

Gender Discrimination in Nepal and How Statelessness Hampers Identity Formation

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Author biography

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Abstract

The paper argues that the effect of holding a citizenship expands beyond a formal individual-state-relation. The paper illustrates that statelessness impacts the identity formation of affected persons through several internal and external factors. Thereby, this article focuses from one angle on women who are denied the ability to pass their citizenship on to their children without the support of their husbands or other male relatives; and from another angle it talks about girls and women who are rendered stateless as a result of discrimination. This article explores how far the discriminated girls and women suffer from a conditioned private (for example within their families) and public sphere (within the community), in which they are limited in their capacity to act and to form their identity. This paper argues that a long-term shift of a deeply rooted patriarchal mind-set and thus cultural assumptions as well as institutional practice is needed to allow the affected girls and women to discover their full social, political and economic capacities and hence, to pro-actively contribute to the two spheres.

1. Introduction

The debate on gender discrimination and citizenship in Nepal intensified in the run-up to the adoption of a new Constitution. The new Constitution presented on 20th September 2015 clearly abuses women's—and not seldom their offspring's—human rights. In effect, those discriminated women and their children are not allowed to fully and freely explore their individual identity as well as their social, political and economic potential. The origin of this discrimination is deeply rooted within Nepali society and its perceptions, assumptions and actions towards women. This article focuses not only on women who are not allowed to pass their citizenship on to their children without the support of their husbands or other male relatives, but also puts emphasis on girls and women who are rendered stateless because of discriminatory practices within the administrative apparatus and in the society as such. However, this paper does not ignore the fact that men and boys who are stateless in Nepal suffer heavy burdens as well. While growing up and making their lives in Nepali society, Nepali males and females face different challenges. This paper's focus, however, is on the challenges faced by females, while still acknowledging the difficulties faced by males. Due to the striking asymmetric power relation between the two genders that is also manifested within the new Constitution and reflected through the comparable high numbers of stateless girls and women in Nepal¹, this article primarily focuses on discrimination against women as well as girls, the role of citizenship and its consequences on the formation of identities.

Statelessness is a symptom of a dysfunctional system which does not allow members of a minority group within the Nepali society to explore their full economic, political and social potential and capacities. Citizenship is an individual's entry point into a society that is based on specific cultures cultivated and formed through institutionalized practices. Statelessness therefore has a life-long and direct impact on the person's sense of belonging within the private and public sphere (chapter three). Traditionally and historically, the social positioning of women and girls can be described as inferior within the Nepali patriarchal society and discriminatory legal provisions, also enshrined in the 2015 Constitution, mirror this positioning (chapter two and four). The reflection on citizenship and identity with its reciprocal influencing factors is further discussed in chapter five. However, a constant mode of bargaining within and between multiple dominant and inferior identity groups can lead to short-, mid- or long-term shifts in their power relations and thus to a change in cultural assumptions and institutional practice (chapter six) towards gender equality in Nepal.

International law defines the term stateless person as a 'person who is not considered as a national by any state under the operation of its law'². Even though the effective Nepali legal provisions³ outline that a child obtains citizenship by descent from the mother or the father, the practice represents a stark contrast to the written law. The father or both parents together have no obstacles to support the child's citizenship; however, it is particularly difficult for the offspring to acquire Nepali citizenship by descent only from the mother. The shocking consequence is that about 4'350.000 people above the age of 16⁴, which equals 23,65% of the Nepali population, do not have citizenship certificates⁵.

¹ In Nepal 87% of men above the age of 16 but only 74% of women are holding citizenship certificates. Forum for Women and Law Development (FWLD) (2014). Acquisition of citizenship certificates in Nepal – Understanding trends, barriers and impacts. Publication Nr. 169.

² Article 1 of the Convention relating to the Status of Stateless Persons, 1954. Nepal is neither party to this international convention nor to the Convention on the Reduction of Statelessness, 1961.

³ Namely the new Constitution Article 11.2.b (2015), the Citizenship Act (2006) and a Supreme Court directive (Sabina Damai and Forum for Women Law and Development (FWLD) v. Government of Nepal, Writ no 06/0703 of 27 January 2011, decided on February 27, 2011). This progressive Supreme Court decision did not have systemic implications which could have contributed to a revision of patriarchal practice, but only resulted into a case-bound recognition of citizenship.

⁴ With the age of 16, children can apply for citizenship in Nepal.

⁵ Forum for Women and Law Development (FWLD) (2014). Acquisition of citizenship certificates in Nepal – Understanding trends, barriers and impacts. Publication Nr. 169.

