

Nepal Bar Association (NBA)
25th National Women Lawyers' Conference 2016

REPORT



नेपाल बार एसोसिएशन (नेबाए)
Nepal Bar Association (NBA)

September 2016

Executive Summary

- **NBA**

Nepal Bar Association (NBA) is an umbrella organization of Nepalese lawyer and leading vibrant civil society organ of Nepalese society that represents interest of citizens of Nepal for independent professional legal practices. The incumbent Central Executive Committee (CEC) directly elected by the voters from throughout the country for tenure of three years. The present CEC is elected for the period of 2016 to 2019 AD accordingly. The CEC is all determined and dedicated to meet its commitment during its tenure by implementing various program meant for the organizational development of NBA and its members—lawyers' professional skill development. NBA aims to produce a pool of expert lawyers capable of providing expertise legal service to the indignant populace. Core activities of Nepal Bar Association include public defense of democratic norms and values including just and fair exercise of electoral rights and operation of system; providing legal support to the vulnerable and needy party who could not arrange their legal representation and defense on their own; support state-actors for promoting human rights; and observe elections and electoral processes as a strong wing of civil society watchdog. Presently, NBA is engaged in activities that are essential to provide opportunities for deprived people to seek access to justice, to ensure best practices of the law professionals, to protect the notion of independence of judiciary, and to support in course of implementation of new constitution from legal perspective. Altogether, there are 86 bar units throughout the regions of the nation.

- **NBA Women Committee**

For the first time in history of NBA, Women Committee has been established by NBA to work on women related issues. There has been provision for women vice president under amendment of NBA Constitution. According to the NBA Constitution, the women vice-president shall be the de facto president of the women committee. Similarly, there are 33 women centers at regional level of the nation. The joint secretaries of women centers of unit bars are the de facto president of women centers.

National Women Lawyers' Conference is one of the most significant and regular activity of NBA which has been conducted every year since last 25 years. This conference has been organized by Women Committee, NBA after its establishment. Ms. Usha Malla Pathak is President of the Women Committee who is also the vice-president of NBA.

- **Preliminary Meeting**

The issues of this conference has been finalized after the several joint meetings between NBA-Women Committee and the joint secretaries of different bar units from Kathmandu Valley i.e. Supreme Court Bar Association, Appellate Court Bar, Patan (Currently established as High Court Bar Association, Patan), Kathmandu District Court Bar, Lalitpur Court Bar and Bhaktapur Court Bar. After finalizing the issues and theme of the conference, all women lawyers throughout the nation were requested to submit their working papers along with their active and meaningful participation in the conference.

- **Committee Formation and Task Assignment**

The 25th National Women Lawyers' Conference has been organized by the Women Committee, NBA which was assisted by Valley Bar Women Centers under the co-ordination of Ms. Usha Malla Pathak, the Vice-President of NBA and the President of the Committee. Women Committee has pointed out the necessity for the formation of other sub-committees to handover various tasks and duties to make the conference more success. The various sub-committees are as follows:-

1) Committee for Conference Preparation and Management:

This sub-committee has been formed to work on necessary preparations and management for conducting the conference which consists of a President, a Vice President, a Secretary General of NBA and eight members as follows:-

Ad. Sher Bahadur K.C., President, NBA

Ad. Usha Malla Pathak, Vice-president, NBA

Ad. Khamma Bahadur Khati, Secretary General, NBA

Members:

Ad. Bishnumaya Bhusal (Executive Member- NBA)

Ad. Indu Koirala (Executive Member- NBA)

Ad. Sanumaiya Maharjan (Executive Member -NBA)

Ad. Anju Upreti Dhakal, (Executive Member- Supreme Court Bar Association)

Ad. Srijana Kandel, (Executive Member -Appellate Bar Court Unit)

Ad. Ranjita Karki, (Joint Secretary- Kathmandu District Court Bar)

Ad. Sulochana Bajracharya, (Coordinator, Women Center -Lalitpur District Bar Unit)

Ad. Indira Neupane, (Joint Secretary-Bhaktapur District Court Bar)

2) Committee for Stage Management/Cultural Program

This sub-committee has been formed to work on stage management and cultural program arrangements for the conference which is assisted by Women Center, Kathmandu District Court Bar Unit, and shall consist of one coordinator and three members as follows:-

Ad. Motiraj Gautam (Vice-president NBA) - Coordinator

Members:

Ad. Ashwin Kumar Rai (Executive member, NBA)

Ad. Shyam Kumar B.K. (Executive member, NBA)

Ad. Raman Karna (Executive member, NBA)

