

**JOINT SUBMISSION TO THE COMMITTEE ON
THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN**

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NEPAL



**A JOINT SUBMISSION ON GENDER DISCRIMINATION
IN NEPAL'S NATIONALITY LAW AND STATELESS
WOMEN AND GIRLS IN NEPAL**

Submitted by:

Citizenship Affected Peoples' Network (CAPN) Nepal, Nationality For All (NFA), Statelessness and Dignified Citizenship Coalition - Asia Pacific (SDCC - AP), the Global Campaign for Equal Nationality Rights (GCENR) and the Institute on Statelessness and Inclusion (ISI)

Introduction

1. [Citizenship Affected Peoples' Network \(CAPN\) Nepal](#), [Nationality For All \(NEA\)](#), the [Statelessness and Dignified Citizenship Coalition - Asia Pacific \(SDCC - AP\)](#), the [Global Campaign for Equal Nationality Rights \(GCENR\)](#) and the [Institute on Statelessness and Inclusion \(ISI\)](#) make this joint submission to the Committee on the Elimination of Discrimination against Women (CEDAW) to be used to inform the Committee's review of Nepal.
2. This joint submission expresses our concerns regarding gender discrimination in Nepal's nationality law and stateless women and girls. This submission focuses on:
 - a. Gender discrimination in the nationality laws of Nepal denies Nepali women equal rights as men to confer nationality on their children (especially among single Nepali mothers), and women's right to confer nationality on their spouses.
 - b. Statelessness among ethnic minority Madheshi and Dalit communities in Nepal;
 - c. Stateless refugees;
 - d. Birth registration and administrative barriers;
 - e. Impacts on women and girls as a result of discriminatory nationality laws and statelessness.

Nepal's International Obligations

3. Nepal has international obligations to uphold the right to nationality and protect the rights of stateless persons on the basis of UN treaties to which it is a party. These include:
 - a. the International Covenant on Civil and Political Rights (ICCPR), Article 24(3);
 - b. the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 5(d)(iii);
 - c. the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 9;
 - d. the Convention on the Rights of the Child (CRC), Articles 7, 8;
4. Nepal has not made any relevant reservations to CEDAW or the CRC, which contain crucial protections against gender discrimination in nationality law (CEDAW, Article 9), the right of a child to acquire the parent's nationality without discrimination on the basis of the parent's gender and the prevention of childhood statelessness (CRC, Articles 2, 7 and 8).
5. According to the Treaty Act of Nepal 2047 (1990), where provisions of a treaty to which Nepal is a party are inconsistent with the provisions of national laws, *the provisions of the treaty shall be enforceable and supersede national laws that contradict them*. As such, Nepal

has an obligation to uphold gender equality and non-discrimination and promote safeguards against statelessness.

6. Nepal has not yet acceded to other international human rights instruments such as the 1951 Convention relating to the Status of Refugees (Refugee Convention), the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness, among others.

Previous Recommendations

7. **Consideration of Nepal's sixth periodic report to CEDAW at the 79th Session:** The Committee raised concerns about gender-discriminatory nationality laws in Nepal restricting women from conferring citizenship on children and foreign spouses equally with men, and the significant population at risk of statelessness.¹ Concerns were particularly raised over single mothers facing legal and administrative barriers in securing citizenship or birth certificates for their children. Recommendations included amending discriminatory provisions to ensure equal nationality rights of women, training government officials, establishing complaint mechanisms for citizenship applications rejections, conducting citizenship certificate distribution campaigns, and acceding to the 1954 and 1961 Statelessness Conventions.²
8. **Government's response to the follow-up to the concluding observations:** The Nepalese Government highlighted measures in upholding gender equality in its nationality laws like the submission of the Nepal Citizenship Amendment Bill to the Federal Parliament in August 2018³. The Government also referenced the Act Relating to Children (2018) and the National Identity Card and Registration Act (2020) as measures to safeguard these rights.⁴ However, the CEDAW Committee noted limited progress in removing the discriminatory provisions and deemed no substantive action had been taken.⁵
 - a. On the recommendation to remove requirements regarding consent and assistance of the husband or his family and documentation of his whereabouts and identity, the Government stated that the National Identity Card and Registration Act (2020) allows either a parent or an adult family member to register a child's birth within 35 days without the husband's consent.⁶ While welcoming these updates, the CEDAW

¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Nepal, 14 November 2018, CEDAW/C/NPL/CO/6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FCO%2F6&Lang=en

² Ibid.

³ Committee on the Elimination of Discrimination against Women, State Party report on Follow-up to Concluding Observations on the sixth periodic report of Nepal, 3 February 2021, CEDAW/C/NPL/FCO/6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FFCO%2F6&Lang=en

⁴ Ibid.

⁵ Committee on the Elimination of Discrimination against Women, Follow-up decisions adopted by the Committee on the sixth periodic report of Nepal, 19 July 2021, Follow-up Letter, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUD%2FNPL%2F45302&Lang=en

⁶ Committee on the Elimination of Discrimination against Women, State Party report on Follow-up to Concluding Observations on the sixth periodic report of Nepal, 3 February 2021, CEDAW/C/NPL/FCO/6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FFCO%2F6&Lang=en

Committee reiterated concerns about the barriers faced by unmarried women, young mothers, and women without citizenship in registering their child's birth.⁷

- b. The CEDAW Committee also acknowledged the 2021 Presidential Ordinance to amend the Nepal Citizenship Act (2006) which enables children of Nepali mothers and unidentified fathers to obtain citizenship through self-declaration.⁸ The Committee expressed concern over delays in adopting the 2018 Citizenship Amendment Bill and recommended its expedited passage.⁹

9. **CERD Committee Recommendations in 2018:** The Committee raised concerns about officials discouraging Dalits from applying for citizenship and barriers faced by the Madheshi community of the Terai region.¹⁰ Madheshi individuals who acquired citizenship by birth before the 2015 Constitution are unable to confer citizenship by descent to their children, violating Article 11(3) of the Constitution.¹¹ The Committee recommended establishing clear, non-discriminatory citizenship procedures, timely decisions with written justifications for rejections, and a complaints mechanism for denied applications.¹²

