



# Nepal Bar Association

## Ringling the Equality Bell

*The Role of Women Lawyers in Promoting  
Gender Equality in Nepal*

*A Report on the Promotion of Women in the  
Legal Profession and in the Constitution-Making Process*



THE CANADIAN  
BAR ASSOCIATION



**Nepal Bar Association**

## **Ringling the Equality Bell**

©Nepal Bar Association

Published in August, 2009

2,000 Copies



**In Cooperation with the  
Canadian Bar Association**

**This Publication has been undertaken with the financial support of the Government of  
Canada provided through the Canadian International Development Agency**



**Agence canadienne de  
développement international**

**Canadian International  
Development Agency**

## RINGING THE EQUALITY BELL

### **Nepal Bar Association Central Executive Committee (2007-2010)**

#### **President**

Bishwa Kanta Mainali

#### **Vice-President**

Hari Prasad Uprety, Mukunda Sharma Paudel, Ashok Kumar Pokharel, Parahalad Bahadur Karki ,  
Rana Bahadur Singh

#### **Secretary-General**

Raman Kumar Shrestha

#### **Treasurer**

Sabita Bhandari (Baral)

#### **Members**

Neeta Gautam Dixit, Namash Karki, Nara Bahadur Shahi , Sanu Bhai Shakya, Bal Krishna Dhakal,  
Bhabishwor Gurung, Rajkishor Yadav, Kabita Thapa (Karki), Shanti Devi Khanal

#### **NBA-CBA DDN Women-in-Law Central Committee and Planning Committee Members**

Sabita Bhandari Baral, Neeta Gautam Dixit, Kabita Thapa Karki, Shanti Devi Khanal, Sunita Regmi,  
Yamuna Bhattarai, Shanta Shedhai and Laxmi Pokharel

#### **Report Drafting/Editing Committee**

Usha Malla, Badri Prasad Bhandari, Tula Bahadur Kandel, Antara Singh  
Sheri Meyerhoffer, Ellen Leitzer, Manjul Nepal, Rabin Subedi

#### **CBA-Resource Persons**

Donna Kennedy Glans, Gwen Brodsky

#### **Women Wing Coordinators**

Bhuban Bhandari, Bijaya Laxmi Aryal, Bina Pandey, Bina Poddar, Chhaya Kumari Chanda, Gita Shah(regional),  
Gita Sharma, Gita Timilsina, Hima Devi Basnet, Indira Neupane, Kaushila Rai(regional), Krishna Pyari  
Nakarmi, Mina Giri (Regional), Mina Kumari Dev, Mina Kumari Upadhyay, Mina Pande, Mukta Nepal,  
Nirupama Yadav, Renu Pradhan Shrestha, Sanu Shakya, Sarita KC, Shanti Sing Thapa(regional), Sumitra  
Karki (regional), Tika Devi Paudel, Yaga Laxmi Chaulagai and Yamuna Neupane KC,

#### **Project Team**

Sheri L. Meyerhoffer  
**CBA Project Director**

Abinash Pokhrel  
**Finance Officer**

Tula Bahadur Kandel  
**NBA Project Director**

Deepa Sharma  
**Office Assistant**

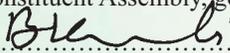
## RINGING THE EQUALITY BELL

### FORWARD



Nepal's patriarchal society is shaped by traditional beliefs and social norms and values that have, for most of our country's history, resulted in women not being considered as equal in terms of human or other rights. There have, however, been some significant changes in Nepal over the last two decades in regard to the women's rights. First, the Constitution of the Kingdom of Nepal, 1990 included an article guaranteeing equality between men and women. This provision was used by legal activists to enforce women's equality through court orders and to have discriminatory laws against women declared void by the court. This resulted in a number of laws later being repealed or amended by the government to comply with the constitutional guarantee of gender equality. Second, the Interim Constitution, 2007, for the first time in the history of Nepal, incorporated equal property rights for women and ensured at least 33 percent women in the Constitution Assembly. This constitutionally guaranteed quota is a necessary and effective starting point for the participation of women in the mainstream politics of Nepal. The challenge now it is to ensure at least 33-50 percent women in the judicial and legal sector of Nepal.

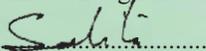
The NBA is proud to have supported the legal activism of its members to promote the equal treatment of all women in Nepal and it is committed to ensuring that the provisions of the new constitution continue to provide a strong basis for gender equality. The NBA is also proud of the efforts it has made to date to promote female lawyers within the legal profession such as the creation of Women Wings and the implementation of a proportional representation policy for the selection of NBA executive committee members. Having said this, the NBA is aware that there is much more to be done. Accordingly, the Nepal Bar Association in collaboration with the Canadian Bar Association has taken a lead to ensure women's participation in the judicial and legal sector of Nepal. It has collected data and held consultations with female lawyers and their male and female, legal and non-legal champions across the nation to provide it with a better understanding of the status of women-in-law in Nepal. This report is the result of these consultations and with its publication, the Nepal Bar Association intends to advocate for the implementation of its recommendations by the Constituent Assembly, government, law schools, the Bar Council and the judiciary.



Bishwa Kant Mainali  
President, Nepal bar association



As a female member of Nepali society and of its legal profession I am particularly proud of this report as it is, in large part, the result of the work of many strong, intelligent women who are dedicated to the advancement of women within the legal profession and to the empowerment of all women in Nepal. The all female Project Central Committee (PCC) was formed by the NBA's four female executive committee members and this committee enlisted the help of the NBA's 26 Women Wing Coordinators to collect data and consult with female lawyers as well as with their champions at the district level. The PCC also enlisted the assistance of three Canadian women with expertise on gender equality and the advancement of women within the legal profession. All of these women, from across Nepal and Canada, contributed significantly to the planning and results of a two-day Women-in-Law Conference held to analyze the data collected and make recommendations. The drafting and editing team was also predominately female including a fourth year law student. I hope that this experience will strengthen and increase this young female student's dedication to act as a strong advocate for the advancement of her generation of women lawyers within the legal profession. Finally, I wish to express my gratitude for the many men who participated in the consultations, ensured that this report's recommendations were approved and who continue to support and advocate for their implementation. Gender equality will only be realized through the efforts of both genders who together will create a better society for all Nepali men and women.



Sabita (Bhandari) Baral  
Treasurer, Nepal Bar Association

## Table of Contents

<b>Acronyms</b>	iv
<b>Executive Summary</b>	v
<b>Chapter I</b>	
<b>Introduction</b>	1-10
<b>1. Status of Women-in-law in Nepal</b>	
1.1 Background	1
1.2 Current Status of Gender Equality in Nepal	2
1.3 Inclusion of Women in Nepal’s Legal and Judicial Sectors	6
1.4 Challenges and Barriers to Women-in-law	7
1.4.1 Nature of the Legal Profession	8
1.4.2 Social and Economic Disparity between New Male and Female Lawyers	8
1.4.3 The Impact of Nepal’s Education Policy and Social Attitudes towards Women	9
1.5 Role of the NBA in Promoting Women within the Legal Profession	9
1.6 Importance of a Needs Assessment	10
<b>Chapter II</b>	
<b>Needs Assessment Objective and Methodology</b>	11-15
<b>1. Background</b>	11
<b>2. Objective of the Needs Assessment and Report</b>	11
<b>3. Methodology</b>	12
3.1 Development of the Needs Assessment Toolkit	12
3.2 Distribution of Toolkits	12
3.3 Training of Women Wing Coordinators	12
3.4 Collection of Information and Recommendations	13
3.5 NBA’s 17 <sup>th</sup> Annual Women’s Law Conference	13
3.6 Regional Discussion of Draft Survey Report	13
3.7 NBA-CBA DDN Women-in-law Conference	14
3.8 NBA’s 32 <sup>nd</sup> Annual Meeting	14
<b>4. The Needs Assessment Team</b>	14
4.1 Project Central Committee	14
4.2 Women Wing Coordinators	14
4.3 Conference Planning Committee	14

<b>5. Study Parameters and Challenges</b>	15
5.1 Study Parameters	15
5.2 Needs Assessment Challenges	15
5.2.1 Absence of Women Wings and Women-in-law	15
5.2.2 Inaccessible Communities	15
5.2.3 Data Collection Challenges	15

### Chapter III

#### Summary and Analysis of Women-in-law in Nepal 16-36

<b>1. Nepal's Geographic Regions and Survey Respondent Demographics</b>	16
1.1 Geographic Distribution of Survey Respondents by Development Region	16
1.2 Geographic Distribution of Survey Respondents by District	17
1.3 Target Survey Respondents	17
1.3.1 Women-in-law Survey Respondents	18
1.3.2 Champion Survey Respondents	19
<b>2. Summary and Analysis of the Needs Assessment</b>	20
2.1 Managing Challenges and Barriers	20
2.2 Training Recommendations	26
2.3 Organizational and Institutional Roles in Promoting Women-in-law	28
2.4 Formal and Informal Networks	30
2.5 Mentoring Programs	32
2.6 Promotion of Women-in-law in the Legal and Judicial Sectors	32
2.7 Physical Safety and Job Security for Women-in-law	33
2.8 Women-in-law Data Collection	34
2.9 Implementation of Existing Law	35
2.10 Developing Best Practices	36

### Chapter IV

#### Needs Analysis Survey Recommendations 37-43

<b>1. Constituent Assembly</b>	38
<b>2. Central Government</b>	39
<b>3. Universities and Law Schools</b>	40
<b>4. Nepal Bar Association</b>	41
<b>5. Bar Council</b>	42
<b>6. Judiciary</b>	43

<b>Chapter V</b>	
<b>Conclusion</b>	44-45
<b>Appendices</b>	46-64
Appendix A: Key Content of Needs Assessment Toolkit	47
Appendix B: Survey Respondents by District	52
Appendix C: Women-in-law Survey Respondents by District	55
Appendix D: Champion Survey Respondents by District	58
Appendix E: Unanimous Declaration of the NBA's 17 <sup>th</sup> Annual Women's Law Conference	61
Appendix F: Summary Report of the NBA-CBA DDN Women-in-law Conference	62

**Bibliography**

## Acronyms

AC	Appellate Court
CA	Constituent Assembly
CBA	Canadian Bar Association
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CIDA	Canadian International Development Agency
CPC	Conference Planning Committee
CRC	Convention on the Right of the Child
DC	District Court
DDN	Democratic Development in Nepal
FWLD	Forum for Women and Development
IC	Interim Constitution 2063
IDEA	Institution for Democracy and Electoral Assistance
LACC	Legal Aid and Consultancy Center
NBA	Nepal Bar Association
PCC	Project Central Committee
RC	Regional Coordinators
SUSS	Service for Unprivileged Section of Society
UNICEF	United Nations Children's Fund
VAW	Declaration on the Elimination of Violation against Women
WOREC	Women's Rehabilitation Center
WWC	Women Wing Coordinators
WWs	Women Wings

## Executive Summary

The advancement of women and gender equality are major themes in the development of Nepal's new democracy. Access to justice for women will be realized when competitive, skilled and highly trained women-in-law participate at all levels of Nepal's legal and judicial sectors. Towards this end, and to better understand the barriers and challenges of Nepal's women lawyers, the Nepal Bar Association (NBA) undertook a nationwide needs assessment (survey) that sought the input of female lawyers and their champions – male lawyers and male and female non-lawyers. This report summarizes and analyzes the responses and recommendations of 1086 respondents from 67 of Nepal's 75 districts. It identifies significant barriers and challenges facing women-in-law in Nepal and provides specific recommendations that should be implemented in order to promote the inclusion of women in all areas and at all levels of Nepal's legal and justice sectors, and in Nepal's current constitution-making process.

In addition to the opinions and recommendations of survey respondents, the conclusions and recommendations contained in this report include input from participants of the NBA's 17<sup>th</sup> Annual Women's Law Conference (December 2008) and the NBA-CBA DDN Women-in-law Conference (February 2009). Input was also obtained from the NBA's 32nd Annual Central Executive Councilors' Meeting attendees. In total, approximately 1900 women-in-law, champions and legal professionals contributed to this report.

Major challenges and barriers faced by Nepal's women-in-law identified by this report include: negative attitudes towards women that are shaped by traditional patriarchal norms; social and economic conditions; a rural population that resides in remote and inaccessible communities; and, lack of government leadership. The report concludes that urban women are slightly more advantaged than rural women. Key recommendations contained in this report are:

- The Constituent Assembly, government, universities and law schools, NBA, Bar Council, and Judiciary need to take appropriate actions to promote leadership roles for women.
- Capacity building and professional trainings should be provided to women-in-law.
- Constitutional provisions and laws that prohibit discrimination against women should be immediately implemented.
- The government and the NBA should develop and implement initiatives and strategies, including quotas, to promote the inclusion of women lawyers at all levels of the legal and judicial sectors.
- Law schools and universities should promote higher education for women, encourage women to study law, and provide privileges and priorities, including quotas, to women who choose to study law.
- The government needs to establish a system to address the physical safety and job security of women-in-law.
- There is an urgent need for the NBA to immediately develop strategies and an action plan for the promotion of women in the legal profession and Nepal's constitution-making process, and enhance the professional skills of women lawyers.

It is essential that women lawyers and non-lawyers occupy positions of leadership in all branches of government – including the judiciary -- and at all levels because women are sensitive to, and have a profound understanding of the plight of women in Nepalese society. The rights of women can only be truly advanced when women occupy leadership roles in government and are appointed in significant numbers to judgeship positions. The NBA has taken some steps to develop leadership roles for women-in-law and to promote the inclusion of women lawyers at all levels of Nepal's legal and judicial sectors. Much more remains to be done if women are to become equal partners in Nepal's development. It is hoped that this report will contribute to the realization of that vision.

## CHAPTER I

## Introduction

## 1. Status of Women-in-law in Nepal

## 1.1 Background

Society is comprised of men and women and cannot exist without both. The development of a nation depends upon equal opportunities for both men and women. Paragraph 41 of the Platform for Action, Fourth World Conference on Women states:

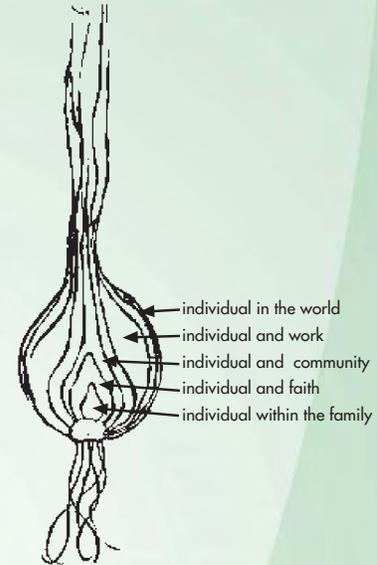
*"The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue. They are the only way to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples"*<sup>1</sup>

In 2000, the Supreme Court of Nepal, in a landmark decision in the case of Rina Bajracharya, addressed the issue of gender equality stating that :

*"Since the basic human rights of equality are inseparably linked to the development of overall national life, it is necessary to ensure that there is not even a trace of gender-based discrimination in the laws and actions based on the law because the issue of gender equality is a subject for all humanity. It is a matter of everybody's common duty and concern."*<sup>2</sup>

Gender equality is becoming universally accepted as a fundamental right. Consequently, gender fairness and inclusiveness in every profession is a matter of "justice" in its truest essence. It is undeniable that treating people differently because of factors such as race, cast, gender, class, disability, and sexual orientation is discriminatory. However, the concept of equality is not necessarily limited to treating all people the same. The principle of *substantive equality* allows for the provision of positive measures, such as reservations and quotas, for disadvantaged groups in order to redress past discrimination and improve their situation and empower them.