3) Committee for Logistic Management

This Logistic Management committee has been formed to manage and work on logistic materials for the conference which is assisted by Women Center, Appellate Court Bar Unit, and shall consists of one coordinator and three members as follows:-

Ad. Binaya Singh (Vice-president NBA) – Coordinator

Members:

Ad. Harinarayan Chaudhary (Executive member, NBA)

Ad. Padam Bahadur Singh (Executive member, NBA)

Ad. Indra Bahadur Adhikari (Executive member, NBA)

4) Hospitality Committee

This hospitality committee is formed and assisted by Women Center, Supreme Court Bar Association, consisting of one coordinator and two members as follows:

Ad. Ghanshyam Panta (Vice-president, NBA) -Coordinator

Members:

Ad. Madan Mumar Khadka (Vice- president, NBA)—Member

Ad. Kulananda Upadhyaya (Vice-president, NBA) – Member

5) Stationary Management Committee

This is formed to work on stationary and assisted by Women Center, Bhaktapur District Court Bar, consisting of one coordinator and three members as follows:

Adv Salikram Sapkota (Vice-president NBA) – Coordinator

Members:

Ad. Krishna Kumar Angamdambe (Executive member, NBA)—Member

Ad. Arun Paudyal (Executive member, NBA)— Member

Ad. Madhur Pathak(Executive member, NBA)—Member

6) Special Edition Committee

This is formed consisting of one coordinator, one vice-coordinator and two members as follows:

Adv Gyan Ratna Shakya (Treasurer NBA) – Coordinator

Adv Laxman Acharya (Executive member, NBA)—vice-coordinator

Adv Krishna Prasad Paneru (Executive member, NBA)—Member

Adv Gyanendra Prasad Adhikari ((Executive member, NBA)—Member

Beside this, Women Center, Lalitpur District Court Bar Unit has assisted in the sector of First Aid.

- **Supporting Partners**

The following partner agencies have supported NBA in organizing the 25th National Women Lawyers' Conference in different areas :

- 1) Strengthening the Rule of Law and Human Rights Protection System in Nepal (RoLHR/UNDP)
- 2) International IDEA
- 3) The Asia Foundation
- 4) Forum for Women, Law and Development (FWLD)
- 5) UN Women
- 6) Nepal Rastra Bank
- 7) Nepal Police Club

- **Acknowledgement**

NBA extends its sincere gratitude to all supporting partners, various bar units of the nation, other respected personnel who directly and indirectly helped Women Committee-NBA including Mr Krishna Man Pradhan, Executive Director, Nepal Law Society, Senior Advocate Sabita Bhandari, Former Treasurer, NBA, Advocate Nanibabu Dahal, Editor, NBA Publication- Nyayadoot, Advocate Hasina Pradhan for their invaluable support and for their contribution from various aspects and to all lawyers who have participated in this conference in making this conference a success.

Annexes

Narrative Report of 25th National Women Lawyers Conference (See Annex I)

List of Working Papers (Compilation on NBA publication Nyayadoot))

25 Points Kathmandu Declaration (See Annex II)

Details of the Participants(See Annex III)

Narrative Report on 25th National Women Lawyers' Conference

Nepal Bar Association (NBA) has organized 25th Women Lawyers Conference on dated 9th and 10th of September, 2016 (2073/05/24 and 2073/05/25 BS.) in Kathmandu as one of its regular activities. The theme of the Conference was "**Economic Participation of Women: Guarantee of Constitutional Rights**" where around 400 women lawyers across the nation have participated at inauguration ceremony and altogether 500 participants are present in the conference.



The Conference was supported by various donor agencies i.e. RoLHR/UNDP, International IDEA, The Asia Foundation, Nepal Rastra Bank, Forum for Women, Law and Development (FWLD) and UN Women. The Conference has focused and discussed on the major issues of

Implementation of the Constitution of Nepal, 2015 and Economic empowerment of women through its effective implementation. Issues related to Banking, Corporate and World Trade Organization (WTO), Proposed Civil and Criminal Code through Human Rights Perspective and Environmental Protection and Disaster Management has been discussed. Altogether 16 papers covering related issues were presented and discussed in the Conference. The papers were presented individually and in jointly manner by Advocates Sarala Kumari Pandey, Tika Devi Poudel, Roshani Poudyal, Shova Rai, Shanti Pokharel Bhusal, Shanti Pokharel, Nirmala Suwal and Rubina Joshi, Anita Sapkota Chapagain, Shashi Adhikari, Laxmi Pokharel, Devi Regmi Pokharel, Sabita Devkota Koirala, Shovadevi Poudel, Dr Janaki Tuladhar, Sarita Khanal, Shruti Regmi and Bishnu Pokharel .