10. **Nepal's Universal Periodic Review at the 37th Session in November 2020:** The State received 13 recommendations on the right to nationality and statelessness. They "supported" six recommendations all related to ensuring full equality between men and women in the conferral of citizenship on children and spouses by amending relevant provisions in the Constitution and Citizenship Act amendment bill and "noted" the remaining.¹³

11. **CRC Committee Recommendations:** In 2016, the CRC Committee expressed concerns regarding childhood statelessness as a result of Nepal's gender-discriminatory nationality provisions that deny citizenship by descent to children born to Nepalese women, especially unwed mothers in the case where the father is foreign or unknown, children of refugees or of

⁷ Committee on the Elimination of Discrimination against Women, Follow-up decisions adopted by the Committee on the sixth periodic report of Nepal, 19 July 2021, Follow-up Letter, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUD%2FNPL%2F45302&Lang=en

⁸ Committee on the Elimination of Discrimination against Women, State Party report on Follow-up to Concluding Observations on the sixth periodic report of Nepal, 3 February 2021, CEDAW/C/NPL/FCO/6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FFCO%2F6&Lang=en

⁹ Committee on the Elimination of Discrimination against Women, Follow-up decisions adopted by the Committee on the sixth periodic report of Nepal, 19 July 2021, Follow-up Letter, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUD%2FNPL%2F45302&Lang=en

¹⁰ Convention on the Elimination of All Forms of Racial Discrimination, Concluding observations on the seventeenth to twenty-third periodic reports of Nepal, 29 May 2018, CERD/C/NPL/CO/17-23, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FNPL%2FCO%2F17-23&Lang=en

¹¹ Article 11(3) of the Constitution states that "a child of a citizen having obtained the citizenship of Nepal by birth prior to the commencement of Nepal shall, upon attaining majority, acquire the citizenship of Nepal by descent if the child's father and mother both are citizens of Nepal".

¹² Convention on the Elimination of All Forms of Racial Discrimination, Concluding observations on the seventeenth to twenty-third periodic reports of Nepal, 29 May 2018, CERD/C/NPL/CO/17-23, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FNPL%2FCO%2F17-23&Lang=en

¹³ Human Rights Council, Report of the Working Group on the Universal Periodic Review - Nepal, 30 March 2021, A/HRC/47/10, available at: <https://documents.un.org/doc/undoc/gen/g21/074/68/pdf/g2107468.pdf>

parents who are unable to prove citizenship, and children of same-sex parents.¹⁴ It was recommended that Nepal eliminate gender discrimination in its nationality legislation and ensure universal birth registration by increasing its efforts to ensure the registration of all children at birth including children born to refugees and asylum seekers and added that Nepal should seek assistance from UNICEF and civil society to achieve this.¹⁵

12. **CESCR Committee Recommendations:** The issue of Nepali women's limited ability to confer citizenship to their children was also mentioned by the CESCR Committee in 2014.¹⁶ The Committee recommended awareness raising among local authorities to ensure that legislation is implemented effectively.¹⁷

Key Issue 1: Gender Discrimination in Nationality Laws

13. Nepal's citizenship provisions contain several gender-discriminatory elements. While Article 10 of the Constitution of Nepal recognises the right to citizenship as a fundamental right and states that no one "*shall be denied the right to acquire citizenship*"¹⁸ and Article 11(2)(b) stipulates that those whose "*father or mother was a citizen of Nepal at the birth of such person*" and "*who have their permanent domicile in Nepal*" are citizens by descent,¹⁹ subsequent provisions impose discriminatory restrictions that categorise children based on the nationality or traceability of the father. The *Nepal Citizenship (First Amendment) Bill (2023)* enacted in May 2023 brought about some changes but retained significant discriminatory aspects.
14. **Citizenship by Descent:** Article 11(3) mandates that both parents must be Nepali citizens for a child to acquire citizenship by descent. However, its practical implementation reveals distinctions based on whether the parent is a citizen by descent or birth or if either parent is a non-citizen.
- a. Children with one parent holding Nepali citizenship by birth and the other by descent are eligible for citizenship by descent. However, reports from the ground note that children face bureaucratic challenges when the mother holds citizenship by descent and the father by birth.
 - b. Children whose parents both hold citizenship by birth are eligible for citizenship by descent.
 - c. Children born to one Nepali citizen by birth and one non-citizen parent are excluded from acquiring citizenship by descent and can only apply for naturalised citizenship.

¹⁴ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Nepal, 8 July 2016, CRC/C/NPL/CO/3-5, available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNPL%2FCO%2F3-5&Lang=en

¹⁵ Ibid.

¹⁶ Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Nepal, 11 December 2014, E/C.12/NPL/CO/3, available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FNPL%2FCO%2F3&Lang=en

¹⁷ Ibid.

¹⁸ Constitution of Nepal (2015) Article 10.

¹⁹ Constitution of Nepal (2015) Article 11(2)(b).

- d. Only children born to a father holding Nepali citizenship by descent married to a non-citizen can acquire citizenship by descent. Meanwhile, children born to a mother holding Nepali citizenship by descent married to a non-citizen can only acquire citizenship by naturalisation. This clear case of gender discrimination is detailed further below.

15. Unequal rights of Nepali women who are citizens by descent in the conferral of citizenship on children: Nepali men who are citizens by descent married to non-citizens can confer citizenship by descent on their children. In contrast, children of Nepali women who are citizens by descent married to non-citizens are only eligible to apply for “naturalised citizenship”, as outlined in Article 11(7) of the Constitution, Section 5(2) of the Citizenship Act, and Section 7 of the Citizenship Rules.²⁰

- a. Obtaining naturalised citizenship requires permanent domicile, submission of relevant documents, and proof that they have not acquired foreign citizenship based on the citizenship of the father.²¹ There are multiple procedural hurdles to acquiring such naturalisation and are hardly distributed by the government.
- b. It is important to note that citizenship by naturalisation is a *discretionary process decided by the Ministry of Home Affairs with low approval rates*,²² making it an often inaccessible pathway to citizenship.