## THE GENDER ONION



©Donna Kennedy-Glans, excerpted from *Unveiling the Breath: One Woman's journey into Understanding Islam and gender equality* (Pari 2009)

*"Each one of us deals with 'gender equality' every day. We live in the midst of many layers of gender equality; in our globalizing world, in our countries, in our workplaces, in our communities, in our faith communities and even within our families"*

*- Donna Kennedy Glans, Canadian Resource Person for 'Women-in-law Conference'.*

<sup>1</sup> Working to Empower women UNFPA (Experience in Implementing the Beijing Platform for Action 2000).

<sup>2</sup> *Rina Bajracharya v. HMG Secretariat of the Council of Ministers and Others*, Writ No: 2812, (Nepali year 2054) (2000)

*"Substantive equality requires a focus on systemic and group-based inequalities. It encompasses the right have one's differences acknowledged and accommodated both by the law and by appropriate social and institutional policies and practices."<sup>3</sup>*

It is said that due to the advancement of technology the world has become a global village that promotes universal principles of humanity. Nevertheless, in developed and developing countries women are still victims of discrimination due to tradition and patriarchy. Consequently women continue to be exploited and dominated by men and are subjected to human rights violations. In Nepal women face barriers to full equality and advancement in all sectors of society including economic, social, political, and cultural because of these traditional norms, values, beliefs, attitudes, and lingering patriarchy. As many social norms, values, beliefs and practices are based on and enforced by tradition and culture, women in Nepal continue to be denied access to resources, education, health care, job opportunities, and full participation in the social life of their communities.

## 1.2 Current Status of Gender Equality in Nepal

A primary role of the legal profession is to ensure equality for all members of society. As such it has an obligation to ensure that within its own institutions it adheres to the principle of equality. The profession's integrity will be undermined should it fail to meet this important challenge. Moreover, the legal profession's ability to serve the community demands equal opportunities for women-in-law.

There is a close link between the existence of discrimination/equality within the legal and judicial sectors and society's perception of the integrity of the judicial system. An institution's treatment of its female members is a reliable indicator of that institution's real commitment to equality. In Nepal the judicial system is the last resort to protect and enforce equality in society. Therefore it is essential that the legal and judicial sectors set an example for all other sectors of society. Consequently it is essential to increase the number of women in the legal and judicial sectors in order to protect and improve the legal profession so that it can better serve the community at large. According

*"Because of social values women in Nepal are limited in their ability to play a role. There is a crisis of trust. The law mentions equality but until and unless these laws are implemented, no other force can push the society for positive change"*

*- Asta Laxmi Shakya  
(Former Minister of Industry).*

<sup>3</sup> Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession, *Touchstones for Change: Equality, Diversity and Accountability*, August 1993, p.13.

to the Nepal Bar Council there were 12, 222 registered advocates in Nepal in 2008 and only 932 (7.6%) were women.

While the government has guaranteed certain quotas for women in some of its institutions, there is no policy that provides for the equal participation of women in the legal and judicial sectors. It is anticipated that equality will be guaranteed in the near future since a democratically elected Constituent Assembly (CA), with 33% of its seats reserved for women, is now drafting a new constitution. There are many groups advocating for constitutional provisions that guarantee the rights of women and their empowerment.

Nepal has made past commitments for equal rights and the inherent human dignity of women. It has signed and ratified the principles enshrined in the United Nations' Charter for the Universal Declaration of Human Rights and other international human rights instruments including: Convention on the Elimination All Forms of Discrimination against Women (CEDAW); Convention of the Rights of the Child (CRC); Declaration on the Elimination of Violence Against Women (VAW); and Declaration on the Right to Development. By endorsing these international treaties and conventions, Nepal is obligated to implement their underlying principles. The participation of women-in-law in the constitution-making process, in collaboration with women CA members, can help ensure that provisions promoting the rights of women as enshrined in these international treaties are incorporated into Nepal's new constitution.

Currently, Nepal's Interim Constitution does provide some important protections for women. Article 34(1) of the Interim Constitution (IC) of Nepal 2063, states:

*"It shall be the chief objective of the state to promote conditions of welfare on the basis of the principles of an open society, by establishing a just system in all aspects of national life, including social, economic and political life, while at the same time protecting the lives, property, equality and liberty of the people." <sup>4</sup>*

*"In order to ensure gender equality there should be provisions for affirmative action in the constitution. There should be a guarantee of women's participation in constitutional appointments. Special provisions for women's inclusion should be made in appointments and promotion of females in the judicial sector. Quotas should be given to women in court administration posts."*

*- Mira Maiya Khadka,  
Judge, Appellate Court,  
Patan, Lalitpur.*

<sup>4</sup> Article 34 (1) of the Interim Constitution of Nepal, 2063 (2007), UNDP English translation (2008).

Article 35(14) of the Interim Constitution (IC) of Nepal 2063, states:

*"It shall be the policy of the state to make special provisions on the basis of positive discrimination for the women." <sup>5</sup>*

Article 33 of the Interim Constitution (IC) of Nepal 2063, states:

*" The state shall have the following responsibilities:...*  
*(m) to implement effectively international treaties and agreements to which the state is a party...*  
*(n) to repeal all discriminatory laws." ...<sup>6</sup>*

Clearly these provisions provide a solid foundation for gender equality in Nepal and also prohibit discrimination against women. Moreover *proportional inclusion* guarantees women, who have been economically, socially or educationally marginalized, the right to participate in state institutions. Whether the state will be able to fulfill these obligations effectively is a subject of much debate. Until now, it has been seen that enforcement of these provisions is woefully lacking.

The history of the legal status of women in Nepal and the framework of their protection and promotion are illustrated in the following Gender Equality Timeline:

*"In order to enhance women's status there is a dire need of education and property rights. It is not enough to make laws, but great concern is to be placed on implementation of the laws."*

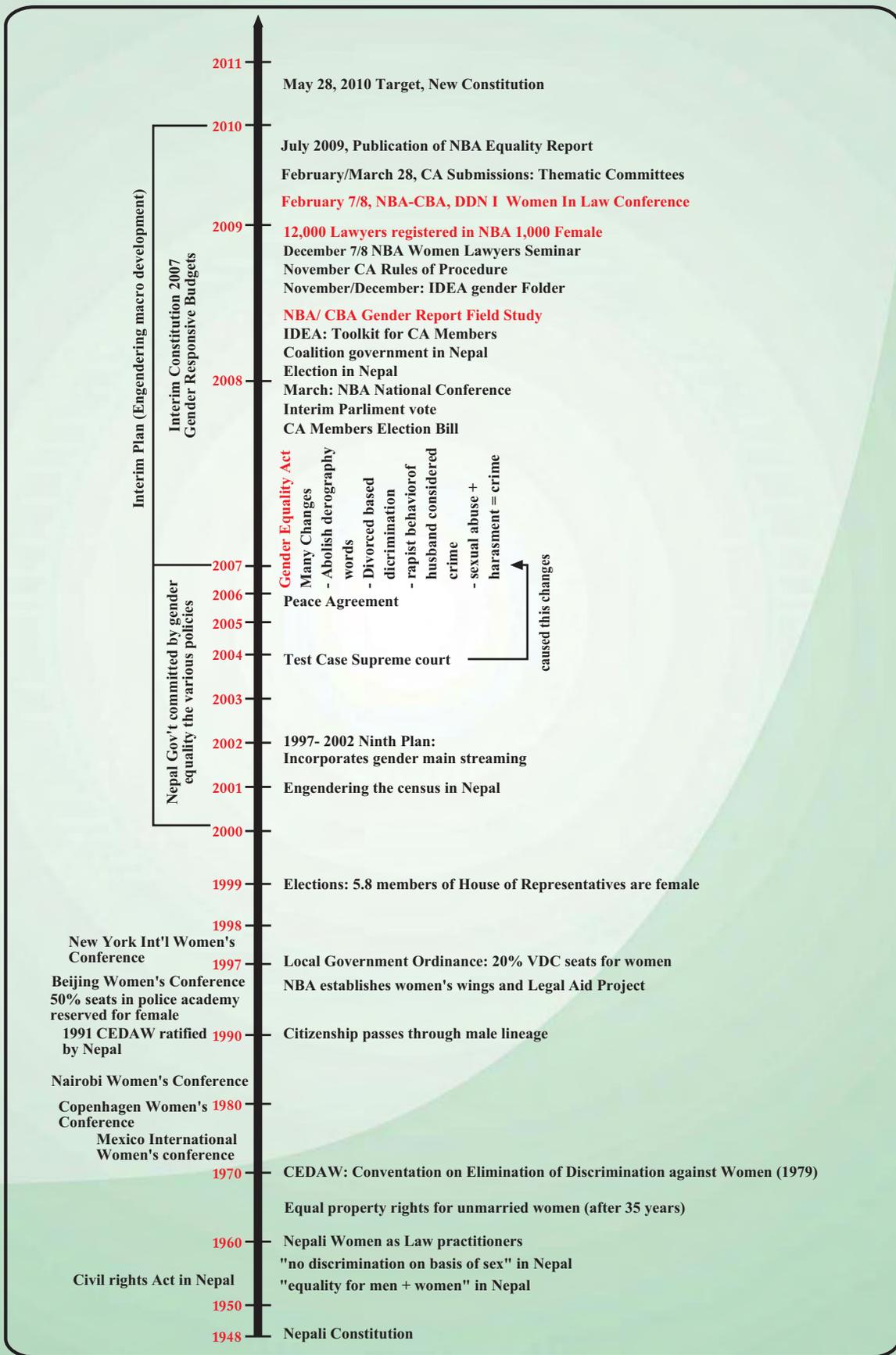
*- Purna Kumari Subedi,  
Deputy Chairperson, Constituent  
Assembly.*

---

<sup>5</sup> Article 35 (14) of the Interim Constitution of Nepal, 2063, Ibid.

<sup>6</sup> Article 33 (m) (n) of the Interim Constitution of Nepal, 2063, Ibid.

**Gender Equality Timeline In Nepal: Entry of Women into the Legal and Judicial Sectors**



### 1.3 Inclusion of Women in Nepal's Legal and Judicial Sectors

In Nepal the first high court called Pradhan Nyayalaya was established more than fifty years ago under the High Court Act of 2008 (1951-1952). However, women were not allowed to obtain a law practitioner certificate and were therefore excluded from the practice of law. In 2011 (1954-1955) Chief Justice, Hari Prasad Pradhan, permitted women to submit applications on behalf of clients. The Pradhan Nyayalaya became the Supreme Court under the Supreme Court Act of 2013 (1956-1957). The Act also provided that the Supreme Court would issue law practitioner certificates that authorized lawyers to practice law.

Significantly three years later, in 2017 (1960 – 1961), the late Santi Devi Chhetri applied for and was granted a law practitioner's certificate by the Supreme Court.<sup>7</sup> She was Nepal's first woman law practitioner and until 2020 (1963 – 1964) she was the only female law practitioner.

In the year 2020 (1963 -1964) Shushila "Silu" Singh registered as an advocate in the Supreme Court and she became first woman advocate and the second woman law practitioner in Nepal. In the year 2024 (1967 – 1968) three more women, Sarada Shrestha, Indira Rana and Janak Rajya Laxmi Rana, entered in the field of law as advocates. *(Throughout this report the term 'advocate' and 'lawyer' are used interchangeably.)*

In regard to the judicial sector, Sarada Shrestha was appointed as a Judge of the Land Reform Special Court in 2023 (1966-1967) and then later became the first woman District Court Judge. In 2058 (2001) Shushila "Silu" Singh became the first woman Supreme Court Justice. Other historical firsts are: the appointment of Sarada Bajracharya as Deputy Attorney General; Indira Rana who became the first woman to serve as Secretary of the Judicial Council in 2048 (1992); and, in 2045 (1988) Shanta Thapaliya was the first woman to receive a Ph.D. in Law and also the first woman to become law professor.

*"My mother was uneducated and my father was always working. My family was very conservative. The first time I took the public service commission exam, I failed, but I did not stop. I took it a second time and passed. Women are more than capable of advancing. What they need are opportunities and access to education, training and reservations."*

*- Hon. Judge Sushmalata Mathema,  
District Court Judge.*

<sup>7</sup> Supreme Court Bar Association Bulletin- 2061 (2004), Year 1, vol..1. (2061) (2004).

Until 2025 (1968 – 1969) only six women were members of Nepal’s legal and judicial sectors. From 2026 to 2035 (1969 - 1979) only ten (10) women were licensed advocates. However few of them were actively engaged in the practice of law.

In the following decade, 2036 to 2046 (1980 to 1990), 74 women became licensed advocates. One of them, Sushila Karki is now serving as a Supreme Court Justice. A second Supreme Court Justice, Gauri Dhakal, was promoted to the bench from the District Court and Court of Appeals. From 2047 to 2060, (1991 - 2004), 649 women became licensed advocates. In the last calendar year 2065 (2008), there were 932 women (7.6%) out of a total of 12,222 registered as advocates.

According to Nepal’s most recent census, conducted in 2001, the total population of Nepal was 23,151,423 of which 11,587,502 or 50.05%, were female.<sup>8</sup> The fact that in 2008 only 7.6% of all lawyers were women illustrates the stark reality that the number of women lawyers is extremely low given that a little more than half the population of Nepal is female.

Of the 932 women lawyers only a small percentage are fully engaged in private practice. The majority are employed by the civil service, non-government organizations, and/or academic institutions. Currently, in the judicial sector there are only five (5) women judges out of a total 225 judges in Nepal. Of these five, two are District Court judges, one is an Appellate Court judge and two are Supreme Court Justices. Among them only one Supreme Court Justice came from private practice. These statistics clearly prove the assertion that women face significant barriers and challenges in becoming full members of Nepal’s legal and judicial sectors.

#### 1.4 Challenges and Barriers to Women-in-law<sup>9</sup>

There are several reasons for the low numbers of women lawyers in Nepal and the low numbers of women who choose to enter the legal profession. Key reasons are described below.

*"It is important for all women to ask themselves why they are not at the same level as their male counterparts. Nepal needs a revolution for the evolution of women. It needs quality and quantity to lead society".*

*- Hisila Yami*

*CA member and Former  
Minister of Tourism.*

<sup>8</sup> Central Bureau of Statistics Survey, 2001

<sup>9</sup> Usha Malla Pathak (Advocate): "Women Lawyers and Their Current Situation"( Nepali version); Published in Nyayadoot, year 35, No.150 Vol. 6, Nepal Bar Association. (2035).

### 1.4.1 Nature of the Legal Profession

Lawyers must be available to appear in court between 9:00 a.m. and 5:00 p.m., six days a week. In addition they need to spend time in their law chambers preparing their cases. Case preparation includes case analysis, legal research, drafting pleadings and briefs, meeting with clients and witnesses, and negotiating with opposing lawyers and for other matters that often require many extra hours of work. This significant time commitment makes the legal profession challenging for lawyers of both sexes. However, in Nepal's traditional culture women typically have family and domestic obligations that require a huge commitment of time especially in the morning and at night. This means that women lack the extra time required to fully prepare a case. Ultimately women lawyers have less time to develop their professional skills and, as a result, potential clients are less likely to have confidence in their abilities and expertise. Consequently there is a high turnover of women in the legal profession.

Moreover, litigation is based on competition. Being competitive is harder for Nepali women than men. Since professional skill is, in part, developed through competition, women face that additional challenge. One cannot survive as a lawyer without fully developing one's professional skills and thereby earning the trust of clients. For these reasons women lawyers tend to work for the civil service, non-government organizations, and educational institutions rather than pursue careers in private practice and/or litigation.