The conference was a good platform for women lawyers for discussing current and relevant issues. The conclusions derived from meaningful discussions among women lawyers which served as the basis for the 25th Kathmandu Declaration. The conference was a grand success as it provided a platform for sharing and presenting the ideas and problems of women lawyers throughout the nation. The conference was formally inaugurated by Ms. Sushila Karki Rt. Hon'ble Chief Justice of Supreme Court as the chief guest of the conference.

DAY I Inaugural Ceremony

The opening ceremony was graced by chief guest Rt. Hon'ble Chief Justice of Supreme Court, Sushila Karki, special guests, Ms. Sapana Pradhan Malla Hon'ble Justice of Supreme Court, Ms. Meera Maiya Khadka, Hon'ble Justice of Supreme Court, Hon'ble Sushmalata Mathama, Judge Appellate Court, Patan and Hon'ble Saranga Subedi, Judge Appellate Court, Patan, Dr Chiranjivi Nepal, Governor of Nepal Rastra Bank, Ms. Bhagwati Ghimire, Acting President, National Women Commission, Mr. Reneud Meyer, Country Director, UNDP (representing donor agency), Sr Advocate and Former CA member Puspha

Bhusal, Ms Anita Gurung, former vice-president NBA, Ms Bijaya Laxmi Aryal, member, Nepal Law Commission, Ms Sujan Lopchan and Ms Nirupamam Yadav, members of the Mediation Council Dr. Shashi Adhikari, Associate Prof. and Asst. Dean, Nepal Law Campus, T.U., Department of Law and NBA Central Executive Committee members along with other dignitaries.

The program was chaired by Ms. Usha Malla Pathak, Vice-president, NBA and president of Women Committee, NBA.



The official opening ceremony of the conference was hosted by Ms. Indu Koirala, executive member and member secretary of Women Committee, Nepal Bar Association.

After the chairing program, welcome remarks have been delivered by Ms. Bishnu Maya Bhusal, executive member, NBA. She highlighted that since it was the 25th national women lawyers' conference, it

was a silver jubilee which was the matter of proud for the NBA.

The formal opening of the ceremony was started by lamping the panas by the chief guest of the ceremony followed by National Anthem.

Opening Remarks

Mr Khamma Bahadur Khati, Secretary General, NBA

Mr. Khamma Bahadur Khati, Secretary General of NBA has highlighted over the objectives of the conference. He focused on the implementation of the Constitution and is a matter of complex task. The Constitution of Nepal has guaranteed Right to Equality in Article 18 and special provision for women without discrimination under Article 38. Similarly, there are special provisions for women in all laws and national policies. NBA has been always sensitive about the greater participation of women in the legal sector. He further focused on the role of the state to contribute the NBA in the matters of welfare fund and social security of lawyers. The Constitution has guaranteed women's rights to a broader context and ensured 50 % participation of women in all the sectors of the state. Likewise, he explained about the role of NBA in the mechanism of speedy justice delivery system to ensure access to justice to all.

He expressed his gratitude to all the donor agencies for their contribution and cooperation in conducting the conference which makes the participation of women lawyers' throughout the nation possible.

Mr Shambhu Thapa, Senior Advocate, Former President, NBA

He focused on the promotion of women lawyers. He further expressed to act towards economic development of women. Women have covered the half of the total population so women need to be empowered in economic sector which is the driving force for economic development. He also focused on the practical application of the theme of conference by expressing that the conference will definitely direct women lawyers towards economic development. Finally, he wished for the success of the conference.



Ms Shanta Sedhain, Former Executive Member, NBA

She started by recalling the 1st women lawyers' conference and further expressed that women needs to be economically empowered. In present context, women are leading all three main organs of Government of Nepal which makes us proud. Legal aid lawyers need to be ensured by NBA. There are some discriminatory provisions against women in the constitution of NBA which needs to be revised. She further focused on the unity of women lawyers to fight and protect their rights and interests.



Mr Bijaya Kanta Mainali, Former Treasurer, NBA

He started his remarks highlighting on right of women guaranteed by the Constitution of Nepal along with its implementation aspect of the guaranteed rights. He focused that women lawyers are social engineers and NBA should initiate for the establishment of women lawyers in legal profession. In the present context, there is a necessity to develop professionalism in women lawyers. Finally, he focused on the role of NBA to launch special programs for women empowerment through leadership development.



