN Citizenship Working group, etc.

### **Present Situation**

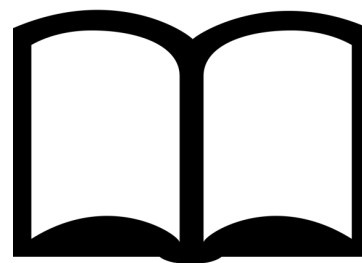
The first draft of “The Nepal Constitution, 2072 (2015)” was not able to address these issues and the previous provisions have been used. For this reason, intensive and continuous advocacy efforts and engagement will be needed.



## **Publications**

Various publications published to better inform the general public, civil society members and CA members.

*Various publications have been published to inform and create awareness on child rights to the general public, civil society members and CA members.*



Various publications were published in daily newspapers, magazines, etc. to better inform the general public, civil society members and CA members on the topics related to child rights.

- *Nepal's Constitution, 2072 - A preliminary draft on the child rights, achievements and the required amendments (July 2015)*  
नेपालको संविधान, २०७२ को प्रारम्भिक मस्यौदामा बालअधिकार प्राप्त उपलब्धी तथा आवश्यक सुधार;
- *Child Rights in New Nepal (March 2015)*  
नयाँ नेपालमा बाल अधिकार
- *Submission for Child Rights in the New Constitution of Nepal (June 2014)*  
नेपालको नयाँ संविधानमा बाल अधिकार सम्बन्धी अनुरोधपत्र
- *Flyers distributed in political meetings at various levels*
  1. *Where is my identity? Am I the citizen of this country?*  
मेरो पहिचान खोज ? के म यो देशको नागरिक होइन ?
  2. *General Context on the Issues of Citizenship Provision in Constitution of Nepal*  
नेपालको संविधानमा नागरिकताको सवालमा स्पष्ट हुन सन्दर्भ जानकारी
  3. *A child's right to be free from political interference, violence and misuse*  
बालबालिकाको अधिकार राजनीतिक विभेद, हिंसा, हस्तक्षेप र दुरुपयोगबाट उन्मुक्त रहने हक;
  4. *A child rights committee for the protection, preservation, gratification of the child rights*  
बालबालिकाको अधिकारको सम्मान, संरक्षण, परिपूर्ति र सम्बर्द्धनका लागि बाल अधिकार आयोग

Articles on the issue of citizenship were also published on esamata.com, E Magazine, Kantipur Daily, Nagarik Daily, Republica etc. HIDR provided technical support to the Child Rights Journalist Network. The topic was also received front coverage on the Kantipur Daily Newspaper as it is an ongoing and developing issue in the New Constitution. In addition to the media publications, briefing papers on citizenship, child rights mechanism, child participation and misuse of children in political purposes have been prepared, printed and widely disseminated.



UNICEF Nepal Country Office  
UN House, Pulchowk  
Kathmandu, Nepal  
Tel: 977-1-5523200  
Fax: 977-1-5527280  
[www.unicef.org/nepal](http://www.unicef.org/nepal)  
[kathmandu@unicef.org](mailto:kathmandu@unicef.org)

[www.facebook.com/unicefnepal](https://www.facebook.com/unicefnepal)  
[www.twitter.com/unicef\\_nepal](https://www.twitter.com/unicef_nepal)  
[www.instagram.com/unicefnepal](https://www.instagram.com/unicefnepal)  
[www.youtube.com/unicefnepal](https://www.youtube.com/unicefnepal)