16. Heightened impact on single mothers: Gender discrimination in Nepal’s nationality law has an especially deleterious impact on single Nepali mothers. Article 11(5) allows a Nepali woman to confer citizenship by descent only if her child is born and resides in Nepal, and the father is “not traced, meaning unknown”.²³

- a. Prior to the 2023 amendment, children born in Nepal to single Nepali mothers with an *unidentified or untraceable father* required a court order to obtain citizenship by descent. If the father is later identified as a foreigner, the child’s citizenship is converted to naturalised status.²⁴
- b. Under the 2023 amendment, such children can acquire citizenship by descent through self-declaration.²⁵ However, if the claim is found false, the mother and child risk imprisonment for up to three years and the child’s citizenship can be revoked.²⁶
- c. Sources from the ground report that if the father’s name appears in any other official records like birth certificate or school documents, and he is out of contact or untraceable, officials often refuse to classify the father as “unidentified or untraceable”. This creates significant barriers for children to obtain citizenship despite the father’s absence. Additionally, the recent amendment to the Citizenship Act has imposed stricter requirements for identifying both parents with single fathers

²⁰ Constitution of Nepal (2015) Article 11(7); Nepal Citizenship Act 2063 (2006) s 5(2); Nepal Citizenship Rules (1992) s 7.

²¹ Nepal Citizenship Act 2063 (2006) s 5(2)

²² Bashyal K, “Citizenship: Its Application and Denial in Contemporary Nepalese Legal System” (2020) 5 NUJS Journal of Regulatory Studies 12 <<https://www.nujs.edu/wp-content/uploads/2022/12/File-99.pdf>>

²³ Constitution of Nepal (2015) Article 11(5).

²⁴ Ibid.

²⁵ Nepal Citizenship (First Amendment Bill), 2023 <<https://perma.cc/8JWX-DYVH>>

²⁶ Ibid.

also now facing challenges in obtaining citizenship for their children if the mother is missing or unidentified, as they must prove the mother's identity.

- d. These unequal provisions reinforce the notion of women as second-class citizens and stigmatise mothers and children in cases such as rape, trafficking, children born out of wedlock, and the experiences of migrant women workers.

17. Unequal rights of Nepali women in the conferral of citizenship on non-citizen spouses:

Article 11(6) of the Constitution provides that non-citizen spouses of Nepali men can obtain naturalised citizenship through marriage by providing a marriage certificate and proof of renouncing their foreign citizenship.²⁷ However, Nepali women cannot confer citizenship on non-citizen spouses under the same terms. While non-citizen spouses of Nepali women can theoretically apply for naturalised citizenship, Nepal's laws lack specific provisions enabling women equal rights to confer citizenship on non-citizen spouses, perpetuating gender discrimination.

- a. Nepali women are further denied citizenship certificates **after** they marry non-citizens, as per Section 8(1)(a) of the Citizenship Act,²⁸ contradicting constitutional provisions and CEDAW Article 9(1). Although repealing this clause was proposed in the first amendment bill to the Citizenship Act, the latest amendment left it unaddressed.²⁹
- b. Additionally, requiring foreign spouses to first renounce their citizenship before applying for Nepali citizenship³⁰ risks statelessness if their application is denied and they cannot reacquire the citizenship of their former country, as there are no safeguards exist to prevent this.
- c. These provisions deny women equal nationality rights, restrict their ability to freely choose a spouse, and deprive their children and spouses of the rights available to the families of Nepali men.

Key Issue 2: Statelessness Among Ethnic Minority Groups

- 18. Ethnic minorities like the Madheshi communities in Nepal's Terai region, particularly Dalits³¹, face significant barriers to accessing citizenship and identity documents, heightening their risk of statelessness.
- 19. The 1964 Citizenship Act included required proficiency in Nepali, excluding many Madheshis who primarily speak other languages, despite strong ties to Nepal through birth, residence, or family.³² Although the 1990 Constitution allowed citizenship through any national language,

²⁷ Constitution of Nepal (2015) Article 11(6).

²⁸ Nepal Citizenship Act 2063 (2006) s 8(i)(a).

²⁹ Nepal Citizenship (First Amendment Bill), 2023.

³⁰ Nepal Citizenship Act 2063 (2006) s 5(i).

³¹ Dalits are communities who are discriminated against in both law and society, as a result of caste-based discrimination, and as a result of which, do not have access to social, economic, educational, political and religious spheres while being deprived of human dignity and social justice.

³² Dennis D and Lal A, "Controlling National Borders by Controlling Reproduction: Gender, Nationalism, and Nepal's Citizenship Laws," *Gendered Lives: Global Issues* (Milne Open Textbooks 2022)

bureaucratic hurdles persist.³³ Stereotypes and perceptions of Madheshis as not “authentically Nepali” often result in denial of citizenship certificates by officials.³⁴

20. Madheshis who obtained citizenship by birth before 2015 could not confer citizenship by descent to their children, violating Article 11(3) of the Constitution.³⁵ While the recent amendment to the Citizenship Act now allows children of Nepali citizens by birth to acquire citizenship by descent, many children’s citizenship status remains unresolved. Reports from the ground have noted that siblings of those with citizenship by birth under earlier provisions face obstacles in acquiring citizenship by descent, leaving them in legal limbo.
21. Dalit and Madheshi women experience compounded discrimination due to intersecting marginalised identities. Madheshi women, culturally and geographically connected to India through cross-border marriages, face additional challenges in passing citizenship to their children.³⁶ Politicians have raised concerns about granting citizenship in border regions, citing threats to Nepal’s “sovereignty” and “cultural integrity.” These views perpetuate harmful stereotypes, targeting Madheshi women as risks to the state.³⁷

Key Issue 3: Stateless Refugees

22. Stateless refugees in Nepali include the Nepali-speaking Bhutanese refugees (“Lhotshampas”) displaced in the 1990s after being stripped of Bhutanese nationality³⁸, Tibetan refugees expelled in the 1950s, and Rohingya refugees from Myanmar. Nepal has not ratified the 1951 Refugee Convention or its 1967 Protocol, leaving refugees without formal legal protections. As of now, all 452 stateless persons officially reported in Nepal are Rohingya refugees.³⁹ Additionally, the US Department of State reported that 6,365 Bhutanese refugees remain in Nepal,⁴⁰ many stateless and living in poor conditions in refugee camps.⁴¹ Approximately 12,540 Tibetan refugees reside in isolated settlements.⁴²

<https://milnepublishing.geneseo.edu/genderedlives/chapter/chapter-4-controlling-national-borders-by-controlling-reproduction-gender-nationalism-and-nepals-citizenship-laws/>

³³ Ibid.