From an international perspective, Nepal is one of the 27 countries in the world that does not provide equal conditions for women to confer nationality to their children⁶.

Despite the strong democratic movements and the end of the monarchy after the civil war in 2006, patriarchal culture and way of thinking are still predominant in the country. It is customary that married women are allowed to obtain a passport only if their husband, father or guardian approve of this step, even though the Supreme Court denounced this practice in 2005⁷. The challenges Nepalese women face to receive their citizenship certificate or to transfer citizenship by descent to their offspring are contrary to international law and prevent Nepal from taking further steps towards an equal and just society.

The country has ratified numerous international human rights treaties intended to protect human dignity and strengthen equality⁸, but the state has failed to fulfil its legal obligations. To give an example, the country is violating its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), whereby in accord with Article 9 the state must safeguard against gender discrimination and statelessness in national law. Moreover, Nepal is also in violation of Articles 7 and 8 of the Convention on the Rights of the Child (CRC), which stresses the importance of child registration and the prevention of childhood statelessness.

2. Who is most likely to suffer from Nepal's discriminatory citizenship laws?

Statelessness in Nepal is a challenge emerging entirely out of human decisions. The operation and interpretation of Nepali law is mainly conducted by male officials, who are in the position to make arbitrary decisions regarding citizenship on a daily basis, with serious consequences for people's lives. The new Constitution, which replaced the 2007 Interim Constitution, is strongly debated by human rights and women's rights organizations⁹ that are concerned by the continuous legal discrimination and marginalization of women. The Constituent Assembly did not close the legal gap between men's and women's citizenship rights. Despite the replacement of the *and-formulation* by the *or-formulation* in Article 11.2.b of the new Constitution, meaning that fathers *or* mothers are able to pass on their citizenship to their offspring, women still suffer from gender inequality. As is often the case, the devil lies in the detail. According to Article 11.3 Nepali women should both establish evidence of the citizenship of the child's father and that the offspring was born in Nepal in order to obtain citizenship by descent¹⁰. This constraint applies only for the children of Nepali women and not of Nepali men. This signifies that sons and daughters of mothers who suffered rape, migrated to other countries, were trafficked, abandoned by their boyfriends or husbands, married to foreigners or who are stateless and/ or are in relationships with stateless men or refugees, can expect rejection of applications on behalf of their children for Nepali citizenship by descent. Moreover, women could feel forced to stay with their husbands as long as they have not applied for the children's citizenship

⁶ UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (2014).

⁷ Lily Thapa v. Government of Nepal, Writ no. 34 of 2061 B.S, decided on December 15, 2005.

⁸ International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of Persons with Disabilities (CRPD). Retrieved 15.07.2015 from <https://www1.umn.edu/humanrts/research/ratification-nepal.html>

⁹ Forum for Women, Law and Development (FWLD), the Feminist Dalit Organization (FEDO), Women's Rehabilitation Centre (WOREC Nepal) are amongst other women rights organizations that peacefully protested against gender discriminating provisions of the 2015 Constitution. Retrieved 29.10.2015 from <http://kathmandupost.ekantipur.com/news/2015-09-03/rights-activists-begin-hunger-strike.html> and <http://fedonepal.org/women-hunger-strike-for-mother-s-name>

¹⁰ Nepal Law Society, International Institute for Democracy and Electoral Assistance (IDEA) and United Nations Development Programme (UNDP). Unofficial Translation of the Constitution of Nepal 2015.

together, due to the fact that children can request their citizenship only from the age of majority according to Article 11.3 of the new Constitution¹¹.

3. Statelessness conditions the private and public sphere of affected persons

The powerless situation of thousands of Nepali women, who cannot confer their nationality on their children, has significant impacts on their offspring's entire lives. Stateless people are excluded from a wide range of political, social, civil, and economic rights and duties¹². This discriminatory inequality is perceptible in the private sphere, for example within families, as well as in the public sphere, including the community and state level. Stateless persons are not provided with identity cards, which are a pre-condition to receive public services, including education and health care. Practically, they cannot do things like buy SIM cards, open bank accounts or travel by airplane. Stateless persons are furthermore excluded from formal employment, the registration of events like marriage, business or death, participation in national elections, and from governmental benefits and allowances (for example for widows, persons with disabilities, victims and survivors of the armed conflict or the earthquake of April and May 2015)¹³. The negative effects in the public sphere heavily impact on the private sphere and vice versa because both spheres are highly interlinked and their borders are blurred.

