

Opening Remarks

By Ms. Kyung-wha Kang

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Roundtable on *Strategies for addressing discriminatory citizenship provisions against women in the forthcoming Constitution*

**Kathmandu - April 19, 2011
National Women's Commission**

CHECK AGAINST DELIVERY



**United Nations
Office of the High Commissioner for Human Rights in Nepal
OHCHR – Nepal**

Honorable Chairperson of the National Women's Commission Ms. Nainakala Thapa,

Honorable Commissioners,

Honorable Constituent Assembly members and

Distinguished Guests,

I am very happy and honoured to join you at the opening of this **Roundtable on Strategies for addressing discriminatory citizenship provisions against women in the forthcoming Constitution. I applaud the** National Women's Commission for its year-long campaign "End Gender-Based Discrimination in Citizenship" which started on the eve of the 100th International Women's Day on 7 March, this year.

The principles of equality and non-discrimination are at the very core of international human rights law. Over thirty years have passed since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women and fifteen years gone by since commitments were undertaken to eliminate discrimination in the context of the Fourth World Conference on Women in Beijing. We have the normative and policy framework at the international level which should ensure equality for women in law and practice.

Yet, the lack of sufficient progress with respect to implementing and enforcing women's rights in accordance with international human rights law and global commitments is undisputable, and discrimination persists in both public and private spheres, during peace as well as in conflict or transition periods.

I believe that it is safe to say that there is no other global human rights concern that transcends national, cultural and religious boundaries to the same extent as discrimination against women does. It exists in all regions and traditions. Gender inequality and patriarchal stereotyping are mirrored in laws, policies and practice.

A step in the right direction would be to put national legislation in line with international standards, particularly by eliminating all existing laws that discriminate against women and that do not live up to human rights obligations and commitments at the global level. This includes eliminating laws that, while gender-neutral on their face value, are discriminatory in their consequences and impact. Otherwise, legislative and regulatory gaps, as well as lack of implementation and enforcement of legislation and regulations, will perpetuate *de jure* as well as *de facto* inequality and discrimination.

In the quest to eliminate discriminatory laws worldwide, nationality and citizenship laws have very much been a key focus. Justifiably so, given the impact of discriminatory nationality and citizenships laws on women's – and often their children's - enjoyment of a range of other rights, whether civil, cultural, economic, political and social. While this area of law often has proved contentious, debated and highly politicized, it is also an area where significant progress has been made during only the last decade. In the Middle East and North Africa for example, women's strive for equal rights – illustrated by regional campaigns such as “Arab Women's Right to Nationality” - has contributed to the amendment of nationality laws in a number of countries in recent years. Similar positive developments can also be found in other regions.

The roundtable discussion today could not be more timely and topical. United Nations human rights treaty bodies examining Nepal's respect of its legal undertakings under key human rights treaties, including the **Committee on the Elimination of Discrimination against Women (CEDAW)** and the **Committee on the Rights of the Child (CRC)**, have in the past expressed their concern that the legislative framework in Nepal, including articles 9 (1), (2) and (5) of the 1990 Constitution, allowed for discrimination against women in the area of citizenship. Nepal, as ratifying States party to these treaties, has been recommended to amend the relevant legislation with a view to ensuring full compliance with international human rights law.

The ongoing elaboration of a new Constitution and the review by the Constitutional Committee of the Constituent Assembly, present an important window of opportunity to ensure such compliance and to ensure

the upholding of the principles of gender equality and non-discrimination more broadly, in line with Nepal's international obligations.

Today's discussion aims to support and strengthen the ongoing advocacy for equal citizenship rights of women in Nepal by the Women's Caucus of the Constituent Assembly, the Committee on Fundamental Rights and Directive Principles of the Constituent Assembly, the strong and vibrant civil society in Nepal and UN agencies, including OHCHR. There is a need for further strategizing and building of strong partnerships to ensure that women's rights are translated into reality and fully built into the domestic framework: including equal right to acquire, retain and transfer citizenship.

Over the past four years, OHCHR Nepal has been engaged with the National Women's Commission (NWC) in joint advocacy, monitoring and investigations related to gender-based discrimination, violence against women and gender equality. In addition, OHCHR has supported the NWC to strengthen partnerships with both national and international institutions, including the recent exchange with *Komnas Perempuan*, Indonesian Commission on Violence against Women. We at OHCHR look forward to explore such other opportunities that will strengthen our partnership with the NWC.

I hope that the roundtable today will help you to explore strategies for further actions towards ensuring women's right to equal citizenship in the forthcoming Constitution of Nepal. OHCHR remains fully committed to supporting this important process and I look forward to the discussions, to learning from your experiences and to seeing the outcome of this initiative.

Thank you.