³⁴ Ibid.

³⁵ Article 11(3) of the Constitution states that “a child of a citizen having obtained the citizenship of Nepal by birth prior to the commencement of Nepal shall, upon attaining majority, acquire the citizenship of Nepal by descent if the child’s father and mother both are citizens of Nepal”.

³⁶ Ibid.

³⁷ Dennis D and Lal A, “Controlling National Borders by Controlling Reproduction: Gender, Nationalism, and Nepal’s Citizenship Laws,” *Gendered Lives: Global Issues* (Milne Open Textbooks 2022)

<https://milnepublishing.geneseo.edu/genderedlives/chapter/chapter-4-controlling-national-borders-by-controlling-reproduction-gender-nationalism-and-nepals-citizenship-laws/>

³⁸ Mørch M, “Bhutan’s Dark Secret: The Lhotshampa Expulsion: The Mass Deportation of Bhutanese-Nepalis in the 1990s Remains Unresolved 20 Years Later.” *The Diplomat* (September 21, 2016)

<https://thediplomat.com/2016/09/bhutans-dark-secret-the-lhotshampa-expulsion/>

³⁹ “Global Trends: Forced Displacement in 2022” (United Nations High Commissioner for Refugees, June 14 2023), <https://www.unhcr.org/publications/global-trends-2022>

⁴⁰ “Global Trends: Forced Displacement in 2022” (United Nations High Commissioner for Refugees, June 14 2023), <https://www.unhcr.org/publications/global-trends-2022>; Giri A, “Government Decides to Allow Bhutanese Refugees to Do Business” *The Kathmandu Post* (March 6, 2022) <https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business#:~:text=Anil%20Giri&text=A%20soon%20to%20be%20implemented,pursue%20higher%20education%20in%20Nepal>

⁴¹ Mørch M, “Bhutan’s Dark Secret: The Lhotshampa Expulsion: The Mass Deportation of Bhutanese-Nepalis in the 1990s Remains Unresolved 20 Years Later.” *The Diplomat* (September 21, 2016) <https://thediplomat.com/2016/09/bhutans-dark-secret-the-lhotshampa-expulsion/>

⁴² Tibet Justice Center, “Tibet’s Stateless Nationals: Tibetan Refugees in Nepal” (2002)

https://law.yale.edu/sites/default/files/area/center/schell/tibet_justice_center.pdf accessed December 18, 2024

23. Bhutanese refugees have access to refugee identity cards issued by the Nepali government in collaboration with UNHCR, enabling them to access certain services like higher education, bank accounts, and driver's licenses.⁴³ However, some lack these cards due to missed deadlines or documentation issues. Reports vary on the number affected, with estimates ranging from 429⁴⁴ to 700⁴⁵.
24. Tibetan and Rohingya refugees lack similar protections.⁴⁶ Only Tibetan refugees who arrived before 1989 received refugee identity certificates during the 1990s.⁴⁷ The majority of Tibetan refugees arriving post-1989 remain undocumented without legal status.⁴⁸
25. Without refugee identity certificates, stateless refugees face significant challenges in accessing education, healthcare, and legal employment.⁴⁹ Tibetan refugees experience restricted freedom of expression, assembly⁵⁰ and movement as their travel is heavily scrutinised, and are subjected to constant surveillance.⁵¹ Their lack of documentation also complicates third-country resettlement opportunities.⁵²
26. While the Rohingyas are recognised as stateless, other groups are not, and Nepal provides no legal pathway to naturalised citizenship for stateless people, creating a risk of intergenerational statelessness.

Key Issue 4: Birth Registration and Administrative Barriers

27. Administrative and policy barriers affect the ability of marginalised groups, including the LGBTQIA+ community, women, and Dalit and Madheshi communities, to access citizenship certificates.⁵³ Children born to and/ or living with single mothers continue to face significant administrative barriers in obtaining birth registration and citizenship certificates.⁵⁴

⁴³ Giri A, "Government Decides to Allow Bhutanese Refugees to Do Business" The Kathmandu Post (March 6, 2022) <<https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business#:~:text=Anil%20Giri&text=A%20soon%20to%20be%20implemented,pursue%20higher%20education%20in%20Nepal>>

⁴⁴ Ibid.

⁴⁵ Neupane M, "Aging in Nepali Camps, Refugees Dream of Returning to Bhutan" (Global Press Journal, August 9, 2024) <<https://globalpressjournal.com/asia/nepal/aging-nepali-refugee-camp-never-dies-refugees-dreams-returning-bhutan/>>

⁴⁶ Giri A, "Government Decides to Allow Bhutanese Refugees to Do Business" The Kathmandu Post (March 6, 2022) <<https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business#:~:text=Anil%20Giri&text=A%20soon%20to%20be%20implemented,pursue%20higher%20education%20in%20Nepal>>

⁴⁷ Tibet Justice Center, "Tibet's Stateless Nationals: Tibetan Refugees in Nepal" (2002) <https://law.yale.edu/sites/default/files/area/center/schell/tibet_justice_center.pdf> accessed December 18, 2024

⁴⁸ Ibid.

⁴⁹ U.S. Department of State, "2023 Country Reports on Human Rights Practices: Nepal" (2023) <<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/nepal>> accessed December 18, 2024

⁵⁰ Human Rights Watch, "Under China's Shadow: Mistreatment of Tibetans in Nepal" (2014) <<https://www.hrw.org/report/2014/04/01/under-chinas-shadow/mistreatment-tibetans-nepal>> accessed December 17, 2024

⁵¹ Human Rights Council, Written statement submitted by Asian Dignity Initiative, a non-governmental organization in special consultative status: Tibetan Refugee Rights in Nepal Amidst Ever-Growing Chinese Influence, 29 February 2024, A/HRC/55/NGO/180, available at: <https://documents.un.org/doc/undoc/gen/g24/033/69/pdf/g2403369.pdf>

⁵² Ibid.