Mr Reneud Meyer, Country Director, UNDP

He firstly acknowledged all the distinguished guests seated on the dais and thanked NBA for inviting him in the conference. He highlighted on the advocacy and activities of UNDP in Nepal relating to women empowerment. He focused on the new Constitution which had been adopted almost a year ago and to move from piece of paper to reality. In the present scenario, women are positioned as the head in all the three organs of the state. He expressed that they are competent women and are role model for not only the women lawyers but also to the whole women of Nepal. He focused on the justice delivery mechanism of Nepalese legal system and urged NBA to promote access to justice to women and marginalized group of various communities.



He was highly delighted to be a part of the conference and expressed that UNDP is proud to support this conference and wish to see a large number of women lawyers gain experience and practice law. The issues of social inclusion, equality, sexual minority will be better served by the women lawyers and women judicial experts. So he was very happy to see the increasing number of women as judges in the courts. Finally, he urged all the Nepalese citizens to focus on the implementation aspect of the Constitution for the peace and progress of the country.

Dr Chiranjivi Nepal, Nepal Rastra Bank (NRB)

At first, he shared that NRB is delighted to be invited in this conference having the theme of economic empowerment of women. He highlighted on the role of lawyers as the academicians and to understand the economic issues and cases. Economic progress is the major issue for the development of a country and the nation could not move ahead without the economic development. There exists various complexities and



vagueness in the economic laws and policies. In this context, lawyers need to present their recommendations for the amendment and revision of these laws and policies. He also focused on the role of lawyers to raise the issues of foreign investment which has affected the national economy.

He further expressed that there are a very least number of lawyers who works in commercial areas. Economic activities are rising everyday but lawyers are minimum in number to deal with the banking and corporate cases. There is a great opportunity in this area because of lack of manpower to deal in corporate sectors. He urged the lawyers to raise voices for the effective implementation of FATF, Bank and Financial Institutions Act (BAFIA), and Money Laundering Control Act etc. to make the economic activities fair and transparent. He also assured NBA to provide the list of competent women lawyers for the recommendation as legal advisors in banking sector for the economic development and empowerment of women. Lastly, he welcomed interested women lawyers for their active and meaningful participation in corporate and banking sector.

Mr Prem Bahdur Khadka, Senior Advocate and Former President of NBA

Initially, he expressed his happiness to be invited as a guest in this conference. He further expressed on the appointment of women lawyers as legal advisors in banking and corporate sector for the economic empowerment of women.

Ms Shashi Adhikari, Assistant Dean, Nepal Law Campus

She started her opening remarks by highlighting on the equality and equal protection of right of women that are guaranteed by the Constitution. Women's economic rights have been provisioned by Millennium Development Goals and Sustainable Development Goals. Likewise, National Planning Commission has stated to involve the issue on women's economic rights in its strategy. There still exists a gap between the laws in books and its implementation aspect. Further, she focused on legal aid to be provided by women in the cases of gender based violence. Finally, she concluded her remarks sharing the motivating reality about the rising number of girls in the B.A.L.L.B. level of Faculty of Law, T.U.

Mr Sailendra Kumar Dahal, President, Supreme Court Bar Association

He started his opening remarks by appreciating the theme of the conference and focused that economic participation of women is essential for their empowerment. For fair justice system, competent lawyers are needed. Legal Instruments relating to economic activities needs to be revised. Lawyers and judicial experts should be women in debt recovery tribunal and commercial court. For this purpose, he expected to have a depth discussion on the theme and further extend his wishes for the success of the conference.





Mr Moti Raj Gautam, Vice-President, NBA

He shared the fact that Nepal is moving strongly towards economic development. He focused on the implementation of women's rights guaranteed by the Constitution and by various laws and policies as well in a correct and proper manner. Finally, he concluded by focusing on the elimination of the social malpractices which causes violence and discrimination towards women.

Ms Puspha Bhusal, Senior Advocate and Former CA member

Opening her remarks by appreciating the theme of the conference which is very relevant in the present



context, she stated on the fact that national politics is linked with economic development. She further highlighted that the three organs of Government should be sensitive in every matters. She insisted to formulate legal policies in favor of women and involvement of women in policy making level to ensure women rights. Until and unless, women are economically dependent, they will always be dominated by the male members in the society. Finally, she encouraged women to be involved in economic activities including trade and commerce sector which leads to the economic prosperity of the nation.