4. A vicious circle – exemplified in the issue of trafficking

Statelessness can be a root cause for human rights violations and a product of human rights abuses at the same time. Thus, discrimination against women and the possible statelessness of their children can be part of a vicious circle from which it is hard to escape. As mentioned above, statelessness has a directly negative impact on an individual's ability to generate a stable income in the formal sector and to obtain state services, including health care and education. Consequently, stateless persons often suffer from a high level of poverty¹⁴ and the law cannot always protect them¹⁵. Therefore, stateless girls and women are at great risk of becoming victims of trafficking to other countries, including being trafficked to India where, according to UNICEF, approximately 200,000 Nepali girls and women work in brothels¹⁶. In addition, it has been observed that after the devastating earthquakes in 2015, the already very high numbers of trafficking incidences further increased because poor and/or orphaned girls and young women succumbed to traffickers' false promises to financially supporting them and their relatives. Once abroad, trafficking victims might give birth to children who are also highly prone to become stateless.

According to the new Constitution's Article 11.5 a Nepali woman who lives permanently in Nepal may request the offspring's citizenship by descent only if the father of the child is unidentified¹⁷. If it turns

¹¹ Amnesty International (2015). Open letter to the new Prime Minister and Government of Nepal: Amend regressive aspects of the constitution. Retrieved 09.11.2015 from <https://www.amnesty.org/en/documents/asa31/2802/2015/en/>

¹² Duties comprise paying certain taxes or obeying the national law and order.

¹³ White, P. (2009). Reducing de facto statelessness in Nepal. *Forced Migration Review*, Issue 32, pp. 28 - 29.

¹⁴ Retrieved 27.10.2015 from <http://kathmandupost.ekantipur.com/news/2015-09-30/cycle-of-exclusion.html>.

¹⁵ Lynch, M. (2008). Futures denied – Statelessness amongst infants, children and youth, in: *Refugees*

International: Washington, DC. Retrieved 09.11.2015 from <http://www.rcusa.org/uploads/pdfs/RI%20Futures%20Denied,%202010-08.pdf>

¹⁶ 5000 - 7000 girls and women are trafficked to India each year. Retrieved 02.07.2015 from <http://asiasociety.org/trafficking-children-prostitution-and-unicef-response>

¹⁷ In such a case women and their offspring may expect further discrimination and stigmatization. Institute on Statelessness and Inclusion, Global Campaign for Equal Nationality Rights and Nepal Civil Society Network of Citizenship Rights (2015). Nepal, Joint Submission to the Human Rights Council at the 23rd Session of the Universal Periodic Review - Summary, Update

out that the father is a foreigner, the mother needs to apply for the child's naturalization. In the last 6 years, Nepali officials have refused every citizenship application of children born to foreign fathers¹⁸. Nepali men with foreign spouses do not face similar restrictions. It can therefore be said that in Nepal naturalization is not a legal matter but is rather a discretionary matter of Nepali officials who have the freedom to interpret the law in line with a patriarchal culture. Moreover, the majority of trafficked women with a foreign-born child might not be able to evidence the identity of the child's father in their home country. Exactly this constellation is not specified or defined by the clause 5 of the new Constitution's Article 11, which leaves it up to the Federal Law to provide clear insights¹⁹. Article 11.5 of the new Constitution is also discriminatory against trafficked women because they need to reside permanently in Nepal in order for the provision to be applicable. In line with the current practice of the Nepali administration, the unfulfilled conditions would render the child stateless. It is particularly difficult for stateless and trafficked women to re-integrate in their home districts because they lack a proof of origin, which increases their risk of further abuse and exploitation. Furthermore, victims of trafficking often have to face abandonment or betrayal by their family members, who themselves fear social stigma if they accept the trafficked person²⁰.