### 1.4.2 Social and Economic Disparity between New Male and Female Lawyers

*"In this profession in the beginning only work, no pay; then more work, little pay; then equal work equal pay; and, finally, less work, high pay."*

*- A common saying of Nepalese Senior Advocates*

The beginner's period for lawyers is from one to four years. Typically during this period of time a new lawyer does not make money, and may, in fact, have to make a significant investment of funds to start a practice. While this situation is difficult for many men, their families are likely to support them and provide necessary funding to establish an office and to purchase other essential professional items such as

*"Women need to respond to opportunity. Recently when the government asked capable women in the bureaucracy to accept promotions that would require them to move to different districts. Almost all the female bureaucrats preferred to stay in their lower level positions in order to remain in Kathmandu. This is one way that women are hurting themselves".*

*- Pampha Bhusal,*

*CA member and Former  
Minister of General Administration.*

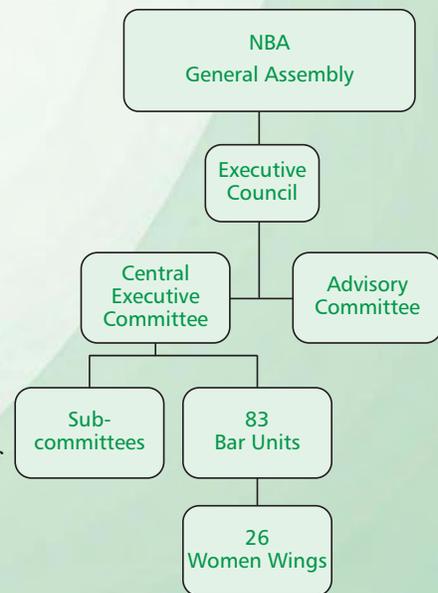
law books and legal periodicals. It is far more difficult for women to get the much needed support from their families. Also, the long hours required by a new lawyer to develop her skills and private practice may cause family members to discourage a woman from entering the private practice of law. Instead she may be urged to work for a government agency or non-government organization that requires a less rigorous time commitment.

### 1.4.3 The Impact of Nepal's Education Policy and Social Attitudes towards Women

The study of law has become more complex due to a recent national legal education policy that now requires law students to first obtain a university degree. After completing law school, graduates must also pass the Bar Council Examination in order to be certified as a lawyer. In Nepal there is little investment in higher education for women. Women are generally not encouraged to attend university much less law school.

### 1.5 Role of the NBA in Promoting Women within the Legal Profession

In 1990 the NBA established Women Wings (WWs) under the NBA Legal Aid Project that serves poor people including needy and vulnerable women. The WWs promoted women-in-law. For almost two decades NBA's Legal Aid Project has been providing free legal services to women. The WWs have now been expanded to twenty-six (26) nationwide that serve the NBA's eighty-three (83) bar units. Each WW has three (3) women lawyers on staff. The NBA's effort to enhance the professional capacity of women lawyers by the establishment of WWs that sponsor legal awareness programs for women is praiseworthy, and employing women lawyers to provide free legal services to vulnerable and needy women is also commendable.



Structure of the Nepal Bar Association: Women Wings located in different bar units report to the Central Executive Committee.

The NBA appears to be committed to promoting women in the legal profession. Since 1992 the Nepal Bar Association's Legal Aid Project has sponsored conferences for women lawyers that focus on their professional development. To implement the recommendations of conference participants, a follow-up seminar of women lawyers is held. Another positive step is the inclusion of at least one female lawyer in each bar unit's working committee. Moreover, the NBA is supporting the publication of this report based on a nationwide needs assessment of Nepal's women-in-law.

### 1.6 Importance of a Needs Assessment

Prior to the CBA-NBA DDN Project no survey had been conducted to discover and assess the needs of Nepal's women-in-law, nor seek public opinion about the role of the NBA with regard to women lawyers. The NBA is committed to enhancing the capacity of women-in-law in Nepal. Towards this end the NBA initiated a nationwide needs assessment to collect the opinions of women-in-law and their champions. For the purpose of the Needs Assessment and Report, **women-in-law champions** are male lawyers (including, judges, private lawyers, government lawyers and legal educators) and male and female: community and religious leaders; mentors and colleagues; and women-in-law family members.

The goal of the needs assessment was to: collect data from women-in-law and their champions; analyze the data; and issue a report that identifies challenges and barriers faced by Nepal's women-in-law and recommends to the NBA and other legal and judicial stakeholders actions that will overcome the identified challenges and barriers. In addition, this report offers recommendations that encourage the comprehensive inclusion of women – both lawyers and non-lawyers – in all national level committees, councils, boards, commissions, and the current constitution-making process.

*Women-in-law  
champions are male  
lawyers (including, judges,  
private lawyers,  
government lawyers and  
legal educators) and male  
and female: community and  
religious leaders; mentors  
and colleagues; and  
women-in-law family  
members.*

## CHAPTER II

## Needs Assessment Objective and Methodology

### 1. Background

Since January 2007 the NBA has been working with the Canadian Bar Association (CBA) on a project funded by the Canadian International Development Agency (CIDA) called Developing Democracy in Nepal (DDN). The objective of the DDN project is to support Nepal in its movement towards democracy by strengthening the capacity of the Nepal Bar Association (NBA) to assist the people of Nepal in the exercise of their democratic and human rights, and to advocate for laws that protect these rights.

Conducting a needs assessment and the publication of this report, *Ringing the Equality Bell : The Role of Women Lawyers in Promoting Gender Equality in Nepal*, based on that assessment, is an NBA initiative supported by the NBA-CBA DDN project. It is expected that the successful implementation of the recommendations contained in this report will assist the NBA in building the capacity of women lawyers so that they will fully participate in the legal profession and Nepal's current constitution-making process. Implementation of the recommendations will also prepare women lawyers to take leading roles at all levels of the executive, legislative and judicial branches of Nepal's new government. As discussed at the NBA's 17<sup>th</sup> Annual Women's Law Conference (December 2008) and at the NBA-CBA's DDN Women-in-law Conference (February 2009), it is also expected that highly trained women lawyers will act as strong advocates for socially excluded groups -- particularly women and children within those excluded groups.

### 2. Objective of the Needs Assessment and Report

The overall objective of the Needs Assessment was to collect data and information on the promotion of women in the legal profession and in the constitution-making process in Nepal. The objective of this report was to produce a document that would publicize the findings



of the needs assessment, make recommendations for promoting the inclusion of women in all sectors and at all levels of Nepal's legal and judicial systems, and to make recommendations with respect to the role of women and gender equality in regard to the current constitution-making process.

### 3. Methodology

The following methodology was adopted to conduct the needs assessment survey and produce this report.

**3.1 Development of the Needs Assessment Toolkit:**<sup>10</sup> Before distributing the needs assessment survey, a *Guidance Toolkit for Women Wing Coordinators* was prepared to instruct the NBA's 26 Women Wing Coordinators located within 20 of Nepal's 75 Districts how to conduct the survey. The toolkit included a list of Project Central Committee (PCC) members, Women Wing Coordinators (WWCs), and Regional Coordinators (RC). It described the roles and responsibilities of each group and identified the bar units assigned to each WWC within their geographic regions. Also included were the survey questions; instructions about consultation timeline management; extension of invitations to participants; options on how to conduct a consultation; framing of key questions; capturing feedback; and a sample budget.

**3.2 Distribution of Toolkits:** The Project Central Committee distributed the Needs Assessment Toolkit to the NBA's twenty-six (26) WWCs for distribution to women wing members.

**3.3 Training of WWCs:** Following the distribution of the Toolkit, training was conducted through in-person meetings and telephonically for all twenty-six (26) WWCs. In-person trainings were delivered to WWCs located in Kathmandu, Bhaktapur, Lalitpur District Court bar units, Patan Appellate Court bar unit, Supreme Court bar unit and other district coordinators who were present in Kathmandu. Telephonic trainings were delivered to WWCs located outside the Kathmandu Valley. Follow-up telephone calls to WWCs were made as needed to support them in the collection of data. Specific questions relating to

*"There should be compulsory education for male and female children. Access to legal education through the public education system should be ensured. It is vital for universities to implement government policies that guarantee gender equality. Professional Associations should also have an obligation in this regard."*

*– Pampha Bhusal, Former Minister of General Administration*

<sup>10</sup> See Appendix "A"

the Toolkit and the collection of data were discussed with those WWCs who attended the NBA's 17<sup>th</sup> Annual Women's Law Conference held on December 7-8, 2008.

**3.4 Collection of Information and Recommendations:** The WWCs collected the information and recommendations from women-in-law and their champions. Women-in-law respondents were WW bar unit members and their female colleagues. Champions were male colleagues, and male and female associates and contacts of WW members. Data received from the assessment survey was analyzed electronically.

**3.5 NBA's 17th Annual Women's Law Conference:** The NBA's Legal Aid Project Women Wings sponsored a two-day 17th Annual Women's Law Conference at Staff College in Lalitpur on December 7-8, 2008. The conference theme was the *Role of Women Lawyers in the Constitution-Making Process*. Papers were presented in three topic areas:

1. The Role of Women Constituent Assembly members in restructuring the state. <sup>11</sup>
  2. The Role of Women Lawyers in restructuring the state.<sup>12</sup>
  3. Women's issues to be addressed by the Constituent Assembly.<sup>13</sup>
- At the conclusion of the conference participants unanimously endorsed an 11-point Declaration. <sup>14</sup>

**3.6 Regional Discussion of Draft Survey Report:** A regional meeting was held to discuss the initial draft of the survey analysis and report. The meeting was held at the Greenwich Hotel, Lalitpur on January 2, 2009. Twenty (20) participants attended the discussion group. Participants included: five (5) Regional WW Coordinators; the NBA President, Vice-president, General Secretary and Treasurer: nine (9) members of the Project Central Committee and Conference Planning Committee; and 4 NBA-CBA DDN Project management team members. Feedback, opinions, comments and suggestions received during this discussion meeting contributed to the preparation of a revised report.

<sup>11</sup> The paper was presented by Pushpa Bhushal ( CA Member)

<sup>12</sup> The paper was presented by Geeta Pathak ( Advocate)

<sup>13</sup> The paper was presented by Sapana Pradhan Malla ( CA Member)

<sup>14</sup> See Appendix "E"

**3.7 NBA-CBA DDN Women-in-law Conference:** In order to seek opinions, suggestions and recommendations of stakeholders on the draft report based on the feedback of survey respondents, a two-day National Conference was organized at Park Village Resort, Budhanilkhantha on February 7-8, 2009.<sup>15</sup> One-hundred and twenty (120) women attended the Conference including: government ministers; judges, CA members; legal educators; government officials; law students; lawyers; and champions. The conference was facilitated by two Canadian consultants, Donna Kennedy Glans and Dr. Gwen Brodsky, and by NBA-CBA, DDN Project Director, Sheri Meyerhoffer. Feedbacks, opinions, comments, suggestions, and recommendations received during the conference have been incorporated into this report's recommendations.

**3.8 NBA's 32nd Annual Meeting:** The draft recommendations produced by the NBA-CBA DDN Women-in-law Conference<sup>16</sup> were distributed to the NBA's 32<sup>nd</sup> Executive Councilors' Meeting and Annual General Meeting held in Pokhara on May 7-8, 2009. A total of 468 participants attended the meeting. Verbal and written feedback, opinions, comments, and suggestions received during the meeting greatly improved the draft report.

## 4. The Needs Assessment Team

**4.1 Project Central Committee (PCC):** The PCC was constituted for the purpose of appointing and advising WWCs, monitoring the performance of the needs assessment, and overseeing project management.

**4.2 Women Wing Coordinators (WCC):** The study team comprised twenty-six (26) WWCs who collected survey data and recommendations from women-in-law and their champions nationwide.

**4.3 Conference Planning Committee (CPC):** The Conference Planning Committee was created to expand the PCC by an additional

<sup>15</sup> See Appendix F.

<sup>16</sup> Ibid.



four (4) persons to help organize the NBA-CBA DDN Women-in-law Conference. The CPC also helped facilitate a meeting of Regional Women Coordinators and the NBA's 17<sup>th</sup> Annual Women's Law Conference.

## 5. Study Parameters and Challenges

### 5.1 Study Parameters

This report reflects the views and opinions of women-in-law and their champions. Women respondents reside in sixty-seven (67) of Nepal's seventy-five (75) districts. A majority of the female respondents were lawyers including: judges, government lawyers, legal educators, law students, and judicial officials.

### 5.2 Needs Assessment Challenges

Several constraints and problems were encountered while undertaking the needs assessment. Some of these problems are identified below.

#### 5.2.1 Absence of Women Wings and Women-in-law

Nepal's twenty-six (26) WWs are located in twenty (20) of Nepal's seventy-five (75) districts. Each WWC was assigned additional districts from which they were to collect data. The WWC's reported that collection of data from remote areas was difficult for two reasons -- geographic constraints and the lack of identified women lawyers within those districts. Consequently, information and opinions of women-in-law could not be collected from several remote districts.

#### 5.2.2 Inaccessible Communities

Nepal is, in part, a mountainous country with a large, rural population. Many villages are inaccessible by road and lack infrastructure such as electric and telephone services. Moreover, due to Nepal's unstable political situation, many roads are routinely blocked by strikes. As a result, it was difficult to collect data from all of Nepal's seventy-five (75) districts.

#### 5.2.3 Data Collection Challenges

In-person training sessions for data collectors could not be provided to all WWCs. Poor telephone service and lack of internet access further frustrated the training and the data collection processes.

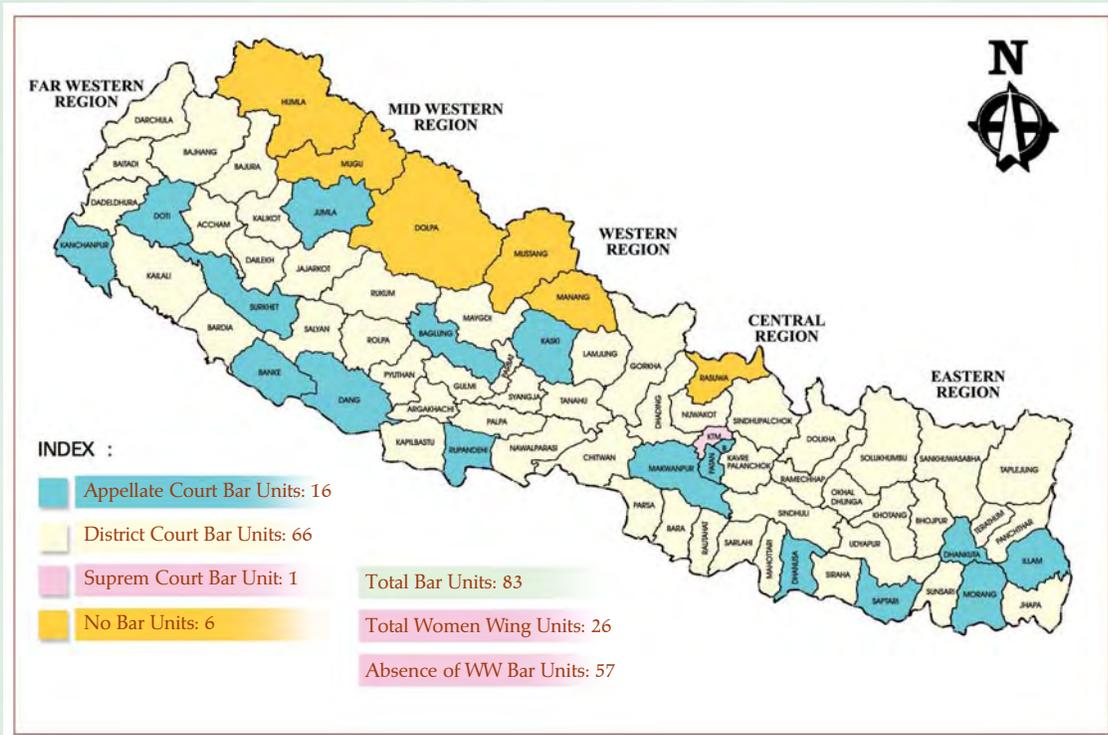


## CHAPTER III

## Summary and Analysis of Women-in-law in Nepal

### 1. Nepal's Geographic Regions and Survey Respondent's Demographics

Map of Nepal and the details of Bar Units:



#### 1.1 Geographic Distribution of Survey Respondents by Development Region

The needs assessment was conducted in all five (5) of Nepal's Development Regions. A total 1086 women-in-law and champions were selected and interviewed. The total number of respondents by Development Region is set out in Table 1 which indicates high levels of participation in the Eastern Development Region (306 respondents), Central Development Region (275 respondents) and Western Development Region (274 respondents). Much lower levels of participation occurred in the Mid-Western Development Region (145 respondents) and Far Western Region (86 respondents).