Mr Krishna Prasad Bhandari, Senior Advocate

He opened up his remarks by highlighting the theme of the conference. He focused on the effective laws to be made on the banking and corporate sectors for the overall economic development of the nation. He further focused on the empowerment of women as they are highly competent. In the present scenario, women are in high level and powerful positions throughout the whole world.

Ms Sapana Malla, Hon'ble Justice, Supreme Court

She was delighted to see the increasing number of women lawyers with quality in legal profession. She focused on three factors i.e. knowledge, skill and attitude for the meaningful participation of the women



in all the sectors. For the empowerment and prosperity of women, their participation in financial sector is must. It is very important to raise awareness about the women's property rights. She further focused that law is the power of economy and means to acquire rights. So there must be calculation of economic value of women's contribution in the national economy. Poverty has always been an obstacle to access to justice for the poor and marginalized women. Basically, women are suffering from gender based violence; domestic violence and human trafficking, hence it is essential for women to represent those communities and fight for social justice and implementation of the constitutional guaranteed rights.

Ms Meera Khadka, Hon'ble Justice, Supreme Court

She had highlighted equality of women as the focal point of fair justice system and Feminism. She focused on not only legal aid can promote the Access to Justice to women but also there is a need to fulfill the objective of legal aid sincerely by women lawyers.



Mr Sher Bahadur K.C., President, NBA (Special Guest)

He wished all the women lawyers to have in depth discussions and to derive concrete conclusions. This conference has highly emphasized on the women empowerment through the effective implementation of the guaranteed constitutional rights. He concluded his remarks by ensuring women lawyers that NBA will take initiation on launching various programs for skill development and empowerment of women.

Ms Sushila Karki, Rt. Hon'ble Chief Justice, Supreme Court

She expressed her happiness to be invited and honored by NBA in this conference. She was very excited to participate in the women's program. Women lawyers always look for easiness and comfort in their work but we should be able to face the difficulties and problems raised in present and in future in our profession. She further highlighted on the theme and urged to be more sensitive in this present era of competition and globalization. She expressed that two days conference is not enough for the discussion in the theme. Finally, she concluded her key notes by encouraging women lawyers to give continuation in



this regard.



Similarly, NBA felicitated three existing women judges of Supreme Court: Rt. Hon'ble Chief Justice, Sushila Karki, Hon'ble Justice Sapana Pradhan Malla and Hon'ble Justice Meera Khadka respectively with token of love who were the role models and source of inspiration for active involvement of women lawyers in their legal profession.



Ms Usha Malla Pathak, Vice- President, NBA and President Women Committee

The concluding remarks have been delivered by Ms. Usha Malla Pathak, Vice-President, NBA and President of Women Committee. Initially, she acknowledged all the distinguished guests seated on the dais for their gracious presence in the conference. Since, this is the 25th National Women Lawyers' Conference; the participation of huge number of women lawyers throughout the nation has raised the weight of this conference. She focused on the theme of the conference and the need to realize the importance of women's participation in economy for overall development assuring that the conference will contribute towards establishing a reputed legal profession for women lawyers.

Further, she wished for the active and meaningful participation of women lawyers from throughout the nation during this two days national conference. She informed that the special informative session (papers from different donor agencies) and thematic session (working papers from women lawyers) of the conference was going to be fruitful as they cover various aspects of the present legal scenario and scope of women lawyers.

She also highlighted the conference will come out with result to the Kathmandu Declaration after the thematic discussions over the working papers which will be effectively implemented.

She extended her sincere thanks towards all distinguished guests of the conference and Nepal Bar Association. Further, she extended her sincere gratitude to Ms. Sushila Karki, Rt. Hon'ble Chief Justice of Supreme Court for her gracious presence in the conference as the chief guest. Likewise, she thanked all the donor agencies, NBA executive committee members, women centers of all the Kathmandu valley bar units and all the women lawyers throughout the nation. Special thanks are due to Mr Krishna Man Pradhan, Executive Director, Nepal Law Society and Ms Sabita Bhandari Baral, Senior Advocate and former treasurer, NBA.

11th Session

Second session of Day I was hosted by Ms. Indu Koirala, Executive Member of NBA. The first session was chaired by Senior Advocate Ram Prasad Shrestha. Advocate Shanta Sedhain was the co-chair of this session. Advocate Babita Uprety, Shova Budhathoki, Shivali Joshi and Yoshada Kharel were assigned as rapporteur commentators. Hon'ble sitting Judge Rajendra Kharel presented a paper on "**Concept of Restorative Justice System**".

Different queries were put forward by the participants over the paper on Constitutional and legal provisions of Nepal and methodology followed during the investigation process of criminal cases.