5. Reflections on citizenship and identity

As illustrated above, citizenship encompasses a comprehensive set of rights and duties and symbolizes the full membership in a national community (see chapter three). Notwithstanding this, the impact of citizenship expands beyond a formal individual-state connection. Within this dual relation, the lack of citizenship has consequences on and is shaped by different factors that contribute to the development of an individual's identity. Therefore, an alternative approach needs to be proposed, which positions identity at the core of the analysis. Inspired by Werbner's and Yuval-Davis' definition of citizenship as a 'more total relationship, inflected by identity, social positioning, cultural assumptions, institutional practices and a sense of belonging'²¹, the term *identity* is considered as the central element. An individual's identity is shaped by multiple factors: first of all, a sense of belonging, for example to relatives, village members, colleagues at the workplace or friends. Hence, the overall social positioning in the person's environment, including, within and in relation to other so called castes, ethnic groups, religious affiliations, gender or also geographical locations, need to be taken into account. Moreover, the sense of belonging can process and change over time and in a different context. To provide an example, a person living in a certain district might not be perceived as a member of the local community by other community members due to his/ her lacking knowledge of the local language. However, after moving to Kathmandu for a new employment people living in the capital might regard the person as such a local community member. Incentives that allow the development of self-perception, like the change of the living or working environment, type of education or shocks including the main earthquakes 2015, could contribute to shaping a person's identity. Secondly, the cultural assumptions, based on values and beliefs, as well as, thirdly, institutional practices should be considered. Reflexively, people may affect or change these social, cultural and institutional factors and relations on the basis of a coherent conception of their own identity and equally, social, cultural and institutional factors can influence the shaping of identity. Throughout their lives, people continuously

and Proposed Recommendations for the consideration of States. Retrieved 27.10.2015 from http://www.institutesi.org/UPRNepal_short.pdf

¹⁸ Ibid.

¹⁹ Retrieved 27.10.2015 from <http://southasiacheck.org/fact-check/citizenship-provision-in-new-constitution-is-discriminatory-against-women/>

²⁰ Buet, L., Bashford, P. and Basnyat M. (2012). Looking Towards Tomorrow: A Study on the Reintegration of Trafficking Survivors. pp. 27 - 28. Retrieved 27.10.2015 from http://www.asha-nepal.org/dbfiles/pages/116/reintegration_study.pdf

²¹ Werbner, P. and Yuval-Davis, N. (1999). Women and the new discourse of citizenship, in: Werbner, P. and Yuval-Davis, N. (Eds.) Women, citizenship and difference. London: Zed Books.

define their identity through this dialectic process in relation to other people and groups corresponding to multiple social environments. This mutually re-enforcing and complex process of identity construction operates through an endless mode of bargaining, which will be elaborated in chapter six.

With respect to gender discrimination and citizenship in Nepal, it is significant that women and their offspring can develop their identity through external factors, including membership rules and socially expected behaviour, as well as internal factors, meaning 'socially distinguishing features that a person takes a special pride in or views as unchangeable but socially consequential'²². They can be mothers, fathers, wives, husbands, brothers and sisters, members of a religious group, caste, profession or geographic origin. Citizenship and the related rights and duties that comprise social, economic and political aspects of people's daily life add to these (self-)perceptions, and conversely a lack of citizenship limits personal freedoms and the potential of expression in the private and public sphere. This is exemplified by the fact that mothers, no matter whether they hold citizenship or are stateless, face very high burdens and further discrimination as well stigmatization if they alone want to ensure that their offspring will receive citizenship, because of their traditional and social positioning, underlying cultural assumptions and the institutional practice of officials, who interpret law according to their convenience and discriminatory traditions. Women who are prevented from passing on their citizenship to their offspring as well as their sons and daughters themselves suffer under a conditioned private and public sphere, shaping their individual perception of their own identity. It impedes them from discovering their full social, political and economic capacities, and hence, to pro-actively contribute within both spheres.

In this regard, it is important to stress that people belong to hierarchic and overlapping identity groups²³. The members of socially, economically and politically dominant identity groups, for example men, fathers, male officials or political elites, establish certain assumptions about less powerful identity groups. Although it should be stressed that some women are born into or enter dominant identity groups, including political elites. This intersectionality²⁴ can result into a relatively powerful positioning with respect to other Nepali women in the society but also into a personal dilemma because the women have to deal with and balance different social status and identities that can be perceived as contradictory. In order to meet the dominant groups' needs and interests, cultural assumptions are transformed into a normative system that also influences the public interest. On this basis, a patriarchal mind-set and practice can be formed that again result in certain traditions as well as cultures. Moreover, when those assumptions materialise there is a high risk that they find an institutional manifestation in national laws. In the case of Nepal they influenced the new Constitution, as well as its implementation and interpretation, especially with regard to citizenship. In this manner, self-perceptions, experiences and actions of women are shaped and conditioned in the public and private spheres. This results in the fact that they are not allowed to explore their full potential and abilities without being citizens. It should be pointed out that women also have to face discrimination by gender through their belonging to certain ethnic groups, castes or social classes. They are placed in a subordinate position based on the patriarchal practice and culture which can limit their identity formation.