⁵³ U.S. Department of State, "Nepal 2021: Human Rights Report" (April 2022) <<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/nepal/>> accessed December 18, 2024

⁵⁴ "Joint Submission to the Human Rights Council: Universal Periodic Review - Nepal" (Citizenship Affected People's Network, Community Action Centre, Nepal Dignity Initiative, Nepal Institute of Peace, Statelessness Network Asia Pacific, Global Campaign for Equal Nationality Rights, Institute on Statelessness and Inclusion, July 9, 2020), https://files.institutesi.org/UPR37_Nepal.pdf.

28. Aside from the discriminatory provisions of citizenship legislation in Nepal, the implementation of such legislation has also been found to be discriminatory.⁵⁵ The arbitrary levels of discretion applied by authorities in issuing documentation have often denied women and their children documentation due to discriminatory patriarchal beliefs, as well as intersectional discrimination against minority groups.⁵⁶
29. Further, the same discriminatory discretion is seen in the distribution of birth certificates, causing a lack of birth certificates among such marginalised groups which presents another barrier to accessing citizenship.⁵⁷ The cost of obtaining the required documents for the application of citizenship is also a barrier to some. The lack of a citizenship certificate leads to exclusion from a wide range of rights as the document is required to participate in many facets of public life as well as to obtain other identity documents.⁵⁸
30. Not having a citizenship certificate can even prevent the birth registration of the affected persons' children, perpetuating the cycle of lack of documentation.⁵⁹ The birth registration rate in Nepal was reported at 77% in 2019.⁶⁰

Key Issue 5: Barriers to Legal Recognition Among LGBTQIA+ Individuals

31. Since Nepal only allows citizenship by descent through heterosexual parents, the children adopted by same-sex couples have no pathway to acquire Nepali citizenship. The citizenship provisions in the Constitution, Act and Regulation only identify a father and a mother as the legal parents. Despite the Supreme Court's order to register same-sex marriage, the substantive and procedural laws on the acquisition of citizenship from either of the gay parents have not been enacted.⁶¹
32. Following the Supreme Court of Nepal's decision recognising the 'Other' gender category in addition to men and women, the government authorities have been issuing citizenship certificates with the 'Other' gender marker for trans people regardless of their self-identified gender.⁶² Furthermore, trans people are ordered to present a medical examination that confirms their diverse gender identity, and forced to undergo sex change surgery followed by invasive examinations of post-operative genitals.⁶³ The Supreme Court issued another order on July 31, 2024, recognising trans women as women and restricting the requirement of medical verification.⁶⁴

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Latschan T, "Stateless in Nepal - How a Patriarchal System Denies Citizenship to Millions" (ReliefWeb, January 29, 2015) <<https://reliefweb.int/report/nepal/stateless-nepal-how-patriarchal-system-denies-citizenship-millions>> accessed December 18, 2024

⁶⁰ UNICEF, "UNICEF Data Warehouse" <https://data.unicef.org/resources/data_explorer/unicef_f/> accessed December 18, 2024

⁶¹ Knight K, "Nepal Registers Same-Sex Marriage - A First" (Human Rights Watch, November 30, 2023) <<https://www.hrw.org/news/2023/11/30/nepal-registers-same-sex-marriage-first>> accessed December 24, 2024.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

33. The recent amendment to the Citizenship Regulations in 2024 added a new procedure for citizens to amend their sex designation in their citizenship certificates if that is different to their self-identified gender identity.⁶⁵ The new provision requires such individuals to obtain a recommendation letter from the Ministry of Health and Population.

A Snapshot of Challenges Relating to the Right to Nationality and Statelessness in Nepal

34. While there are no comprehensive official statistics on statelessness in Nepal, the problem is significant. The UNHCR Global Trends Report recorded 460 stateless persons in 2024⁶⁶, with similar figures in previous years (489 in 2023⁶⁷, 452 in 2022⁶⁸, and 465 in 2021⁶⁹). A 2015 study by the Forum for Women, Law and Development estimated over 4.3 million people lacked citizenship certificates, projecting this number could rise to 6.7 million by 2021.⁷⁰ While many undocumented people will likely be recognised as citizens should they apply, a large but unquantified number within this group have either been denied citizenship or are likely to have their citizenship application rejected.⁷¹

Impacts on Women and Girls as a Result of Discriminatory Nationality Laws and Statelessness

Violence against women (CEDAW General Recommendation No.19)

35. Discriminatory nationality laws and statelessness perpetuate violence against women, as highlighted by the Special Rapporteur on violence against women and girls.⁷² Women and girls affected by these laws face heightened risks of exploitation, abuse, domestic violence, child marriage, trafficking, and restricted freedom of movement.⁷³ Nepali women's inability to confer citizenship on their children may force them to remain in abusive marriages to

⁶⁵ Nepal Citizenship (Third Amendment) Rules, 2024.

⁶⁶ "Global Mid-Year Trends: Forced Displacement in 2024" (United Nations High Commissioner for Refugees, October 9, 2024), <https://www.unhcr.org/mid-year-trends>

⁶⁷ "Global Trends: Forced Displacement in 2023" (United Nations High Commissioner for Refugees, June 13 2024), <https://www.unhcr.org/global-trends-report-2023>

⁶⁸ "Global Trends: Forced Displacement in 2022" (United Nations High Commissioner for Refugees, June 14 2023), <https://www.unhcr.org/publications/global-trends-2022>

⁶⁹ "Global Trends: Forced Displacement in 2021" (United Nations High Commissioner for Refugees, June 16, 2022), <https://www.unhcr.org/publications/global-trends-2021>

⁷⁰ Forum for Women, Law and Development (FWLD), "Acquisition of Citizenship Certificate in Nepal: Estimation and Projection" (2015)

<<https://fwld.org/wp-content/uploads/2016/06/Acquisition-of-Citizenship-Certificate-in-Nepal-Estimation-and-Projection.pdf>> accessed December 17, 2024.