The second paper was presented on the topic of "**Multi-stakeholder Dialogue and Mediation**" by Advocate Preeti Thapa, Senior Program Officer, The Asia Foundation. She focused on the role of mediator as a facilitator and to promote interest based mediation. Conflict has been appeared as an obstacle for mediation process.

The next paper was presented by Advocate Roshani Poudyal, Legal Aid Officer, RoLHR/UNDP on "**Integrated Legal Aid Policy**". The co-chair of the session was Phanindra Gautam, Joint Secretary, Minister for Law, Justice and Parliamentary Affairs whereas Advocate Shanti Devi Khanal was the co-chair of the session.



The presenter highlighted on the components of legal aid viz. counseling, drafting and legal representation. She further focused on the creation of womenlawyers' role in District Legal Aid Committee for promoting access to justice to the poor and marginalized women.



DAY II



A paper on "Gender Intersectionality for Women in Nepal: IDEA Workshops Findings" has been presented by Professor Geeta Pathak, Kathmandu School of Law. The session was chaired by Senior Advocate Prof. Purna Man

Shakya. Advocate **Kalpna Uprety** was the co-chair of the session. **Various issues relating to social justice towards women representing poor, vulnerable and marginalized groups were made.** Finally, Prof. Purna Man Shakya made his concluding remarks over the paper highlighting language as a barrier for women intersectional analysis for gender justice.

After lunchbreak, four thematic groups were formed under four different topics which are presented hereunder:

Group A –The Constitution of Nepal: Implementation and Challenges

Senior Advocate Puspha Bhusal was the chair of this group, Adv Amitalaxmi Sainju and Adv Kamala Acharya as the co-chairs of the session. Advocates Saraswati Shrestha, Sujana Lopchan, Laxmi Rawal, Rajya Laxmi Shrestha and Sarita Shrestha, Kalpana Bhandari, Shanti Modi, Shreedhara Pudashaini and Indira Neupane were the panelists of this session. Likewise, Advocates Nirmala Bhandari, Babita Karki, Kaushila Yogi, Anjila Jha, Karuna Parajuli, Bina Pandey and Anjana Bashukala were the rapporteurs of this session. Altogether seven papers were presented in this group which are as follows:

- 1) The Constitution of Nepal and Women Empowerment
- 2) Implementation of Constitution of Nepal and Women Empowerment
- 3) Reproductive Health Rights as Fundamental Human Rights of Women
- 4) Implementation of Constitution and Women Empowerment
- 5) Constitution, Empowerment and Situation of Nepali Women
- 6) Need of Women Empowerment
- 7) Implementation of Constitution and Women Empowerment

Group B – Proposed Civil and Criminal Code Draft, 2071

Ms. Anita Gurung, Vice-president, NBA has chaired this session. Likewise, Advocate Meera Dhungana and Anjita Khanal were the co-chairs of the session and Advocate Anita K.C. was the rapporteur of this session. Altogether three papers are presented on these sessions which are as follows:

- 1) Criminal Code, Criminal Procedure Code and criminal offence

- 2) Proposed Provisions Relating to Women's Property Rights and Unified Draft Related to Amendment in Civil Laws
- 3) Criminal Code Draft through the Perspective of Gender Justice

Group C – Women's Participation in Environment and Disaster Management

Advocate Sunita Regmi was the chair of the session whereas Advocate Rekha Jha was the co-chair of the session and Advocates Bishnu Bashyal, Hemlata Kattel, Kamala Chettri, Jyoti Lamsal, Sharmila Shrestha, Poonam Shrestha, Sarita Sapkota, Sarita K.C., Kaushila Rai, Kumari Kharel, Anju Marhattha, Amita Gautam were the panelists and Advocates Devi Sapkota, Laxmi Pandey, Laxmi Chaudhary, Ishwori Maharjan, Jamuna Thapa, Shrijana Joshi and Nirmala Suwal as the rapporteur of this session. Two papers are presented on this session as follows:

- 1) A Commentary on the necessity of environmental protection in the present
- 2) Environment and Disaster Management

Group D – Women's Participation in Banking, Corporate and Financial Sector

Senior Advocate Sabita Bhandari was the chair of this session whereas Advocate Sushma Baral and Hima Basnet were the co-chairs and Advocates Meere Talchabhadel, Anju Upreti, Bagala Regmi, Rita Simkhada, Sonu Rajgubashi, Ramita Maharjan, Manju Budhathoki, Saraswati Thapa were the panelist of the session. Advocates Ratna Karki, Rupa Thapa, Sita Khanal, Indu Karki, Sulochana Bajracharya, Anita Maharjan and Saraswati Shah were the rapporteur of the session where four papers are presented in total as follows:

- 1) Women's Participation in Bank and Banking Laws
- 2) Women's Presence in Nepalese Banking Service and Measures of Reform
- 3) WTO and Nepal's Commitments Towards Trade Related Aspects of Intellectual Property Rights :TRIPS
- 4) Money Laundering :A Economic Crime and its Control Mechanism

A broad discussion was made on all the sessions and comments and feedback on the papers gathered from all the sessions differently have been incorporated as the declaration of this conference.