Table 1: Respondents by Development Region

Development Region	Eastern	Central	Western	Mid Western	Far Western	Total
Women-in-law	93	120	58	25	6	302
Champions	213	155	216	120	80	784
Total	306	275	274	145	86	1086

## 1.2 Geographic Distribution of Survey Respondents by District

The needs assessment covered sixty-seven (67) of Nepal's seventy-five (75) districts. Data from the remaining eight (8) districts was unavailable due to a lack of WWs, women lawyers, and inaccessible communities. The total number of respondents by Development Regions is provided in Table 2. A total of 306 respondents were from the Eastern Development Region's 14 districts, and 86 were from the Far Western region's 7 districts.

Table 2: Respondents by District

Districts	Total 67	Eastern dev. region 14 districts		Central dev. region 16 districts		Western dev. region 15 districts		Mid Western dev. region 15 districts		Far Western dev. region 7 districts	
		female	champion	female	champion	female	champion	female	champion	female	champion
Number of Respondent	1086	93	213	120	155	58	216	25	120	6	80

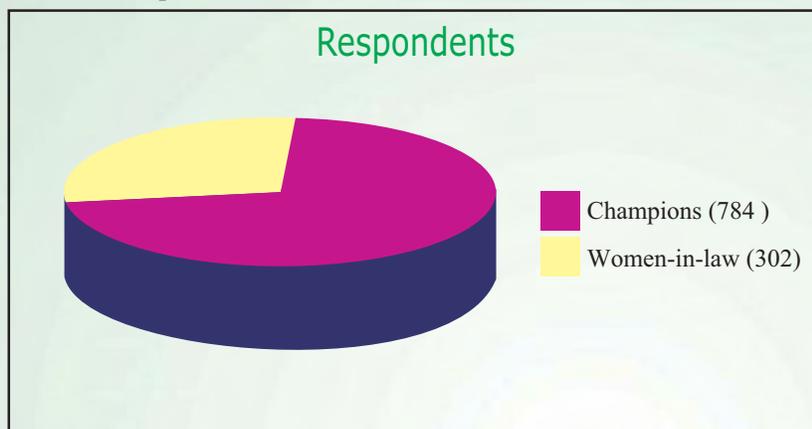
The highest number of respondents from a particular district was ninety-six (96) from Lalitpur District (across the Bagmati River from Kathmandu) that is located within the Central Development Region. The lowest number was one (1) respondent each from Siraha and Khotang (Eastern Development Region), Manang (Western Development Region), Dailekh, Mugu, and Pyuthan (Mid-Western Development Region).

## 1.3 Target Survey Respondents

The target respondents of this needs assessment consist of two sets of stakeholders -- women-in-law and their champions. Of 1086 respondents 302 of are women-in-law and 784 are champions. As previously stated,

for the purpose of the needs assessment and report, *women-in-law champions* are male lawyers (including, judges, private lawyers, government lawyers, and legal educators) and male and female community and religious leaders, mentors and colleagues and women-in-law family members. See *Chart 1 below*.

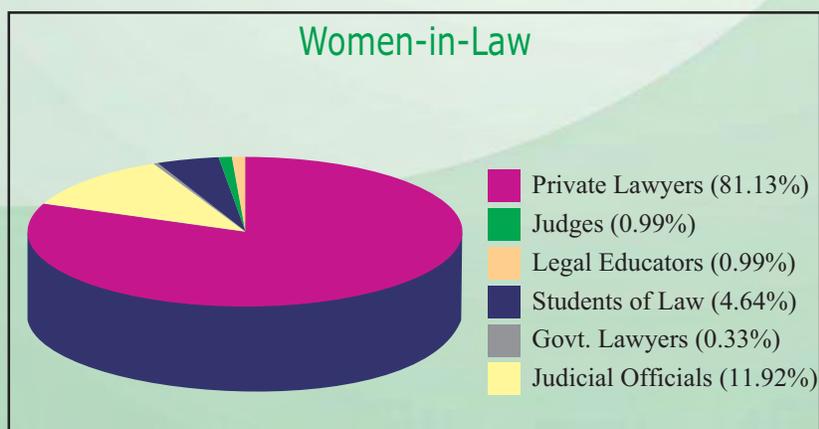
*Chart 1: Respondents*



### 1.3.1 Women-in-law Survey Respondents

The survey captured the opinions of women-in-law from Nepal's five (5) Development Regions and sixty-seven (67) Districts. Women-in-law respondents included: lawyers in private practice; judges; government lawyers; judicial staff; law students; and legal educators. The highest number of respondents by category was 245 (81.13%) law practitioners. The lowest number by category was 1 (0.33%) government lawyers. The composition of respondents is provided in Chart 2. A more detailed demographic distribution of women-in-law respondents by district is provided in Appendix "C".

*Chart 2: Women-in-law*



Many districts do not have any women-in-law. These districts include: two (2) Eastern Region Development Districts<sup>17</sup>; five (5) Central Region Development Districts<sup>18</sup>; eight (8) Western Region Development Districts<sup>19</sup>; ten (10) Mid-Western Region Development Districts<sup>20</sup>; and five (5) Far Western Region Development Districts<sup>21</sup>. As previously mentioned, eight (8) districts<sup>22</sup> do not have any available data. *See Table 3 below.*

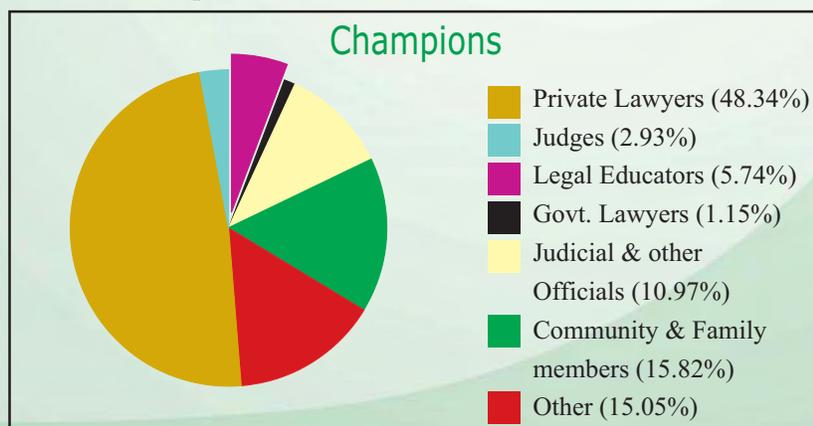
**Table 3: Districts without Women-in-Law Representatives.**

Districts	Total 67	Eastern dev. region 14 districts	Central dev. region 16 districts	Western dev. region 15 districts	Mid Western dev. region 15 districts	Far Western dev. region 7 districts
No representation of women-in-law	36	2	5	8	10	5
Unavailable data	8	2	3	1	-	2

### 1.3.2 Champion Survey Respondents

In the needs assessment survey 784 respondents of a total of 1086 are champions. Among them the largest category of champions -- 379 -- are lawyers in private practice. Government Lawyers were the smallest category of champions comprised of only 9 respondents *See Chart 3 below.* A more detailed demographic distribution of champions by district is provided in Appendix D.

*Chart 3: Champions*



<sup>17</sup> Solukhumbu, Khotang

<sup>18</sup> Dhading, Nuwakot, Shindhupalchok, Ramechhap, Bara

<sup>19</sup> Magdi, Parbat, Lamjung, Syanja, Argakhachi, Gulmi and Kapilbastu

<sup>20</sup> Dailekh, Jajakot, Dolpa, Humla, Kalikot, Mugu, Pyuthan, Rolpa, Rukum, Salyan

<sup>21</sup> Dadeldhura, Darchula, Achham, Bajhang, Bajura,

<sup>22</sup> Sankhuwasabha, Taplejung, Rasuwa, Sarliha, Parsa, Musthan, Baitadi, Doti

## 2. Summary and Analysis of the Needs Assessment

The needs assessment was conducted using a list of questions created to collect information, data, and opinions that identify challenges and opportunities in promoting gender equality within the legal and judicial sectors. Respondents were also asked to make recommendations to promote the inclusion of women in all areas and at all levels of the legal and judicial sectors and in the current constitution-making process.

The survey questions were grouped under the following ten topic areas: 1) Managing Challenges and Barriers; 2) Recommended Training; 3) Organizations; 4) Networks (Formal and Informal); 5) Mentoring; 6) Promotion; 7) Physical Safety and Job Security; 8) Data Collection and Statistics; 9) Implementing Existing Laws; and 10) Developing Best Practices. Setout below are these ten topic areas, the survey questions asked under each area, and a statistical summary and analysis of the responses to those questions.

### 2.1 Managing Challenges and Barriers

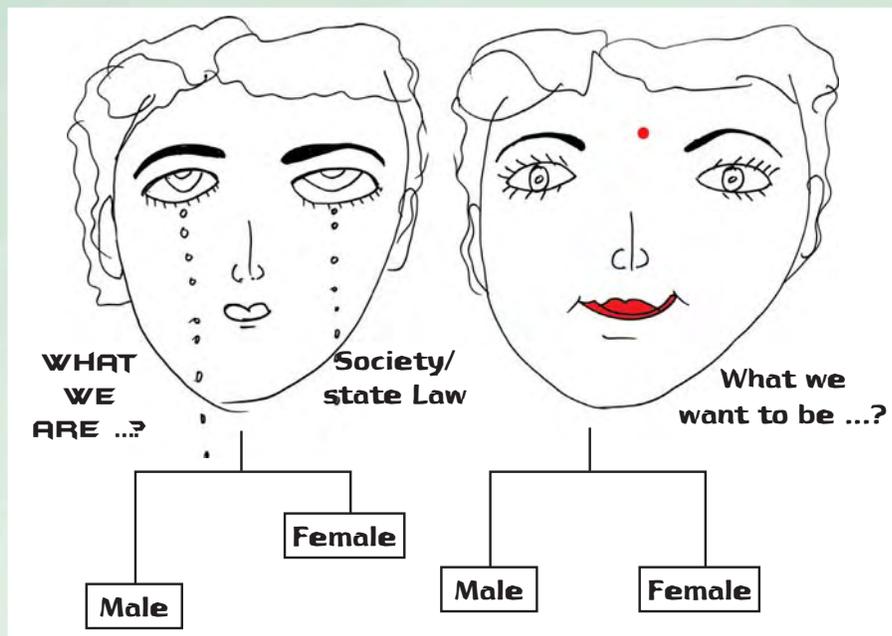
**Survey Question:** In your opinion, what are the most significant challenges facing females in law in Nepal? Provide real life examples from your own experience or the experiences of others that you work with or know. (A list of standard areas of discrimination were included in the needs assessment survey questionnaire and these areas are included in Table 4 below).

Table: 4

Challenges and Barriers	Total	Women-in-law	Champions
	1086	302	784
Gender bias during the hiring process	475 (43.74%)	255 (84.44%)	220 (28.06%)
Denial of an opportunity for promotion for which a female in law was well qualified	450 (41.44%)	190 (62.91%)	260 (33.16%)
Denial in securing a high profile case/ assignments despite being fully qualified	450 (41.44%)	200 (66.23%)	250 (31.89%)
Objections by a client to take on their case, despite being fully qualified	505 (46.50%)	150 (49.67%)	355 (45.28%)

Structure of the workplace restricts equality	525 (48.34%)	170 (56.29%)	355 (45.28%)
Pervasiveness of patriarchal norms in Nepal society	992 (91.34%)	302 (100%)	690 (88.01%)
Limited accessibility to mentoring programs	875 (57%)	205 (67.88%)	670 (85.46%)
Wage gap between males and females in law/society	0	0	0
Parental/familial responsibilities	890 (81.95%)	210 (67.88%)	680 (86.73%)
Insufficient (paid or unpaid) parental leave or maternity leave, alternate/flexible work arrangements	395 (36.37%)	145 (48.01%)	250 (31.89%)
Sexual harassment of females in law by clients, colleagues, employers/managers/senior staff member, judiciary	190 (17.50%)	55 (18.21%)	135 (17.22%)
Lack of women friendly office environment (separate bathrooms, cleanliness etc.)	700 (64.46%)	250 (82.78%)	450 (57.40%)

In addition to these challenges, women-in-law respondents mentioned additional challenges such as: the NBA's inadequate leadership role in encouraging women lawyers; the public's lack of confidence in their abilities; lack of self-confidence to establish private practice; and lack of awareness of women's rights as human rights. Women-in-law respondents also noted that a major challenge is a complex web of cultural norms that shape social attitudes towards women. For example higher education is not widely encouraged for women and women have to bear far more domestic responsibilities than men. Women-in-law respondents also emphasized that the practice of law is far more difficult for women than men because families fully support male relatives, especially at the beginning of their legal careers, including giving them economic support. Women do not enjoy this level of support from their families and, in fact, are often discouraged from entering private practice. As previously stated, women lawyers have huge domestic responsibilities -- especially caring for children -- and there is no government support for childcare.



A picture drawn by the participants at the NBA-CBA DDN Women-in-law Conference, that depicts the status of men and women in Nepal and their aspirations for equality and a better society.

The responses of champions to the survey mirrored the responses of women-in-law and highlighted the fact that women have to make special efforts to win the confidence and trust of clients in contrast to male lawyers. In addition, they emphasized that women-in-law are especially challenged by a traditional male attitude that women are not capable of professional work outside the home. Champions agreed that women are primarily responsible for family members-- especially children --and that women are not aware of their rights and lack the confidence to establish a private law practice.

**Survey Question:** How have these challenges for females in law detrimentally affected people in local communities in Nepal?

Respondents opined that female community members are detrimentally affected by the challenges experienced by women-in-law. Women feel more comfortable sharing their personal experiences and problems with other women. They are reluctant, for example, to talk to a male lawyer about being a victim of domestic violence. Due to the lack of female lawyers in their communities, the low number nationwide, and the number of women lawyers who leave the profession, women in the community are often deprived of exercising their rights because

*"There are no other women lawyers in Gorkha. I am the first female judge there. My position is so uncommon in my community that when I went to a temple, the priest and people there greeted my husband assuming he was the judge".*

*- Prabha Basnet,  
Gorkha District Court Judge.*

they perceive that they have no one to represent them.

Private law firms are not known to handle domestic violence cases. Accordingly, the entire local community remains a silent spectator to domestic violence and turns a blind eye towards violations of women's human rights. Likewise, girls are not encouraged to consider legal careers because of the "challenges ahead", and are reminded of the challenges faced by those who "dared" to enter the legal profession. Consequently, the overall community remains stagnant in regard to gender equality, progress, and development.