⁷¹ Forum for Women, Law and Development (FWLD), "Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers & Impacts" (2014)

<<https://fwld.org/wp-content/uploads/2016/06/Acquisition-of-Citizenship-Certificate-in-Nepal-Understanding-Trends-Barriers-and-Impacts.pdf>> accessed January 6, 2025.

⁷² Human Rights Council, Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem: Violence against women and girls, nationality laws and statelessness, 28 July 2023, A/78/256, available at: <https://documents.un.org/doc/undoc/gen/n23/223/75/pdf/n2322375.pdf>

⁷³ Ibid.

secure nationality for their children.⁷⁴ Single Nepali mothers face compounded cultural and social disapproval due to patriarchal norms that view women as dependent on their male counterparts for legitimacy and respectability, which are further entrenched by their inability to pass citizenship onto their children. These laws undermine women's equality and contribute to the root causes of gender-based violence.

36. Madheshi and Dalit women face intersecting vulnerabilities from caste and ethnic discrimination.⁷⁵ Without legal documentation, they are excluded from formal employment, education and access to justice,⁷⁶ ability to own property,⁷⁷ perpetuating economic dependency and cycle of abuse. Practices like dowry and polygamy⁷⁸ exacerbate gender-based violence,⁷⁹ while societal stigma marginalises survivors and hinders their access to legal protection.
37. Stateless refugee women in camps face domestic violence and sexual exploitation⁸⁰ due to overcrowding, inadequate infrastructure, and restricted freedom of movement.⁸¹ For instance, in 2002, UNHCR received reports of sexual exploitation of refugee women and children in Bhutanese refugee camps in Nepal.⁸² Survivors often lack legal recourse, with cases informally handled by camp management, sometimes leading to coercive outcomes like forced marriages with perpetrators.⁸³

Access to education (Article 10)

38. Citizenship certificates are attained only at the age of 16⁸⁴ and children should, in theory, be able to access primary education without them. However, the lack of a citizenship certification and/or birth certificate often creates barriers to secondary and tertiary education.⁸⁵ A 2014 study by the Forum for Women, Law and Development (FWLD) found that children in households where the “head of household” lacks citizenship are 56% less

⁷⁴ Ibid.

⁷⁵ Yadav RK, ‘Madheshi Women’s Struggles against Discrimination in Nepal’ (2024) 6 KMC Journal 317 <https://www.researchgate.net/publication/383464934_Madheshi_Women's_Struggles_against_Discrimination_in_Nepal>

⁷⁶ Ibid.

⁷⁷ Forum for Women, Law and Development (FLWD), “Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers & Impacts” (2014) <<https://fwld.org/wp-content/uploads/2016/06/Acquisition-of-Citizenship-Certificate-in-Nepal-Understanding-Trends-Barriers-and-Impacts.pdf>> accessed January 6, 2025.

⁷⁸ Tiwari S, “Spectrum of Domestic Violence against Madheshi Women in Nepal” (2016) 5 Academic Voices: A Multidisciplinary Journal 67 <<https://www.nepjol.info/index.php/AV/article/view/15854/12782>>

⁷⁹ Khanal HR, “Madheshi Women’s Struggle for Higher Education in Nepal” (2021) 31 Education and Development 19 <<https://www.nepjol.info/index.php/ed/article/download/60226/45019/177796#:~:text=Madheshi%20women%20face%20many%20problems.a%20desire%20for%20higher%20education.>>

⁸⁰ UNHCR, *Gender-based violence: Refugee women face risks in camps* (UNHCR 2019) <<https://www.unhcr.org/gender-based-violence.html>> accessed 16 December 2024.

⁸¹ Human Rights Watch, “Life in the Refugee Camps in Nepal” (2007) <<https://www.hrw.org/reports/2007/bhutan0507/4.htm>> accessed December 18, 2024; Khanna N, “The Plight of Bhutanese Refugee Women in Nepal” (United Network of Young Peacebuilders, April 19, 2023) <<https://unoy.org/the-plight-of-bhutanese-refugee-women-in-nepal/>> accessed December 18, 2024

⁸² Human Rights Watch, “Trapped by Inequality: Bhutanese Refugee Women in Nepal” (2003) <https://pseataforce.org/uploads/tools/trappedbyinequalitybhutanese refugee women innepal_humanrightswatch_english.pdf> accessed December 18, 2024

⁸³ Ibid.

⁸⁴ Forum for Women, Law and Development (FLWD), “Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers & Impacts” (2014) <<https://fwld.org/wp-content/uploads/2016/06/Acquisition-of-Citizenship-Certificate-in-Nepal-Understanding-Trends-Barriers-and-Impacts.pdf>> accessed January 6, 2025.

⁸⁵ Ibid.

likely to attend school, while those whose mothers lack citizenship are 75% less likely to attend.⁸⁶

39. Marginalised groups who face difficulties in obtaining citizenship certificates, including Madheshi women, Dalits, inter-caste families, and trafficking survivors, face challenges in obtaining birth certificates for their children, further hindering school enrollment.⁸⁷ Patriarchal norms further limit Madheshi women's access to education, perpetuating inequalities.⁸⁸
40. Refugee children also encounter significant barriers. Bhutanese refugee dropout rates are rising due to limited post-education employment opportunities.⁸⁹ Similarly, Tibetan refugee children, lacking birth certificates required for enrollment beyond Grade 8, face declining educational access. Discrimination and fear within Tibetan communities exacerbate these challenges, reducing the number of Tibetan students and teachers in schools in Kathmandu and Pokhara.⁹⁰

Access to employment (Article 11), Trafficking of women (Article 6) and Participation in public life and decision-making (Article 7)

41. Stateless persons in Nepal face significant barriers to formal employment due to the absence of identity documents, confining them to low-paying, exploitive informal jobs.⁹¹ This disproportionately affects women, particularly single mothers, and Madheshi and Dalit women, who are already economically and socially marginalised. Stateless youth face severe mental health challenges, with reports of suicide attempts.
42. Statelessness and poverty heighten women's and girls' vulnerability to trafficking, with traffickers preying on those lacking legal identity or safety nets.⁹² UNICEF estimates 200,000 Nepali women and girls are trafficked into Indian brothels.⁹³ Children born to trafficked women often inherit statelessness, perpetuating marginalisation across generations.
43. Refugees without identity certificates are excluded from formal employment, forcing them into irregular work.⁹⁴ Bhutanese refugees in camps are barred from working outside,

⁸⁶ Ibid.