Closing Ceremony

The closing ceremony was chaired by Ms Usha Malla Pathak, Vice-president and President of Women Committee and the Chief Guest was Mr. Sher Bahadur K.C., President, NBA. NBA Central Executive Committee were seated on the dais as the guests of the ceremony. During the session, representatives



from all the four thematic groups reported their comments and suggestions over the presented papers separately.

Closing Remarks

Prof Dr. Sushmita Singh Karki, Nepal Law Campus(guest of the ceremony) highlighted over the theme of the conference. She presented her views regarding the role of women lawyers in the implementation of Constitution of Nepal and need of economic participation of women for their



empowerment.

Anita Sapkota Chapagain, Member, Central Legal Aid Committee (guest of the ceremony) focused on the women empowerment and women's role in the development of the nation. She further highlighted



on the role of NBA towards empowerment of women lawyers through professional capacity development programs.

Anita Gurung, Former Vice-President, NBA (guest of the ceremony) highlighted on the role of women for the economic development of the nation.

Mr Khamma Bahadur Khati , Secretary General, NBA extended his gratitude to all the donor agencies for their contribution in making this conference a grand success. He further thanked all the women lawyers across the nation for their active participation in this conference.

Finally, 25th points Kathmandu Declaration was drafted by the Declaration Committee. Prof Geeta Pathak read out the 25th points Kathmandu Declaration which was passed by the majority of women lawyers. (See Annex B for the 25th points Kathmandu Declaration).

Mr Sher Bahadur K.C., President, NBA

He was highly delighted by the active and large participation of women lawyers throughout the nation. He promised for the effective implementation of the Kathmandu Declaration. Further, he highlighted on the role of NBA through conducting the training for new lawyers focusing on women lawyers. Lastly, he assured that NBA will formulate necessary strategies for the implementation of the 25th points Kathmandu Declaration.

Ms Sanumaiya Maharjan, Executive Member, NBA (Vote of Thanks)

Ms Sanumaiya Maharjan, Executive Member, NBA extended the vote of thanks to all the chair, co-chair, panelists and rapporteurs of the thematic committees' and all those who have supported the conference directly and indirectly.

Ms Usha Malla, Vice- President, NBA (Concluding Remarks)

The closing ceremony of the conference was concluded by Ms Usha Malla, Vice-President, NBA and Coordinator of Women Committee. She addressed all the guests seated on the dais. Further, she expressed her sincere gratitude towards all the donor agencies in making the conference successful.

She made the overall review of the two days conference and expressed that no doubt, there were few weaknesses and lacunas in this conference which will be revised in the coming days.

Annex II

25 POINTS KATHMANDU DECLARATION

Women’s Participation in Economy, Guarantee of Constitutional Rights”
Approved Kathmandu Declaration 2073 BS. (2016 AD.)
by
25th National Conference of Women Lawyers.

We, the women lawyers, expressing the commitment of human right along with the notion of gender justice, rule of law and basic values of independence of judiciary, issues that are raised by the Nepal Bar Association (NBA) since its establishment,

Expressing our commitment to ensure the rights of women lawyers focusing on the objective of promotion and protection of women’s rights guaranteed by the federal Constitution of Nepal based on democracy,

Focusing on the necessity of self-realization of rights guaranteed by the constitution and for its de facto implementation,

25th National Conference of Women Lawyers has proudly drafted this 25th points Kathmandu Declaration 2073 BS (2016 AD).