**Survey Question:** Describe situations where you or others have been able to reduce these barriers for females in law? Did you require support from others...how did you enlist this support?

To this question, a female lawyer shared her experience:

*Four years ago one of my friends -- a lawyer -- was made to stop practicing law by her family. I convinced her family that she should be allowed to practice her profession and now she is a very successful legal practitioner and clients trust her.*

Some respondents also stated that organizations such as Service for Unprivileged Section of Society (SUSS) and the Legal Awareness Consultancy Center (LACC) are making positive inroads as they assist women to return to their professional careers. A majority of women-in-law respondents said that they had not done anything to reduce barriers for women lawyers, and some respondents did not answer the question.

In regard to this question, a champion respondent shared the following:

*"A female lawyer was involved in a case and during a court appearance, the opposing lawyer used threatening language to scare her off the case. But she did not remove herself from the litigation. Instead she told the opposing lawyer to obey the rules of professional ethics, otherwise she would take action".*

The champion said that this was one of the best examples of the courage and determination shown by a female law practitioner, and he continues to use this story to inspire other women-in-law.

*More females in Law should consider playing a role in politics to assist with the development of better laws and policies for all women in Nepal. Laws and policies that promote flexible work situations such as job sharing, provision of childcare, both private and public and scholarships for women for higher education, are a few examples.*

*- Dr. Sudha Sharma,  
Health Secretary,  
Medical Doctor and Gender  
Administrator.*

**Survey Question:** What positive changes (if any) *have you seen* for females in the profession of law in the last year (last few years) ? For example, communication, education, security, promotion, implementing existing laws, mentorship, playing a role in constitutional development, informal and formal networks?

Female respondents stated that there have been some improvements for women lawyers, but were not specific about the changes. Some respondents said that in the last few years, the few positive changes that have occurred are not significant or satisfactory.

Champion respondents stated that women are interested in the legal profession, and they are much sought after by clients whose cases raise women's rights issues. Through the NBA's Legal Aid Project which represents poor and marginalized women, and for other cases that relate to the rights of women, females lawyers are encouraged to take leadership roles in law firms, institutions, and networks. Thus women lawyers have been successful -- to an extent -- in playing a vital role in the implementation of laws that impact women and on influencing provisions of the new constitution in regard to the rights of women.

Unfortunately, most respondents failed to cite specific changes in response to the question. One survey example that stands out is a government initiative that trained female members of Village Development Committees about the new constitution and the rights of women contained therein.

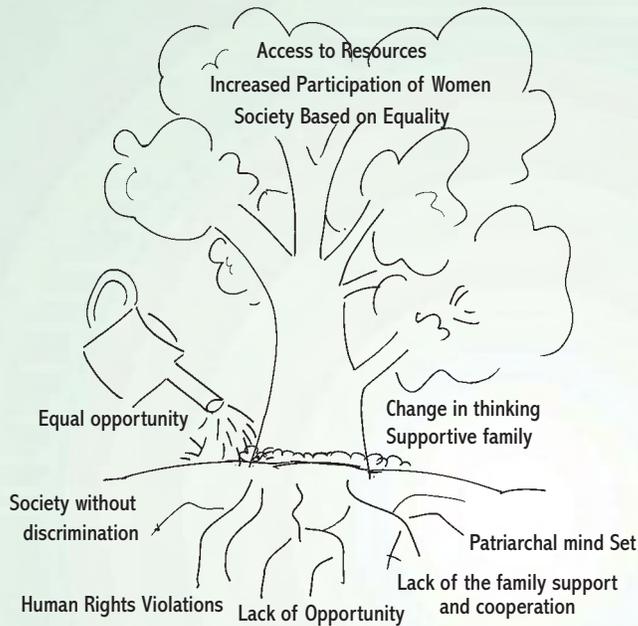
Respondents agreed that recent implementation of policies of inclusion by government and non-government organizations and institutions have led to a greater participation of women in many sectors in Nepal. Compared to the past, positive changes for women can be seen in the fields of law, education, security, promotion, and implementation of existing law, mentoring, formal and informal networks and the development of a new constitution.

**Survey Question:** What positive changes *should happen* for females in the profession of law? For example, communication, education, security, promotion, implementing existing laws, mentorship, playing a role in constitutional development, informal and formal networks.

*"Women lawyers have been successful in playing a vital role in the impletation of laws that impact women"*

*- Survey Conclusion*

In response to this question, 235 (77.81 %) women-in-law respondents stated that there must be increased access to communication, education, security and promotion for females in the legal profession. Organizations and institutions should launch programs to promote women-in-law by helping them improve their skills through training and also provide them with other educational opportunities.



*"All existing laws that result in discrimination against women in education and employment security should be repealed or amended "*

*- Survey Conclusion*

A picture drawn by NBA-CBA DDN *Women-in-law Conference* participants that expresses basic requirements for the welfare of women-in-law and society.

The issue of employment security was one of the top concerns for all respondents. Respondents stated that if the government could reserve 33 % of seats in the CA for women, then women-in-law could also be guaranteed the same percentage of jobs at all levels of the legal and judicial sectors. The strict implementation of such a policy would, to a great extent, provide security to women-in-law. Respondents also stated that all existing laws that result in discrimination against women in education and employment security should be repealed or amended.

Champions also said that women should have access to technology, communication and information. Education and mentorship programs were specifically identified as essential changes for women-in-law. Champions support an effort to set aside 50% of opportunities for women in all sectors. All champions agreed that leadership capacity may only be built through the involvement of a variety of formal and

informal networks but did not specify the kind of networks that would be helpful. Female and champion respondents opined that Nepalese women face many challenges and barriers due to patriarchal norms and traditional values, beliefs and attitudes. Female lawyers from urban areas continue to practice law even though they feel that their incomes are insufficient. In addition, many women lawyers are employed by international and national non-government organizations that rely on foreign aid. When this aid disappears, as it inevitably will, then many women lawyers will become unemployed and will lack the necessary skills to establish a private law practice.

## 2.2 Training Recommendations

**Survey Question:** What training for females and males in law would you recommend to enhance the role of females in law in Nepal...to promote the inclusion of females in all areas and at all levels of Nepal's legal and justice systems, and in the current constitution making process in Nepal?

(A list of standard training areas was included in the needs assessment survey questionnaire. The questions and responses are included in

Table: 5

<b>Recommended trainings</b>	<b>Total 1086</b>	<b>Women-in-law 302</b>	<b>Champions 784</b>
Refresher courses leading to qualifications	1086 (100%)	302 (100%)	784 (100%)
English language course	915 (84.25%)	255 (84.43%)	660 (84.18%)
Professional enhancement	1069 (98.45%)	285 (94.37%)	784 (100%)
Leadership training	1003 (92.36%)	285 (94.37%)	718 (91.58%)
Out of country training	877 (80.75%)	302 (100%)	575 (73.34%)

Women-in-law respondents recommended additional capacity building training in the following critical areas: practical; counseling; communication; legal, clinical; and, mediation.

Champions identified some additional areas of training: technology and communication; building a private practice; foreign court procedure; preparing pleadings and arguing a case. Champions also recommended the need for trainings specifically targeting rural, poor, and geographically isolated female and male lawyers. In addition, a majority of champions opined that professional training should be made compulsory for new lawyers.

**Survey Question:** How do you believe local communities will benefit from these changes in training?

Most female respondents and champions agreed that the aforementioned trainings would help women lawyers develop their knowledge and skills. If these kinds of trainings are conducted nationwide it is anticipated that women victims of domestic violence, abuse, and discrimination will benefit within their local communities because local women will have skilled advocates with whom they are comfortable sharing their stories and who will advocate for them. These trainings would also contribute to the elimination of other forms of social and cultural discrimination that will have a positive impact on local communities and the nation. All the respondents expressed their belief that when women-in-law are well trained then they will become more confident, clients will be better served, and society as a whole will be the ultimate beneficiary of highly skilled women lawyers.

**Survey Question:** Do you believe that collaboration among Ministries (for example, Justice, Higher Education) is critical to the effectiveness of this training?

The majority of respondents stated that effective trainings would require the collaboration of government ministries, the judiciary, universities, and non-government organizations. Respondents opined that formal education provides academic knowledge, but trainings provide practical knowledge and skills. Collaboration among ministries that focus on different sectors can help women-in-law acquire skills in those specialized areas. Most importantly, ministries should collaborate on creating opportunities for the education of women-in-law and providing career opportunities. For example the Finance Ministry should

*"The NBA should support new law school graduates and provide programs for young female law students by creating mentorship programs to increase their confidence and skills."*

*- Prabha Basnet,  
Gorkha District Court Judge.*

collaborate with Women's Ministry and the Ministry of Science and Technology to help fully develop the skills of women-in-law. To become a skilled and efficient lawyer, ongoing job-related training in different subject areas is important and an effective collaboration among ministries would greatly benefit women-in-law.

All the respondents agreed that the trainings identified in the questionnaire and included in Table 5 are crucial in building a successful career in law, and that these trainings should focus on and be delivered to women lawyers who practice in poor, geographically isolated, and rural areas rather than urban areas.

### 2.3 Organizational and Institutional Roles in Promoting Women-in-Law

**Survey Question:** In your opinion, what is the best role of the NBA, Bar Council, judiciary, law schools, government, constitution-making process and constitution in promoting women-in-law?

In response to this question all female respondents stated that the role of the NBA in promoting women-in-law is important. It should initiate a series of special programs to develop the skills, capacity, and knowledge of women-in-law. In regard to the judiciary, women-in-law respondents stated that the role of judiciary is to invalidate laws that discriminate against women. The judiciary should also adopt an affirmative action policy to increase the number of women in the judicial sector as judges and court administrators.

According to women-in-law respondents, law schools play a significant role in encouraging female students. A female law professor pointed out that law schools are crucial in building the competence of female law students through special programs, competitions, scholarships, and other incentives. In addition law schools can play a critical role in providing female students opportunities for practical field-work, internships, and interaction programs with female lawyers.

In regard to role of government towards women, women-in-law respondents identified two critical issues: 1) protecting and advancing the rights of women through the effective implementation of laws that ensure their rights; and, 2) government employment of women lawyers

*"Government would benefit from increased legal advice and direction. The NBA should recommend/request that each government ministry have in-house legal counsel. At least 50% of these lawyers should be women."*

*- Asta Laxmi Shakya,  
Former Minister of Industry.*

as legal counsel, advisers and consultants. Women-in-law respondents also stated that the role of the Bar Council is to conduct training for the bar exam, and professional training for certified lawyers. In the constitution-making process the participation of female lawyers should be increased by the Constituent Assembly. In regard to the constitution-making process, the CA should increase the number of women appointed to the Bar Council.

Most women-in-law respondents stated that new lawyers should be offered capacity building and clinical training so that they can gain theoretical and practical knowledge and skills. The institutions mentioned in the organizational survey question should plan and implement these trainings. Most women-in-law respondents stated that women's rights cases should be referred to women lawyers, and especially to those lawyers who want to specialize in the area of women's rights. It was also suggested that the NBA should organize programs that promote women-in-law, and create a program that provides financial aid to needy, new women lawyers – especially those who are geographically isolated -- to help them start their legal careers.

Champions responded to the organizational survey question by stating that the organizations listed in the question should help female lawyers by coordinating their efforts to: build the capacity, skills, and knowledge of women-in-law; provide equal job opportunities; provide motivation to enter private practice; and guarantee their rights. They also added that relevant institutions and organizations should: improve the quality of legal education; make the study of law more accessible to women; and provide greater opportunities to women in the legal and judicial sectors. Government has a special duty to create more opportunities for women-in-law. Law schools should give women priority in school admission. The NBA should provide three months of compulsory professional training to women-in-law for skills development. The government and the Bar Council should provide training for skills development and give women priority for employment.

The analysis of survey responses showed that gender equality requires that women have equal access to all sectors of society and the state. However the state alone cannot perform this task. The organizations identified above have to play effective roles. Survey respondents urge the NBA to encourage government and non-government organizations

*"Gender Equality requires that women have equal access to all sectors of society and the state"*

*- Survey Conclusion*

to work collaboratively to create concrete programs and policies for the advancement of women-in-law.

Survey respondents also stated the Bar Council should provide bar entrance exam training for new law graduates with a special focus on women. The government and judiciary should provide quotas and/or reservations for the appointment of women lawyers, and to ensure the availability of qualified applicants they should conduct ongoing skill enhancement trainings.

All respondents indicated that there should be a basic course on the law taught at the college level nationwide to expose students to the field of law and perhaps encourage them to pursue a legal career. Women students would benefit from such a course because they would be exposed to a career option they may not have otherwise considered.

## 2.4 Formal and Informal Networks

**Survey Question:** Who do you see as potential network members for females in law in Nepal ?

In regard to potential network members, women-in-law provided the following survey responses: the NBA; Legal Aid Project; LACC; Forum for Women Law and Development (FWLD); women in development; the Federation of Nepali Journalists; local and international government and non-government organizations; professional organizations; donor agencies; universities; members of the Constituent Assembly; and, the Bar Council. Some respondents also recommended the names of individual women lawyers.

In their network membership responses champions also included: NBA Women Wings; the judiciary; law schools; public safety administration; international institutions and organizations; champions; male and female members of the Constituent Assembly; Nepal Army; Ministry of Law, Justice and Parliamentary Affairs; government lawyers; and relevant departments of the Ministry of Women, Children and Social Welfare; and individually identified female lawyers. Interestingly, the answers provided by champions were far broader in scope than those provided by women-in-law respondents.

*"Don't rest on your accomplishments. When you arrive make sure you start networking and use all networks to make sure you are at the door inviting and encouraging other women to come in"*

*- Donna Kennedy Glans,  
Canadian Resource Person for the  
Women-in-Law Conference.*

**Survey Question:** Are there network members beyond the profession? For example, national and international non-governmental organizations, donor organizations, universities, government Organizations?

Regarding network members outside the legal profession, female respondents identified local non- government organizations like WOREC Nepal, Maiti Nepal, Women for Human Rights, Single Women's Group (an NGO that works on behalf of widows), teachers, principals, doctors, engineers, civil society as network members. Some women respondents stated that people working in organizations outside the legal profession are not helpful network members. Most of the respondents shared the opinion that currently there is no active network member from outside the legal profession.

Champions respondents identified UNICEF, and international organizations and institutions as potential network members. Some champions also stated that currently there are no helpful network members outside the legal profession.

The NBA has 83 bar units and 26 WWs across the country. These units and WWs perform certain tasks on behalf of the NBA only. All respondents agreed that the NBA and its WWs are not able to build the capacity of women-in-law without outside collaboration. Currently the NBA has not partnered with either government or non-government organizations for the purpose of building the capacity of women-in-law. Survey responses indicate that it is essential that the NBA take the initiative to create networks outside the legal profession for this purpose.

Potential network members mentioned by all survey respondents include: the NBA, SUSS, LACC, FWLD, Advocacy Forum, Maiti Nepal and other national non-government organizations; government ministries and agencies including the public safety administration and its women's cell; judicial sector; individual professionals and organizations; civil society; political parties; women's organizations; international non-government organizations; universities; and donor agencies. Nevertheless the best and most important network members are legal professionals. Organizations and institutions cannot achieve their goals without network partners.

*"Now that I am a CA member and politician, I often think it would have been very helpful if I were a lawyer."*

*– Hisila Yami,  
Former Minister of Tourism.*

## 2.5 Mentoring Programs

**Survey Question:** Are there mentoring programs in place to support women-in-law? If yes, please comment on how they function and their effectiveness. If no, would mentoring programs be useful?