⁸⁷ Ibid

⁸⁸ Khanal HR, "Madheshi Women's Struggle for Higher Education in Nepal" (2021) 31 Education and Development 19 <<https://www.nepjol.info/index.php/ed/article/download/60226/45019/177796#:~:text=Madheshi%20women%20face%20many%20problems,a%20desire%20for%20higher%20education>>

⁸⁹ Human Rights Watch, "Life in the Refugee Camps in Nepal" (2007) <<https://www.hrw.org/reports/2007/bhutan0507/4.htm>> accessed December 18, 2024

⁹⁰ Tibetan Centre for Human Rights and Democracy (TCHRD), "Languishing in Limbo: Tibetan Refugees in Nepal" (2021) <<https://cn.tchrd.org/wp-content/uploads/2023/12/Final-Nepal-Report-for-Upload.pdf>> accessed December 18, 2024

⁹¹ Batha E, "Nepal Citizenship Law Lifeline to 'hundreds of Thousands' in Limbo" (Context by Thomson Reuters Foundation, July 5, 2023) <<https://www.context.news/socioeconomic-inclusion/nepal-citizenship-law-lifeline-to-hundreds-of-thousands-in-limbo>> accessed December 18, 2024

⁹² Office for Victims of Crime, "Human Trafficking" (Office for Victims of Crime) <<https://ovc.ojp.gov/program/human-trafficking/about-human-trafficking>> accessed December 18, 2024

⁹³ Gupta R, "Trafficking of Children for Prostitution and the UNICEF Response" (Asia Society) <<https://asiasociety.org/trafficking-children-prostitution-and-unicef-response>> accessed December 18, 2024

⁹⁴ Giri A, "Government Decides to Allow Bhutanese Refugees to Do Business" The Kathmandu Post (March 6, 2022) <<https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business#:~:text=Anil%20Giri&text=A%20soon%20to%20be%20implemented,pursue%20higher%20education%20in%20Nepal>>

increasing economic marginalization and dependence on male family members, which exacerbates power imbalances and domestic exploitation.⁹⁵

44. Stateless women are also excluded from voting and political participation, reinforcing patriarchal norms that hinder their leadership and decision-making roles.⁹⁶

Access to healthcare (Article 12)

45. Stateless individuals in Nepal face barriers to accessing health insurance that limit their access to healthcare,⁹⁷ making them vulnerable to catastrophic health expenses.
46. Madheshi women and girls also face limitations in accessing healthcare and the exclusion is exacerbated by socio-cultural barriers.⁹⁸ These restrictions particularly impact access to crucial sexual and reproductive health services, such as prenatal care, family planning, and maternal health.⁹⁹
47. There are reports of Bhutanese refugees facing challenges accessing healthcare services. Around 1,000 of the more than 6,000 Bhutanese refugees living in camps are either disabled, infirm or elderly, many living alone in camps with no family members to take on caregiving as families have been effectively split as a result of rehabilitation and resettlement.¹⁰⁰ These vulnerable groups often struggle to access healthcare services, as they must stand in long queues at the nearest health facility, which is located about 1 kilometre away from the camps.¹⁰¹

Access to social services and land rights (Economic and social benefits, Article 13)

48. Citizenship certificates are essential to access welfare benefits, such as elderly allowances and widow assistance.¹⁰² Madheshi and Dalit communities, particularly senior citizens, face exclusion from these schemes due to lack of documentation, leaving them in poverty, without

⁹⁵ Khanna N, “The Plight of Bhutanese Refugee Women in Nepal” (United Network of Young Peacebuilders, April 19, 2023) <<https://unoy.org/the-plight-of-bhutanese-refugee-women-in-nepal/>> accessed December 18, 2024

⁹⁶ “Human Rights Situation of Dalit Community in Nepal: Submission to the United Nations Universal Periodic Review of Federal Democratic Republic of Nepal for Second Cycle, Twenty-Third Session of the UPR” (Dalit Civil Society Organisations’ Coalition for UPR, Nepal and International Dalit Solidarity Network (IDSN), 2015, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1995&file=EnglishTranslation>

⁹⁷ Women’s Rehabilitation Centre (WOREC), “Responsibility of State to ‘Victims of Legal Injustice Resulting in Statelessness’” (2020) <<https://www.worecnepal.org/publications/161/2023-08-28>> accessed December 18, 2024

⁹⁸ Unrepresented Nations & Peoples Organization, “Marginalization of Madhesi Women in Nepal” (October 11, 2018) <<https://unpo.org/marginalization-of-madhesi-women-in-nepal/>> accessed December 18, 2024

⁹⁹ Ray A, “Women in Rural Madhesh Face Uphill Battle to Access Sexual, Reproductive Care” (Asia News Network, November 4, 2024) <<https://asianews.network/women-in-rural-madhesh-face-uphill-battle-to-access-sexual-reproductive-care/>> accessed December 18, 2024

¹⁰⁰ Neupane M, “Aging in Nepali Camps, Refugees Dream of Returning to Bhutan” (Global Press Journal, August 9, 2024) <<https://globalpressjournal.com/asia/nepal/aging-nepali-refugee-camp-never-dies-refugees-dreams-returning-bhutan/>>

¹⁰¹ Ibid.

