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## **Statelessness among women and children in Nepal**

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This paper will set out an argument for the need of a stronger constitutional and legal mechanism for institutionalizing the substantive equal citizenship rights of women in order to end the gendered nature of concept of nationality and citizenship right in Nepal. On the basis of current ongoing commitments of the political leaders and government of Nepal at national and international levels; recommendations would be more based on ensuring substantive equality between men and women for ensuring the equal citizenship right for both men and women.

The full paper would cover:

1. Introduction or highlights of constitutional and legal framework and current ongoing discourse on citizenship in Nepal
2. Analysis of the impact on women and children due to discriminatory legal and policy provisions
3. National efforts undertaken on encouraging inclusive citizenship rights of women and prevention of statelessness of children in Nepal
4. Challenges for addressing gendered nature of citizenship policy framework and its practices
5. Way ahead for policy and institutional structure

Nepal has restrictive legal framework in terms of acquiring citizenship. According to the Interim Constitution of Nepal 2007 and Nepal Citizenship Act 2006, children born to a Nepali woman and a foreign father can acquire Nepali citizenship through naturalization only if the child is born in Nepal, has been residing permanently in Nepal, and has not acquired citizenship of a foreign country by virtue of the citizenship of his/her father. To date there has not been a single known case of a child successfully acquiring Nepalese citizenship in this manner, even though the law has been in existence for several years.

Similarly, the Citizenship Directives also seem very discriminatory. As consequences, they put persons lacking citizenship documentation in Nepal at the risk of statelessness. Recent report has indicated that there are

23.65 percent (4.3 million) people who lack citizenship certificates in Nepal.

Though Nepal is a party to the ICCPR, CRC, CEDAW, CERD and CRPD among others, Nepal's current citizenship laws are contrary to international standards, global practice, and Nepal's international treaty obligations. On the top of that the dissolved Constituent Assembly (CA) proposed even more restrictive citizenship provisions which required both the father and mother to be Nepalese citizens in order to pass on citizenship by descent to their children. If these draft provisions are adopted by the newly formed CA and passed in its original form, it would create a serious risk of statelessness especially for Nepalese children. There are many challenges to access the equal citizenship rights in Nepal.