A majority of female respondents stated that currently there is no mentoring program. A few respondents did say that some organizations and institutions organize programs but they are not specifically directed at women-in-law. Almost all of the female respondents agreed that a mentoring program is essential and desirable.

Most of the champions agreed that there is currently no mentoring program and a few of them stated that a mentoring program is necessary to achieve better outcomes. Male lawyers said that they had organized one experience-sharing program and concluded that a mentoring program would be better and more important for women-in-law.

It was generally stated by a majority of all respondents that in the legal profession one develops his/her professional skills through experience. Currently there is no formal or informal mentoring program, although it is not uncommon for lawyers to gain professional experience by working under the supervision of a senior lawyer. During this supervisory period lawyers do not make much money, but they have an opportunity to improve their skills. In recent years new lawyers have not been able to gain such experience due to the high number of law school graduates. Consequently their ability to gain skills and earn a living is greatly diminished. New women lawyers are also experiencing this trend.

In summary, all respondents shared the view that formal mentoring program is essential to helping lawyers gain experience and build skills.

## 2.6 Promotion of Women-in-law in the Legal and Judicial Sectors

**Survey Question:** Do you believe there is a need to place pressure on the NBA, Bar Council, judiciary, law schools, and government to promote women to higher posts and to increase women's participation in all areas of the judicial system?

*"A formal mentoring program to support women-in-law is essential and desirable. "*

*- Survey Conclusion*

Women-in-law respondents agreed that pressure should be put on the organizations identified in the “promotion” question to promote women to higher posts and to increase women’s participation in all areas of the judicial system. Responses specifically called for an increase in the number of female lawyers in all NBA bar units, the Bar Council and judiciary. In regard to the government and law schools, respondents stated that, to the extent possible, 50% of all jobs and placements should be reserved for women.

Survey champions agreed on the need to put pressure on the organizations identified in this question to ensure the promotion and involvement of women-in-law in higher posts and to increase women's participation in all areas of the judicial system. In addition to the organizations listed they suggested pressure to accomplish the same result should also be put on civil society, human rights-related national and international organizations, and individuals who wield influence and power.

Champions further stated that the NBA needs to initiate and promote the participation of female lawyers in the current constitution-making process and it should place pressure on the above-identified organizations to promote women to higher posts and to increase women's participation in all areas and at all levels of the judicial system.

*"There is a need for an increase in the number of female lawyers in all NBA bar units, the Bar Council and Judiciary."*

*- Survey Conclusion*

## 2.7 Physical Safety and Job Security for Women-in-law

**Survey Question:** Is there a need to establish a system to address the physical safety and job security of females in law? Do you believe there is need for a mechanism whereby a woman can safely appeal or lobby for better treatment without fear of losing her job or jeopardizing her security?

All respondents opined that Nepal is experiencing a period of political instability. The nation is in a transitional phase, and as a result, people do not feel secure in their employment. In general, women feel even more vulnerable. Due to the nature of the legal profession, lawyers are always more threatened than people involved in other professions because they risk their personal security in representing crime victims, opposition party members, and victims of human rights violations where the police are allegedly at fault. Women lawyers are more vulnerable to threats than their male counterparts.

In regard to work place security, respondents said that currently there is no mechanism to ensure the physical safety and job security of women-in-law. There is a need for the establishment of a mechanism whereby a woman can safely appeal or lobby for better treatment by her employer and colleagues without fear of losing her job or jeopardizing her security. It was the strong opinion of all survey respondents that a mechanism to ensure the physical safety and job security of women-in-law should be established by the government.

All survey respondents expressed the opinion that male lawyers should be sensitive about the language they use when referring to women. The phrase “dominating female” and all other words and phrases that are abusive and/or insult women in whatever context should be stopped.

## 2.8 Women-in-law Data Collection

**Survey Question:** Is there need for data collection on the current status of women and the numbers coming into the profession, leaving the profession and the distribution of women in practice areas ?

All female respondents agreed that it is essential to continuously collect data on women in the legal profession so that effective future strategies can be planned. Continuous data collection facilitates the performance of needs assessments and analyses.

Almost all champions agreed that data collection and analysis helps determine women-in-law policy. Some champions suggested that up-to-date data regarding women-in-law be maintained that includes their names, contact information, nature of their work and, if applicable, their reason(s) for leaving their job or profession.

Survey respondents expressed the number of practicing women lawyers is very low in comparison to male lawyers. The bitter truth is that there are many qualified women lawyers but most of them have left the legal profession due to lack of self-confidence and/or willingness to face the challenges and barriers women lawyers confront.

In 2004 the Supreme Court Bar Association Women Wings published in the Supreme Court Bar Bulletin, for the first time and only time, the names and total number of women lawyers who obtained advocate

*"Male lawyers should be sensitive about the language they use when referring to women."*

*- Survey Conclusion*

licenses. However no other data exists regarding the number of women private practitioners or the nature of their practice or employment. Nor is there data on the number of women lawyers who have left the legal profession and their reasons for doing so. There is also no data on the number of women employed in the judicial sector. All survey respondents agreed that the NBA should collect comprehensive data on women-in-law.

## 2.9 Implementation of Existing Law

**Survey Question:** Is there a need to apply and implement the current laws and constitutional elements that forbid discrimination against women?

All women-in-law respondents stated that there is a serious need to apply and implement current laws and constitutional provisions that prohibit discrimination against women. Respondents further suggested that authorities responsible for the implementation of laws be punished if they fail to fulfill their duties in this regard.

Similarly almost all champion respondents stated that implementation is the responsibility of the executive branch of government and it should play an active role. Pressure should be put on the executive, legislative, and judicial branches of government to repeal laws that discriminate against women, enact laws that ensure the equality of women, and immediately enforce international treaties and conventions ratified by Nepal.

The interim constitution and subsequent legislation guarantee gender equality. Women are now in a much stronger position -- than at any previous time -- to assert their rights. However women are not able to effectively assert their legal rights due to ineffective implementation of laws that guarantee these rights. Many women are not even aware of their rights. Women-in-law, together with government agencies and the judiciary, should play a leading role in ensuring the implementation of existing laws and create new laws that fully protect the rights of Nepalese women.

All survey respondents agreed that effective implementation of existing laws would eliminate 80% of problems faced by the women of Nepal.

*"Women-in-law should play a leading role in ensuring the implementation of existing laws and create new laws that fully protect the rights of Nepalese women"*

*- Survey Conclusion*

Implementation of international treaties and conventions and the repeal or amendment of laws that conflict with international law should be vigorously pursued with the government taking an active, leadership role to accomplish this goal.

## 2.10 Developing Best Practices

**Survey Question:** Do you recommend the value of linking the concerns of women in the law of Nepal with National, Regional and International initiatives on the status of women, equality and human rights, including the sharing of best practices?

All respondents agreed to the fundamental principle that all members of society should work together to ensure women's equality. There are numerous international treaties and conventions that protect women's rights as human rights. Therefore there is great value in involving women-in-law in Nepal with national, regional, and international initiatives that are working to improve the status of women. Through an international human rights linkage, Nepal's women-in-law will be able to learn best practices being implemented in other countries and facilitate their adoption in Nepal.

*"80% of the problems faced by women in Nepal would be resolved if existing laws were fully implemented."*

*- Survey Conclusion*

## CHAPTER-IV

## Needs Analysis Survey Recommendations

The goal of this report, *Ringling the Equality Bell – The Role of Women Lawyers in Promoting Gender Equality in Nepal*, is to provide quantitative and qualitative data for serious reflection. The recommendations provided in this report are a result of the analysis of findings, opinions, and recommendations of 1086 survey respondents from 67 districts, the declaration of 200 women lawyers who participated in the NBA's 17<sup>th</sup> Annual Women's Law Conference, and suggestions received from 122 women-in-law who attended a two-day NBA-CBA DDN sponsored Women-in-law Conference. Subsequently the comprehensive recommendations were shared and discussed at the NBA's 32<sup>nd</sup> Central Executive Councilors meeting and Annual General Meeting held in Pokhara on May 8-9, 2009. Four hundred sixty-eight (468) lawyers attended the latter meeting at which additional input was received. In total, almost 1900 legal professionals and their champions have contributed to this report's findings and recommendations. The final set of recommendations as approved by the NBA's governing board, are categorized according to the roles of different actors. There are many justice system actors and each has a role to play in promoting and protecting gender equality.

This section of the report identifies the various actors, defines their roles with respect to the enhancement of all women in Nepal, specifically for female legal professionals, and provides a list of recommendations to be performed by each actor to achieve the goal of gender equality in Nepal.

### Identified Actors and their roles:

1. Constituent Assembly/Constitution - focus on women's rights generally and increasing employment and decision-making opportunities for women-in-law
2. Government - focus on women's rights generally and increasing employment and decision-making opportunities for women-in-law
3. Law Schools - promotion of young women to become lawyers
4. NBA - development of women lawyers; assist them to overcome

barriers through continuous education.

5. Bar Council – administer the Bar entrance exam, Bar exam preparation and discipline; and better prepare women for exams.
6. Judiciary - focus on the promotion of women judges and increasing the number of women employed as court administrators.

## 1. The Constituent Assembly

In the process of drafting a new constitution the CA needs to be mindful of the rights of women -- especially equality rights -- and protect and promote these rights. The CA should include provisions that ensure participation of women in all state organs and institutions while simultaneously providing women with opportunities and privileges such as employment opportunities, appointment to commissions, and law school scholarships so that women will be in a position to advocate for the rights of Nepalese women. The role of the Constituent Assembly is to give all women -- including women-in-law -- a foothold for the future.

### Recommendations:

- In the new constitution the CA needs to ensure the inclusive participation of women in all the organs of the state, including the judiciary and newly created constitutional bodies, on the basis of proportional participation.
- The new constitution should provide for the inclusion of women and the protection of their economic, social, cultural, judicial, and political rights as fundamental rights.
- On the basis of positive discrimination and to redress past inequality, the new constitution should include special quotas and/or reservations for women for a prescribed period of time
- The new constitution should include a provision that guarantees women's full participation in the professional and private sectors.
- The new constitution should mandate that 50% of all legal positions in every government ministry, department and agency be reserved for women-in-law.
- Equality between women and men must be ensured in all sectors and at all levels of society.

*"A law making body must be required to be pro-active in the promotion and protection of gender equality and not merely wait for individual women or groups of women to take them to court."*

*- Dr. Gwen Brodsky,  
Canadian Resource Person.*

## 2. Government

Government must play a leadership role in initiating and implementing laws and policies that benefit all members of society. Therefore it is the role of Nepal's national government to lead the battle for women's equality and initiate and implement laws and policies that improve the lives of Nepalese women. Based on the principles of positive discrimination and proportional participation, the government should provide for reservations/quotas and other measures that ensure equal rights to all women in all sectors of society.

### Recommendations:

- The government should initiate and implement laws and policies that prohibit all forms of discrimination and violence against, and exploitation of, women.
- The government should lead initiatives that provide opportunities and give priorities to women lawyers by appointing them to half of all legal positions within government and the judiciary.
- The government should mandate that women lawyers be represented in all forums where laws, regulations and policies are being drafted.
- The government should give priority to the appointment of women as judges.
- The number of women who are employed in non-legal, administrative positions in the government and judiciary is very low. Fifty percent (50%) of all government and judicial administrative positions should be reserved for women.
- Since it is very difficult for a lawyer to establish a private practice, the government should provide funds to banking and loan institutions so that needy lawyers can obtain interest-free loans from lenders to help them establish their own law firms. It is assumed that women lawyers would be major beneficiaries of such programs without quotas, however, to ensure equal access to these funds, the banks should be required to have quotas for women.
- There should be better economic conditions and safe working environments to encourage female lawyers to work in the legal profession. Measures should also focus on increasing the number of women lawyers in remote and isolated communities. Government should provide financial support and resources to lawyers who litigate human rights and equal rights cases.

*"Government and other institutions should implement policies of positive discrimination and special privileges. This should be done more in the sector of education of girls, as this is fundamental to promoting gender equality in Nepal."*

*-Shanti Jirel,*

*CA Member for Indigenous  
Community.*

- The state needs to create a special committee to promote the appointment and placement of qualified women lawyers in all government sectors.
- Substantive equality should be ensured through the enactment and implementation of laws, regulations, and policies.
- The state needs to establish a legal mechanism to ensure the physical safety and job security of women lawyers in all contexts.
- The government should ensure the repeal or amendment of laws that discriminate against women.
- Special privileges, including quotas, reservations, and scholarships, should be provided to women to encourage them to study law and support them during their legal education.

### 3. Universities and Law Schools

Universities and law schools should provide special privileges and priorities to women who choose to study law. Law schools and universities play a critical role in ensuring that women receive quality undergraduate and legal educations so that they become competent and skilled lawyers.

#### Recommendations:

- Universities and law schools should provide special training for women students so that they become skilled, competent, and self-confident women lawyers.
- Scholarships should be provided to women law students.
- In order to ensure that rural women have access to female lawyers with whom they are comfortable sharing their problems, and so that rural women have access to competent female lawyers who will advocate for them, young women in all seventy-five (75) districts need to be encouraged to study law and law school extension branches should begin operating in remote and isolated districts.
- Law schools and universities should incorporate in their curricula basic information about international human rights standards and should ensure that education materials are gender friendly.

*"Women lawyers should organize a program to share their knowledge and skills with the CA members, in particular female CA members. Many CA members do not know why they are there or what they stand for. The NBA can train women CA members regardless of their party affiliation."*

*– Hisila Yami,  
Former Minister of Tourism.*

#### 4. Nepal Bar Association

The NBA has a duty to promote equality in the legal profession and as such, it should set an example among its own staff. The NBA has taken a first step by creating and employing women in twenty-six (26) Women Wings located in 20 districts nationwide. The NBA should expand the number of Women Wings. The NBA should take the additional step of ensuring that women are given priority for employment within the NBA with a goal of ensuring that, in the future, half of all NBA jobs are held by women. The NBA also has a leadership role in encouraging and promoting women in the legal profession. Towards this end the NBA should conduct a series of trainings that build the skills of new women lawyers and provide further encouragement for them at the beginning of their legal careers.



#### Recommendations:

- To set an example the NBA should increase the participation of women among its own staff and mandate that at least fifty percent (50%) of all jobs be awarded to women lawyers and non-lawyers in all job positions.
- The NBA should amend its constitution as necessary to ensure that female lawyers are promoted to leadership positions within the organization and on its governing board. The NBA should reserve 33% of all governing board seats and one seat on the governing board's senior executive committee for women.
- The NBA and the Bar Council need to include in their budgets funding to support women-in-law school, and capacity building activities for women lawyers.
- The NBA should conduct civil and judicial services exam preparation classes for all lawyers but especially for female lawyers.
- The NBA needs to devise a model security protection mechanism for women lawyers to address physical violence, emotional abuse, verbal abuse, sexual harassment and exploitation in the work place.
- The NBA should coordinate its trainings with government ministries to make them more effective.
- The NBA should conduct human rights trainings so that there is a

clear understanding among all lawyers on the fundamentals of human rights law.