¹⁰² Forum for Women, Law and Development (FLWD), “Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers & Impacts” (2014) <<https://fwld.org/wp-content/uploads/2016/06/Acquisition-of-Citizenship-Certificate-in-Nepal-Understanding-Trends-Barriers-and-Impacts.pdf>> accessed January 6, 2025.

healthcare, and inadequate housing.¹⁰³ Citizenship is also required for opening bank accounts, starting businesses, and applying for government jobs, further marginalizing these groups.¹⁰⁴ Stateless refugees without identity certificates face similar barriers, limiting their access to essential services such as opening bank accounts¹⁰⁵ and obtaining driver's licences and economic opportunities.¹⁰⁶

49. Citizenship is crucial for land ownership, disproportionately affecting Madheshi and Dalit communities.¹⁰⁷ Patriarchal norms and legal barriers often prevent women from owning property, deepening their economic marginalisation and reinforcing gender inequality. Stateless refugees, including Bhutanese camp residents, are likewise denied property rights, compounding their socioeconomic challenges.¹⁰⁸

Recommendations

Based on the above information, the co-submitting organisations request the Committee to make the following recommendations to Nepal:

50. Amend or repeal discriminatory nationality provisions in the Constitution of Nepal (2015) and other relevant legislation, such as the Citizenship Act 2063 (2006), Nepal Citizenship Rules (1992) and others, to ensure Nepali women have equal rights as Nepali men to confer nationality on their children and spouses, irrespective of marital status, place of birth of the child or the nationality of the father/ child.
 - a. Ensure Nepali women have equal rights as Nepali men to confer citizenship by descent on their children regardless of the nationality or lack thereof of the father.
51. Adopt measures to remove ethnic and caste-based discrimination and address historical and systemic barriers preventing access to citizenship for Madheshi and Dalit communities with clear procedures, guidelines and timelines for issuing citizenship certificates.
 - a. Launch targeted outreach programs to provide identity documentation and ensure accessibility in remote areas, and train government officials responsible for issuing citizenship certificates to address discriminatory biases.
52. Ensure all children born in Nepal have access to birth registration in a timely, accurate and inclusive manner with a focus on removing administrative and financial barriers, particularly

¹⁰³ Dalit Civil Society Organisations' Coalition for UPR, Nepal and International Dalit Solidarity Network (IDSN), "Human Rights Situation of Dalit Community in Nepal: Submission to the United Nations Universal Periodic Review of Federal Democratic Republic of Nepal for Second Cycle, Twenty-Third Session of the UPR" (2015), available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1995&file=EnglishTranslation>

¹⁰⁴ Yadav RK, 'Madheshi Women's Struggles against Discrimination in Nepal' (2024) 6 KMC Journal 317

<https://www.researchgate.net/publication/383464934_Madheshi_Women's_Struggles_against_Discrimination_in_Nepal>

¹⁰⁵ Giri A, "Government Decides to Allow Bhutanese Refugees to Do Business" The Kathmandu Post (March 6, 2022) <<https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business#:~:text=Anil%20Giri&text=A%20soon%20to%20be%20implemented,pursue%20higher%20education%20in%20Nepal>>

¹⁰⁶ Neupane M, "Aging in Nepali Camps, Refugees Dream of Returning to Bhutan" (Global Press Journal, August 9, 2024) <<https://globalpressjournal.com/asia/nepal/aging-nepali-refugee-camp-never-dies-refugees-dreams-returning-bhutan/>>

¹⁰⁷ Pandey KP, "Madheshi Dalit Women's Access to Citizenship and Livelihood Alternatives in Nepal" [2024] Contemporary Voice of Dalit <<https://journals.sagepub.com/doi/10.1177/2455328X241258001?icid=int.sj-abstract.citing-articles.1>>

¹⁰⁸ Human Rights Watch, "Under China's Shadow: Mistreatment of Tibetans in Nepal" (2014) <<https://www.hrw.org/report/2014/04/01/under-chinas-shadow/mistreatment-tibetans-nepal>> accessed December 17, 2024

for marginalised communities, including Dalits, Madheshis, stateless persons and refugees, by strengthening the Civil Registration and Vital Statistics (CRVS) system.

- a. Establish mobile registration units to reach remote areas, and implement public awareness campaigns to promote the importance of birth registration among all communities.
 - b. Train local authorities to adopt non-discriminatory practices and ensure CRVS processes are sensitive to the needs of women, children and marginalised communities.
53. Ensure women have the independent right to acquire birth certificates and civil documents on an equal basis with men, regardless of marital status.
54. Ensure that stateless persons and individuals without citizenship certificates are guaranteed access to fundamental rights and essential services, including but not limited to education, healthcare, and formal employment.
 - a. Provide access to welfare aid, especially for vulnerable groups like the elderly and persons with disabilities.
 - b. Ensure the ability to open bank accounts, start businesses, and obtain driver's licenses to support their socioeconomic participation and independence.
 - c. Implement comprehensive measures to address gender-based violence, particularly for stateless women and girls from marginalised groups (Madheshi, Dalit, refugees), ensuring access to justice and support services.
 - d. Strengthen efforts to prevent the trafficking of stateless women and girls.
55. Ensure gender-diverse people can acquire citizenship on the basis of their preferred and self-identified gender identity in a dignified manner.
 - a. Ensure gender-diverse people can change their names and gender markers in their citizenship certificates at any time.
 - b. Include provisions to provide citizenship to children born to or adopted by gay couples.

ANNEX A

Lived Reality: Sita's Testimony on Her Struggle for Citizenship

My name is Sita (Name Changed), and I am one of many individuals in Nepal who have fought for years to obtain citizenship. My struggle lasted for ten years of my life—before I finally received the document that would change everything.

“I thought everyone could get citizenship once they go to the Wada (Ward Office),” I recall. “I used to see all my friends getting it easily. But it wasn't the same for me.”

At one point, I came to terms with the fact that getting my citizenship might take a bit longer. But little did I know it would consume ten years of my life.

When asked what felt out of reach during those years without citizenship, my answer is simple: “Everything.”

“People usually take citizenship for granted because it's easy for most of them to get. But for people like me, a single piece of paper, citizenship, proving that I am a citizen of this nation, despite the fact that I was born here, studied here, and have lived here my entire life, has held me back. I didn't even have my own SIM card. I had to rely on others just to get one. Something as basic as a SIM card was out of reach for me. So, you can imagine how hard it was to think about college admission or opening a bank account.”

The challenges didn't stop there. “I went to work, but when it came time to receive my salary, they had to send it to a bank account. Companies need to keep records and prefer bank transfers. So I had to rely on friends to receive my own salary.”

This testimonial was obtained by the Citizenship Affected People's Network (CAPN) from one of the affected individuals on the 29th of October, 2024.