A. Regarding the Constitution and the law:-

1. This Conference call for attention to the parliament and other concerned bodies for immediate enactment of necessary laws for the establishment of courts as per the federal structure and for the implementation of the constitution.
2. This Conference strongly demands for immediate enactment of necessary laws, rules, policies and programmes that are needed for the implementation of rights of women guaranteed by Art.38 of the Constitution. The Conference also demands for the amendment of Art.38 of the Constitution accumulating the provision to guarantee reproductive right of women.
3. Likewise, this conference strongly demand the amendment of the provisions of Sub-Art.5 and 7 of Art.11 of the Constitution relating to the Citizenship which had created gender inequality and the condition of stateless, hence, the amendment is necessary to ensure the right to citizenship of a child on the basis of descent without mentioning any conditions from a mother who is a Nepali, also it demand to amend the provision of Sub-art.6 of art.11 to ensure equal rights of a couple.
4. The conference demand concerned state bodies to make necessary law, rule, policy, programme and structure required for necessary amendment of constitutional provisions and its implementation on economic, social and political development of women and for women empowerment who are economically, socially, culturally, biologically, religiously, linguistically and geographically minorities including women from dalit, indigenous, madhesi, muslim, tharu, single women and women with disability.
5. The conference demand for the amendment of the term “Privilege”, transforming it into a “Right”, that is mentioned in the constitutional provisions for the guarantee of gender justice

based on right based approach and call for attention to the concerned bodies for gender audit of the constitution.

6. This conference strongly demand NBA to facilitate for necessary amendment of Civil and Criminal Code that is under consideration at Legislative Committee of Parliament, and so, to make the code in compliance with general concept, developed jurisprudence and laws relating to gender justice.

B. Regarding Participation and Professional Right of Women Lawyer:-

7. This Conference call for attention the concerned bodies to ensure women lawyer's participation by mentioning it in economic sector relating provisions and in the directives of Nepal Rastra Bank for compulsorily participation of women lawyers in banking, financial institution and in commercial sector on the basis of their qualification and capacity, also requesting NBA to take special initiation in this regard.
8. We demand from this conference the concerned bodies to take necessary initiation to ensure substantial participation of women, giving priority to women lawyers while appointing legal advisor including their participation on various committees and in policy making level.
9. We also demand NBA to take special initiation in ensuring women's participation by managing the appointment of women for the post of legal advisor on the basis of proportional participation principle at government and at local bodies.
10. We demand through this conference to give priority to women lawyers while appointing "Appointed Attorney with Salary" (*baitanikkanoonbyabasai*).
11. The conference demand to ensure proportional participation of women lawyers at Judicial Council.
12. This conference demand to manage compulsory requirement to have at least one women for the post of "chief or head" at local bodies and in decision making level.
13. The conference call upon the concerned bodies of the state to partner with women lawyers before enacting any laws, plans, policies and implementation mechanisms relating to women.
14. We strongly demand to ensure the proportional participation of women lawyers while appointing judges of various levels of courts formed according to the federal structure.
15. The conference demands the government of Nepal to grant the budget for the establishment of a Permanent Trust in NBA for stability and activities on empowerment of women lawyers.
16. The conference demand NBA to take initiation in providing debt without interest and mortgage for qualification, eligibility, capacity enhancement and consolidation of new women lawyers.
17. We demand NBA to manage refreshment training at least once a year to established professional women lawyers and to them who are trying to establish themselves in legal profession. We also demand Government of Nepal for budget appropriation for the same objective. Also demand NBA to take initiation in publishing the data with details of condition and progress of women lawyers.

C. Relating to Environment and Disaster Management:-

18. The conference demand to manage separate court for environment related cases hearings.
19. We demand to ensure women's proportional participation in every reconstruction structure that are established and going to be established aftermath of earthquake.

D. Miscellaneous:-

20. The conference call for attention that Truth, Reconciliation and Mediation Commission, Commission to investigate enforced disappearance and Government of Nepal to give special focus on gender friendly, consciousness and special rights of women victims of conflict in their activities to ensure truth, justice and right to reparation of women in Transitional Justice detention.
21. We strongly demand through NBA the concerned bodies of the state to revise the achievements and stage of implementation and summarize it analytically of the contents raised by the declaration of previous National Conference of Women Lawyers to till date, to take initiation through NBA for the implementation of fair issues or contents which are not implemented yet.
22. The conference have pointed out the necessity fair amendment of the Constitution of NBA, and so, demanding the formation of a working group along with meaningful participation of women lawyers.
23. The conference demand Government of Nepal for the enactment of integrated legal service policy making to ensure accessibility of justice.
24. The conference demand ensuring compulsorily participation of women lawyers at District Legal Aid Committee, giving priority to women staffs.
25. We demand through Legal Education Committee of NBA in jointly efforts with Nepal Bar Council and Legal Teaching Institutions to conduct baseline survey on the situation of women's legal education and existing infrastructure focusing on qualitative and practical legal education.

Note: Total 17 women lawyers were involved in preparing above Declaration by Declaration preparation Committee, representing all women lawyers.