- The NBA should establish a *Women Lawyers' Society* that serves as an umbrella organization for women lawyers nationwide to pressure the legal and judicial sectors to ensure the participation of women lawyers at all levels.
- The work of female lawyers should be respected and the NBA should develop a mechanism to evaluate their performance. The NBA should also collect comprehensive data on the current status of women-in-law.
- The NBA should utilize the media to air programs on the role of female lawyers that will motivate young women to pursue legal careers.
- The NBA should arrange exposure visits to domestic and foreign courts for female lawyers.
- The NBA should mandate participation of female lawyers in all NBA programs.
- The NBA should create formal and informal networks with partner organizations and entities to pressure the legal and judicial sectors to promote the participation of women-in-law in all levels of their systems.
- The NBA should develop action plans to conduct trainings recommended by survey respondents.
- The NBA should coordinate initiatives with universities to increase the number of women who choose law as a career.
- The NBA should develop strategies and action plans to enhance the capacity of women-in-law.

*"The NBA should coordinate initiatives with universities to increase the number of women who choose law as a career. "*

## 5. Bar Council

The Bar Council is an entity that has the ability to enhance the competence of women-in-law at the beginning of their professional careers. The Bar Council's role is to contribute to the promotion of women in the legal system and to ensure that gender equality is maintained among its staff and governing board.

### Recommendations:

- Based on the principles of inclusion, the Bar Council should ensure the participation of women on its staff and governing board.

- The Bar Council should provide academic and professional trainings, especially for women-in-law, in order to better prepare them for the exams. The Bar Council should provide the following trainings: refresher courses required for legal certification; English language classes; litigation training; information technology training; clinical training for new lawyers; law office management; judicial training for new judges; the art of drafting pleadings; counseling and communication skills; developing leadership skills, observation visits to courts in other countries; human rights and gender justice; researching international law; and mediation.

## 6. The Judiciary

The judiciary, as an enforcer and ultimate protector of gender equality in constitutional cases, must set an example and by encouraging government to appoint women to new judgeships at all levels of the judicial system, promoting female judges when opportunities arise, and by appointing women to court administrative positions.

*"The judiciary should provide all judges with gender equality sensitivity training to promote the respectful and fair treatment of women in the court system."*

### Recommendations:

- The judiciary should give priority to women judges for promotion.
- The judiciary should provide all judges with gender equality and sensitivity training to promote the respectful and fair treatment of women in the court system.
- The judiciary should establish quotas and reservations to ensure that women are given priority when filling administrative positions in the judicial system.
- The judiciary should urge the government to establish a family court system to handle family-related matters including domestic violence.

## CHAPTER V

## Conclusion

The results of the needs assessment conducted by the NBA identified a number of significant challenges faced by women-in-law in Nepal. The challenges include, but are not limited to: patriarchal societal norms that shape and reinforce negative attitudes toward women; gender discrimination; and lack of public confidence and/or trust in the legal abilities of women lawyers. A major challenge for women-in-law is balancing family and domestic responsibilities with the time required to be fully engaged in and manage a private legal practice. Because women bear the primary responsibility for managing the home and family, women lawyers often lack the time needed to manage a private practice and improve their skills. As a result they make little money from their profession.

This report concludes that the following key players have significant roles to play in promoting women-in-law in Nepal, ensuring their inclusion at all levels of government and society, and empowering them: government; judiciary; Constituent Assembly; Nepal Bar Council; Nepal Bar Association, law schools and universities; and donor agencies. The following recommended trainings to improve the knowledge, skills and capacity of women-in-law need to be implemented by the NBA and Bar Council: refresher course required for legal certification; English language classes; professional enhancement and leadership trainings; and observation visits to other countries.

As stated above, the NBA has undertaken several initiatives to promote female lawyers, but so much more remains to be done to achieve the goal of inclusion of female lawyers in all areas and at all levels of Nepal's legal and judicial systems and in the current constitution-making process in Nepal. A significant increase in the number of women lawyers is a pre-requisite to their full inclusion in all levels of the legal and judicial sectors. Without highly trained and skilled women-in-law meaningful participation in any sector is not possible. In this regard analysis of the data collected nationwide from interviews with women-in-law and their champions concluded that government and non-government entities and organizations identified in the previous

*"Whether men and women are the same or different is not the question! The question is whether women have equal benefits under the law, a fair share of the nation's resources, and an equal say in decision making."*

*- Dr. Gwen Brodsky,  
Canadian Resource Person*

paragraph are critical partners in building the professional skills and competence of Nepal's women-in-law and promoting their inclusion in all professional sectors.

The Constituent Assembly bears a major responsibility for setting the stage for the promotion and inclusion of Nepal's women-in-law. The enactment of constitutional provisions recommended by this report will provide a solid foundation for the development of gender equality in Nepal. A constitution that promotes the substantive equality of women will ensure that women are placed in decision-making positions at all levels of society -- including the judicial system that has a duty to champion and protect gender equality and other human rights that promote the rights of women. Implementation of this report's recommendations to the CA will provide equal opportunities for women to receive a legal education and ensure the availability of qualified women for appointment to legal positions within and outside government including -- and most importantly -- the judiciary and Bar Council.

NBA initiatives for the promotion of women-in-law, such as the establishment of Women Wings and this equality report, are commendable and should be continued and refined over the years. Nepal's traditional social barriers and lack of interest in women choosing law as a profession are major contributory factors to the low number of women-in-law. Only by addressing these challenges will the status of women-in-law can be improved and gender equality in the legal profession be fully realized.

*"A constitution that promotes the substantive equality of women will ensure that women are placed in decision-making positions at all levels of society."*

## APPENDICES

APPENDIX A  
Ringing the Equality Bell:  
The Role of Women Lawyers in Promoting Gender Equality in Nepal

*Key Content of Needs Assessment Toolkit*

GUIDANCE for Women Wing Coordinators

A. *Who to consult with in each of the geographic regions?*

**Females in Law List:** You have been asked to identify female law students, legal educators, academics, legal officers, public prosecutors, lawyers and judges in your region of Nepal. Start this work by creating a list of these **females in law**, in your region, using the following chart format. *Preprinted forms are provided in the Toolkit Appendix.*

When you are creating this list of females in law, be sure to consult with the Bar Units and other legal associations, institutions and groups in your region. As well, ask others who they would suggest be included for consultation: are there female lawyers or judges who are retired, who are inactive; are there females interested in studying law; are there women's groups dependent on the support of females in law in your region?

**Champions List:** A **supplemental list** of other contacts who are local champions of females in law may be identified for consultation on these same questions. This list of champions may include male lawyers and judges, educators, mentors, champions, community leaders, faith leaders...and even husbands and fathers and brothers of females in law in your region. Create a list of these supplemental contacts ("**Champions List**") in your region using the following chart format. *Preprinted forms are provided in the Toolkit Appendix.*

B. *What are the key questions?*

The objective of the consultation is to ensure that informed locals with insight on females in law – their existing and potential roles – are able to share ideas about both barriers and opportunities.

When you are conducting consultations as a means of identifying recommendations for change, it is often easy for participants to focus on the negative. People need to talk about their negative experiences and situations – and your job includes being a compassionate listener! But, you also need to ask questions and have a consultation process that not only allows for sharing of the negative, but as well, for sharing of positive ideas.

Some people can be very cynical...this is often a personality type (*a pessimist*) and is not always an outcome of people's direct experience. If these types of personalities dominate a group discussion, you must identify questions and processes that will get the group to move along and not stay mired

in the negative. Capturing these negatives, on flip charts, and assuring people that their stories and opinions are heard really matters. But, setting time frames to ensure that the dialogue moves on is equally important. Be clear up front about the timeframes for aspects of the discussion; have a clear agenda for the dialogue with timelines noted.

Questions that you may want to include in your interviews and dialogue groups are set out below. In a one-on-one interview, you will tailor these questions to the individual. In a group discussion, you may choose to create break-out groups or small discussion groups (with a recorder taking notes with flipcharts and paper). If possible, it is always useful to have smaller groups report back to the larger group on their dialogue. Be vigilant about timeframes!

### Sample Questions:

#### Managing Challenges and Barriers:

- In your opinion, what are the most significant challenges facing females in law in Nepal? Provide real life examples from your own experience or the experiences of others that you work with or know.

This list could include issues like:

- gender bias during the hiring process
  - denial of an opportunity for promotion for which a female in law was well qualified
  - denial in securing a high profile case/assignments despite being fully qualified
  - objections by a client to take on their case, despite being fully qualified
  - structure of the workplace restrict equality
  - pervasiveness of patriarchal norms in Nepal society
  - limited accessibility to mentoring programs
  - wage gaps between males and females in law/society
  - parental/familial responsibilities
  - insufficient (paid or unpaid) parental leave or maternal leave, alternate/flexible work arrangements
  - sexual harassment of females in law by clients, colleagues, employers/managers/senior staff member, judiciary]
  - lack of women friendly office environments (separate bathrooms, cleanliness etc.)
- How have these challenges for females in law detrimentally affected people in local communities in Nepal?
  - Describe situations where you or others have been able to reduce these barriers for females in law? Did you require support from others...how did you enlist this support?
  - What positive changes (if any) have you seen for females in the profession of law in the last year (last few years)? For example, communication, education, security, promotion, implementing existing laws, mentorship, playing a role in constitutional development, informal and formal

networks?

- What positive changes should happen for females in the profession of law? For example, communication, education, security, promotion, implementing existing laws, mentorship, playing a role in constitutional development, informal and formal networks.

### **Recommended Training:**

- What training for females and males in law would you recommend to enhance the role of females of law in Nepal...to promote the inclusion of females in all areas and at all levels of Nepal's legal and justice systems, and in the current constitution making process in Nepal?

Possible answers may include:

- Refresher courses leading to qualifications
- English language courses
- Professional enhancement
- Leadership training
- Out of country training
- How do you believe local communities will benefit from these changes in training?
- Do you believe that collaboration among Ministries (for example, Justice, Higher Education) is critical to the effectiveness of this training?

### **Organization:**

- In your opinion, what is the best role of the
  - NBA,
  - the Bar Council,
  - the judiciary,
  - law schools,
  - government,
  - constitution making process/document

in promoting women-in-law?

### **Networks (formal and informal):**

- Who do you see as potential network members for females in law network in Nepal?
- Are there network members beyond the profession? For example, national and international non-governmental organizations, donor organizations, universities, government organizations?

**Mentoring:**

- Are there mentoring programs in place to support women-in-law? If yes, please comment on how they function and their effectiveness. If no, would mentoring programs be useful?

**Promotion:**

- Do you believe there is a need to place pressure on
  - NBA,
  - the Bar Council,
  - the judiciary,
  - law schools,
  - government,

to promote women to higher posts and to increase women's participation in all areas of the judicial system?

**Physical Safety and Job Security:**

- Is there a need to establish a system to address the physical safety and job security of females in law? Do you believe there is need for a mechanism whereby a woman can safely appeal or lobby for better treatment without fear of losing her job or jeopardizing her security?

**Data Collection and Statistics:**

- Is there need for data collection on the current status of women and the numbers coming into the profession, leaving the profession and the distribution of women in practice areas?

**Implementing Existing Laws:**

- Is there a need to apply and implement the current laws and constitutional elements that forbid discrimination against women?

**Developing Best Practices:**

- Do you recommend the value of linking the concerns of women in the law in Nepal with National, Regional and International initiatives on the status of women, equality and human rights, including the sharing of best practices?

To end the survey, it may be worth recapturing the list of training recommendations...incorporating ones that arise from ALL the questions (e.g. what training is needed for males and females in law to accomplish your recommendations for better implementation of laws, creation of networks etc?)

A preprinted Questionnaire form is provided in the Toolkit Appendix

**C. *Capturing Feedback***

The overall objective of this project is to consult across the country to collect data and information needed to produce a gender report that includes recommendations for training of female and male lawyers for the purpose of promoting the inclusion of females in all areas and at all levels of Nepal's legal and justice systems, and in the current constitution making process in Nepal.

This means that whatever insight you glean from your consultations within your region must be incorporated into a wider report that includes observations and recommendations.

As you develop tools, and gather insights and inputs, this data must be consolidated into a report that documents the following overarching questions:

- *What are the most significant challenges facing females in law in Nepal?*
- *What training and other strategies can be adopted to promote the inclusion of females in all areas and at all levels of Nepal's legal and justice systems, and in the current constitution making process in Nepal?*

Your report must include summaries of interviews, meetings, consultations with sufficient detail to support an evidence-based approach. Try to list the questions asked and the answers in a format that uses the headings and questions set out in the survey question list.

As well, your feedback to the Project Central Committee should include your observations and recommendations on the consultation process; what worked, what didn't work, what would you recommend for future consultations?

**D. *Budgets:***

Managing your budget for this consultation is important as the funds provided to each WWC is limited by the Central PCC. Create a budget for your costs –your telephone, fax, internet, travel and cost to host meetings and consultation. The project sponsor must be able to explain how budget were spent and whenever possible receipt for expenditure are required.

*A preprinted Budget form is provided in the Toolkit Appendix.*

## APPENDIX B

## Ringing the Equality Bell:

## The Role of Women Lawyers in Promoting Gender Equality in Nepal

## SURVEY RESPONDENTS BY DISTRICT

S.N	District	Women-in-law	Champions	Total	Remarks
EASTERN					
1	Bhojpur	2	4	6	
2	Dhankuta	5	23	28	
3	Morang	23	37	60	
4	Sankhuwasabha	-	-	0	
5	Sunsari	8	24	32	
6	Terhathum	1	11	12	
7	Ilam	18	25	43	
8	Jhapa	9	13	22	
9	Panchthar	5	18	23	
10	Taplejung	-	-	0	
11	Khotang	-	1	1	
12	Okhaldhunga	3	2	5	
13	Saptari	12	35	47	
14	Siraha	1	-	1	
15	Solukhumbu	-	6	6	
16	Udayapur	6	14	20	
	Sub-total	93	213		
CENTRAL REGION					
17	Bhaktapur	14	4	18	
18	Dhading	-	5	5	
19	Kathmandu	24	18	42	
20	Kavrepalanchok	8	18	26	
21	Lalitpur	54	42	96	
22	Nuwakot	-	3	3	
23	Rasuwa	-	-	0	
24	Sindhupalchok	-	12	12	
25	Dhanusa	2	8	10	
26	Dholkha	3	1	4	
27	Mahottari	1	6	7	
28	Ramechhap	-	2	2	
29	Sarlahi	-	-	0	
30	Sindhuli	1	2	3	

31	Bara	-	2	2	
32	Chitwan	7	11	18	
33	Makwanpur	4	13	17	
34	Parsa	-	-	0	
35	Rautahat	2	8	10	
	Sub-total	120	155	275	
WESTERN REGION					
36	Baglung	4	16	20	
37	Mustang	-	-	0	
38	Myagdi	-	10	10	
39	Parbat	-	2	2	
40	Gorkha	1	8	9	
41	Kaski	28	8	36	
42	Lamjung	-	5	5	
43	Manang	-	1	1	
44	Syangja	-	10	10	
45	Tanahu	3	17	20	
46	Arghakhanchi	-	17	17	
47	Gulmi	-	14	14	
48	Kapilvastu	-	2	2	
49	Nawalparasi	1	19	20	
50	Palpa	4	28	32	
51	Rupandehi	17	59	76	
	Sub-total	58	274		
MID-WESTERN REGION					
52	Banke	10	35	45	
53	Bardiya	1	9	10	
54	Dailekh	-	1	1	
55	Jajarkot	-	9	9	
56	Surkhet	3	9	12	
57	Dolpa	-	4	4	
58	Humla	-	14	14	
59	Jumla	3	2	5	
60	Kalikot	-	2	2	
61	Mugu	-	1	1	
62	Dang	8	8	16	
63	Pyuthan	-	1	1	
64	Rolpa	-	2	2	
65	Rukum	-	12	12	

66	Salyan	-	11	11	
	Sub-total	25	120	145	
FAR WESTERN REGION					
67	Baitadi	-	-	0	
68	Dadeldhura	-	7	7	
69	Darchula	-	8	8	
70	Kanchanpur	3	30	33	
71	Achham	-	3	3	
72	Bajhang	-	2	2	
73	Bajura	-	7	7	
74	Doti	-	-	0	
75	Kailali	3	23	26	
	Sub-total				
	Total	302	784	1086	

Data collection from 67 of 75 districts

Unavailable data from 8 districts

Absence of women-in-law in 36 districts

Absence of champions in 2 districts (Rusha and Mustang)

## APPENDIX C

## Ringing the Equality Bell:

## The Role of Women Lawyers in Promoting Gender Equality in Nepal

## WOMEN-IN-LAW RESPONDENTS BY DISTRICT

S.N.	District	Private Lawyers	Judges	Legal Educators	Government Lawyer	Judicial officials	Students of Law	Total
1.	Bhojpur	2		2				
2.	Dhankuta	5	-	-	-	5		
3.	Morang	22	-	-	-	-	1	23
4.	Sankhuwasabha							
5.	Sunsari	8	-	-	-	-	-	8
6.	Terhathum	1	-	-	-	-	-	1
7.	Ilam	12	-	-	-	3	3	18
8.	Jhapa	8	-	-	-	1	-9	
9.	Panchthar	-	-	-	-	4	1	5
10.	Taplejung							
11.	Khotang							
12.	Okhaldhunga					3		3
13.	Saptari	5	-	2	-	1	4	12
14.	Siraha	1	-	-	-	-	-	1
15.	Solukhumbu							
16.	Udayapur	4	-	-	-	2	-	6
17.	Bhaktapur	11	-	-		3	-	14
18.	Dhading							
19.	Kathmandu	22	-			2		24
20.	Kavrepalanchok	8	-	-	-	-	-	8
21.	Lalitpur	51	1	-	-	2	-	54
22.	Nuwakot	-	-	-	-	-	-	
23.	Rasuwa							
24.	Sindhupalchok							
25.	Dhanusa	2	-	-	-	-	-	2
26.	Dholkha	1	-	-	-	2	-	3
27.	Mahottari	-	-	-	-	1	-	1
28.	Ramechhap							
29.	Sarlahi							
30.	Sindhuli	1	-	-	-	-	-	1
31.	Bara							
32.	Chitwan	6	1	-	-	-	-	7

33.	Makwanpur	4	-	-	-	-	-	4
34.	Parsa							
35.	Rautahat	1	-	-	-	-	1	2
36.	Baglung	3	-	-	-	-	1	4
37.	Mustang							
38.	Myagdi							
39.	Parbat							
40.	Gorkha	-	1	-	-	-	-	1
41.	Kaski	18	-	-	-	7	3	28
42.	Lamjung							
43.	Manang							
44.	Syangja							
45.	Tanahu	3	-	-	-	-	-	3
46.	Arghakhanchi							
47.	Gulmi							
48.	Kapilvastu							
49.	Nawalparasi	1	-	-	-	-	-	1
50.	Palpa	3	-	1	-	-	-	4
51.	Rupandehi	15	-	-	-	2	-	17
52.	Banke	10	-	-	-	-	-	10
53.	Bardiya	1	-	-	-	-	-	1
54.	Dailekh							
55.	Jajarkot							
56.	Surkhet	3	-	-	-	-	-	3
57.	Dolpa							
58.	Humla							
59.	Jumla	1	-	-	1	1	-	3
60.	Kalikot							
61.	Mugu							
62.	Dang	8	-	-	-	-	-	8
63.	Pyuthan							
64.	Rolpa							
65.	Rukum							
66.	Salyan							
67.	Baitadi							
68.	Dadeldhura							
69.	Darchula							
70.	Kanchanpur	3	-	-	-	-	-	3
71.	Achham							

72.	Bajhang							
73.	Bajura							
74.	Doti							
75.	Kailali	3	-	-	-	-	-	3
	Total	245	3	3	1	36	14	302

## APPENDIX D

## Ringing the Equality Bell:

## The Role of Women Lawyers in Promoting Gender Equality in Nepal

## CHAMPION RESPONDENTS BY DISTRICT

S.N.	District	Private Lawyers	Judges	Legal Educators	Judicial officials	Community and Family Members	Govt. Lawyer	Others	Total
1.	Bhojpur	1	-	-	2	-	1	-	4
2.	Dhankuta	2	1	1	16		2	1	23
3.	Morang	22	-	2	-	11	-	2	37
4.	Sankhuwasabha	-	-	-	-	-	-	-	-
5.	Sunsari	5	1	3	7	1	1	6	24
6.	Terhathum	6	-	2	2	-	1	-11	
7.	Ilam	6	-	2	-	7	-	10	25
8.	Jhapa	7	3	2	1	-	-	-	13
9.	Panchthar	4	-	-	-	12	-	2	18
10.	Taplejung	-	-	-	-	-	-	-	-
11.	Khotang	1	-	-	-	--	--	-	1
12.	Okhaldhunga	1	-	-	-	-	-	1	2
13.	Saptari	11	6	8	4	5	-	1	35
14.	Siraha								
15.	Solukhumbu							6	6
16.	Udayapur	2	-	1	3	-	-	8	14
17.	Bhaktapur	4	-	-	-	-	-	-	4
18.	Dhading	5	-	-	-	-	-	-	5
19.	Kathmandu	12	1	2	1	-	-	2	18
20.	Kavrepalanchok	18	-	-	-	-	-	-	18
21.	Lalitpur	22	-	1	5	6	-	8	42
22.	Nuwakot	3	-	-	-	-	-	-	3
23.	Rasuwa								
24.	Sindhupalchok	12	-	-	-	-	-	-	12
25.	Dhanusa	1	-	-	1	5	-	1	8
26.	Dhokha	1	-	-	-	-	-	-	1
27.	Mahottari	3	1	-	1	1	-	-	6
28.	Ramechhap	2	-	-	-	-	-	-	2
29.	Sarlahi		-		--		-	-	-
30.	Sindhuli	2	-	-	-	-	-	-	2
31.	Bara	2	-	-	-	-	-	-	2
32.	Chitwan	9	-	-	-	2	-	-	11

33.	Makwanpur	-	-	-	1	3	-	9	13
34.	Parsa	-	-	-	-	-	-	-	-
35.	Rautahat	-	-	-	-	8	-	-	8
36.	Baglung	4	2	-	4	5	1	-	16
37.	Mustang	-	-	-	-	-	-	-	-
38.	Myagdi	-	-	2	-	-	-	8	10
39.	Parbat	2	-	-	-	-	-	-	2
40.	Gorkha	-	1	3	3	-	-	1	8
41.	Kaski	7	1	-	-	-	-	-	8
42.	Lamjung							5	5
43.	Manang	-	1	-	-	-	-	-	1
44.	Syangja	10	-	-	-	-	-	-	10
45.	Tanahu	11	-	2	4	-	-	-	17
46.	Arghakhanchi	7	-	2	1	1	-	6	17
47.	Gulmi	11	-	1	-	2	-	-	14
48.	Kapilvastu	2	-	-	-	-	-	-	2
49.	Nawalparasi	19	-	-	-	-	-	-	19
50.	Palpa	12		4	2	4	1	5	28
51.	Rupandehi	44	-	-	1	9	-	5	59
52.	Banke	11	-	2	9	5	-	8	35
53.	Bardiya	9	-	-	-	-	-	-	9
54.	Dailekh	-	-	-	-	-	-	1	1
55.	Jajarkot	-	-	-	-	-	-	9	9
56.	Surkhet	-	-	-	4	-	-	5	9
57.	Dolpa	-	-	2	-	2	-	-	4
58.	Humla	2	-	-	-	12	-	-	14
59.	Jumla	1	-	-	1	-	-	-	2
60.	Kalikot		1					1	2
61.	Mugu	-	-	-	-	1	-	-	1
62.	Dang	3	-	-	-	5	-	-	8
63.	Pyuthan	1	-	-	-	-	-	-	1
64.	Rolpa	2	-	-	-	-	-	-	2
65.	Rukum	-	-	-	3	9	-	-	12
66.	Salyan	4	-	1	-	6	-	-	11
67.	Baitadi								
68.	Dadeldhura	5	-	-	2	-	-	-	7
69.	Darchula	5	-	-	2	-	-	1	8
70.	Kanchanpur	17	3	-	3	-	2	5	30
71.	Achham	2	-	-	1	-	-	-	3

72.	Bajhang	2	-	-	-	-	-	-	2
73.	Bajura	4	-	1	1	1	-	-	7
74.	Doti	-							
75.	Kailali	17	2	1	1	1	-	1	23
	Total	379	23	45	86	124	9	118	784

**Districts Where Data was Unavailable:**

Baitadi, Dhanusa, Doti, Parsa, Sankhuwasabha, Sarlahi, Siraha, Taplejung

## APPENDIX “E”

## Ringing the Equality Bell:

## The Role of Women Lawyers in Promoting Gender Equality in Nepal

**Unanimous Declaration of the NBA’s 17<sup>th</sup> Annual Women’s Law Conference participants:**

1. The conference strongly demands that the constitution be made within the stipulated time for assurance of permanent peace, development and democratic practices.
2. The conference strongly demands assurance of proportionate, inclusive participation of women in all structures of the state including constitutional bodies.
3. The conference strongly demands inclusion and protection of economic, social, cultural, judicial, and political rights of women as fundamental rights in the new constitution.
4. The conference strongly demands constitutional assurance of proportionate participation of women lawyers in the judiciary.
5. The conference strongly demands equal participation of women lawyers and women as experts in constitution drafting committees.
6. The equal participation of women should be required by the NBA, therefore, the conference strongly demands proportionate representation of women in all NBA staff and governing board positions.
7. The conference strongly demands that the NBA and Bar Council take initiatives to manage their budgets and policy to ensure access to legal education and capacity building for women.
8. The conference strongly demands the enactment and effective implementation of laws that prohibit all forms of discrimination and violence against, and exploitation of, women.
9. The conference strongly demands that the constitution be translated into brain script and all languages spoken in Nepal.
10. The conference strongly demands that the report regarding implementation of this declaration be adopted by all conferences and made public.
11. The conference strongly demands that special laws be made and programs be introduced for the protection of differently able women lawyers.

## APPENDIX "F"

## Ringing the Equality Bell:

## The Role of Women Lawyers in Promoting Gender Equality in Nepal

## Report Summary of NBA-CBA DDN Women in Law Conference

The NBA-CBA DDN Project organized a two-day *Women in Law Conference*. This residential conference was held at the Park Village Resort, Budhanilkantha (Kathmandu Valley) on February 7-8, 2009.

**The objectives of the conference were to:**

- a. Review and finalize the needs assessment report, and
- b. Prepare women lawyers to engage in the democratic process.

**Day One's program focused on:**

- Sharing the needs assessment report;
- Exploring strategies to advance the equality of women lawyers in the legal profession and judicial system in Nepal - what works, why and how?
- Obtaining the conference participants' commitment to three top priorities for action.

**Day Two's program focused on:**

- Collaborating with non-lawyers to discuss and flesh out strategies to advance the top three priorities for advancement of equality of women lawyers in the legal profession and judicial system in Nepal
- Work with non-lawyers to develop multi-disciplinary action plans for acting on equality strategies.
- Develop and commit to individual and organizational action plans.

Key conference facilitators were Donna Kennedy Glans LLB, Dr. Gwen Brodsky and Sheri Meyerhoffer LLB from Canada. Facilitators shared their knowledge on peeling the gender onion and creating a culture of gender equality, the meaning of equality, and what strategies work. International women working in Nepal for international organizations such as CCO, UNDP, International IDEA and the ABA, attended and assisted with the facilitation of small group activities.

Four panels presented and shared their experiences at the conference. Members of first panel of day 1st were regional women wing coordinators who responded to the question: "Based on your work with the needs assessment data collection, what are the top three priorities you would recommend to advance the equality system in Nepal -- what works, and why?"

Members of the other three panels were senior women lawyers, women judges, CA members, government bureaucrats, and women ministers who responded to the above question.

**The following suggestions and recommendation were received from participants at the Women in Law Conference:**

- The main priority is to change social norms and attitudes towards women. It is perceived that women are not competent to establish successful, professional careers. This kind of traditional thinking must be stopped. It is up to the women to show their self-confidence and that they are equally capable of working outside the home.
- The coordination and cooperation between women CA members, women in the community, women CA member who are lawyers, and women lawyers is critical to the constitution-making process.
- The government needs to take initiatives to give opportunities and priorities to female lawyers by appointing hiring them and/or appointing them to legal positions throughout government and at all levels.
- Women's representation should be compulsorily and guaranteed in the legislative and regulatory processes.
- On the basis of positive discrimination, the new constitution should provide for special quotas and/or reservations for women for a certain period of time.
- The new constitution should ensure women's participation in constitutional appointments.
- There are very low numbers of women in the national government and judiciary (including women judges and court administrators). The number of women should be increased to 50%.
- Government should give priorities and privileges to women in hiring and promotion in the civil administration and judicial sectors.
- Skills training is essential for building the capacity and competency of women lawyers. Moreover, scholarships should be awarded to women who choose to study law.
- Current legal education policy should be changed so that women can study law immediately after high school (+2), and not have to wait for the completion of a bachelor's degree.
- Mindful of the additional difficulties women face in establishing independent law practices, loan and banking facilities – with government funds -- should provide interest-free loans and financial support to needy female lawyers to establish their own law firms. Even better would be the availability of interest-free loans to both newly certified female and male lawyers.
- The NBA should be act as a pressure group to provide civil service and judicial service exam preparation classes to female lawyers.
- Judicial training should be provided to women lawyers who desire to become judges.
- Education and professional work policies should be flexible for women who are of child-bearing age. Government, businesses and law firms should also provide on-site child care centers.
- Women lawyers need better economic conditions and safe work environments to motivate them to remain in the legal profession.
- The NBA needs to establish security mechanisms to address physical violence, mental violence, verbal abuse, sexual abuse, and sexual exploitation against female lawyers.
- The government should support female lawyers while they plead for constitutional equality in the court by facilitating access to resources, financial aid and other necessary support.
-

The new constitution should include a provision that guarantees women's participation in the public and private sectors at all levels.

- The CA needs to involve women lawyers in the constitution-making process including participation on all discussion and drafting committees.
- The state should establish a family court to deal with domestic violence matters.
- Trainings on the concept of human rights should be held to help to bring uniformity and clarity on the meaning of gender equality and its relationship to women lawyers, women rights and human rights in Nepal.
- A "women lawyers' society" should be established as an umbrella organization of women lawyers to pressure the legal and judicial sectors to ensure the participation and promotion of women lawyers at all levels.

## BIBLIOGRAPHY

1. A Glossary of Constitutional Terms; English/ Nepali, International, IDEA 2007
2. Legal Professional Act 2025.
3. Oxford Advanced Learner's Dictionary of Current English, 7th edition, Oxford University Press, Great Clarendon street oxford ox26dp
4. Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession, *Touchstones for Change: Equality, Diversity and Accountability*, August 1993
5. Supreme Court Bar Association Bulletin, 2061, year 1, vol. 1.
6. The Interim Constitution of Nepal, 2063
7. The Interim Constitution of Nepal, 2063 (2007), English language version, UNDP, Nepal, 2008.
8. Usha Malla Pathak (Advocate): "Current Situation of Women Lawyers"( Nepali version); Published in Nyayadoot, 2035, no.150 vol. 6, Nepal Bar Association.
9. Working to Empower Women UNFPA; UNFPA's Experience in Implementing the Beijing Platform for Action, 2000.