²² Fearon, J. D. (1999). What is identity (as we now use the word)?. Retrieved 10.08.2015 from <http://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/What-is-Identity-as-we-now-use-the-word-.pdf>

²³ Dovidio, J.F., Saguy. T. and Shnabel, N. (2009). Cooperation and Conflict within Groups: Bridging Intragroup and Intergroup Processes, in: *Journal of Social Issues*, Vol. 65, No. 2, 2009, pp. 429-449.

²⁴ Deaux, K. (2001). Social Identity. Retrieved 30.10.2015 from https://www.utexas.edu/courses/stross/ant393b_files/ARTICLES/identity.pdf

However, this does not mean that women cannot become members of dominant identity groups. 172 women are members of the Constituent Assembly, which equals 30% of the seats²⁵. In some cases, this intersectionality is associated with the fact that women are family members of already powerful elites and are hence born into their social and political role. However, it remains questionable how far female Constituent Assembly members identify with women belonging to lower castes and social and religious backgrounds different to their own and consequently, in how far they were able to shape perceptions, assumptions and substantially the provisions of the new Constitution in order to prevent further gender-based discrimination and to grant thousands of stateless persons the rights and duties reserved for Nepali citizens.

Citizenship can function as a ‘transmitter’, supporting the formation of a person’s identity within the public and private sphere. Ideally, an individual should have the freedom of choice to acknowledge and develop his/ her coherent identity. While the formation of identity is limited by external forces— for example through the denial of citizenship— girls or women who lack access to information and education about the advantages of being or becoming a citizen of Nepal do not perceive a limitation of choice. Their awareness of the existence of the possibilities is narrowed and therefore their skills and capacities to shape their identity is (pre-) constrained. Prevailing traditions, customs or beliefs can prevent individuals from exploring further their identity. In the context of Nepal, this may involve the case of girls and women living in remote and poor areas where the importance of identity cards and birth registration might not be known or traditional mind-sets and behaviours might inhibit women from going to school as well as choosing a husband rather than opting for arranged marriages. It has to be conceded that within rural areas, the value of citizenship might not play an immediate role because the private and public sphere function to a certain extent without the interference of for example governmental law and order or the need for a bank account as well as higher education. Nevertheless, modern technology, including affordable mobile phones, an improving infrastructure, including better streets as well as a growing energy supply, and an increasing contact with other communities and cultures create points of exchange. Women gain both a complex knowledge of the rights and privileges related to a citizenship and they are increasingly confronted with a rather multifaceted living environment. In addition, a child of a stateless mother will have to face significant challenges to apply for citizenship in Nepal.

6. The constant mode of bargaining

Within the established social, political and economic order, deeply held individual and group perceptions, cultural assumptions and institutional practices are subject to a constant mode of bargaining and hence transformation within and between the identity groups. However, the bargaining power of minority groups is relatively low and their means of bargaining are determined by the influence of dominant elites. This is exemplified by the fact that, while in theory children are allowed to obtain the Nepali citizenship if only their mothers are Nepali (Article 11.2.b of the new Constitution), due to the strong bargaining power of powerful identity groups, mainly composed by male officials and stakeholders, the written law is actually object of interpretation and is implemented in a discriminatory manner. Under the light of Article 11.5 of the new Constitution Nepali authorities reject the application for naturalization submitted only by mothers if the father of the child is a foreigner. Therefore, the resulting reality is consistent with the traditional mind-set.

The history of Nepal has proven that identity groups are continuously bargaining to achieve more power, societal freedoms and/or human rights. Thus, the marginalization of women is a significant element of Nepal’s historical development. Even the multiparty democracy established in 1990 did

²⁵ Retrieved 03.07.2015 from <http://www.ekantipur.com/the-kathmandu-post/2014/02/24/top-story/womens-representation-in-ca/259665.html>

not manage to bridge political and social inequalities, including an unequal access to citizenship and a disproportionate representation of women in governmental institutions. The civil war (1996-2006) created the momentum for the establishment of a stronger bargaining position for women, and brought about some of the necessary conditions to raise awareness and strengthen advocacy efforts for women's rights. The political chaos and the fight over power between the Third Peoples Movement, Maoist, and the Government catalysed an attempt to break with rigid patriarchal structures.

During the armed conflict, enforced disappearances, torture, killings and other human rights abuses²⁶, which also targeted and affected women, drastically increased. The war nevertheless altered women's position in society, since women became engaged outside their traditional roles and they took on new responsibilities in the private and public sphere. To give an example, the Maoist movement organized women to fight in the People's Liberation Army (PLA). Not only did they mobilise girls, who counted for 39% of the recruits between November 2005 and September 2006, but they also encouraged young women to hold leadership positions within the PLA²⁷. Nevertheless, the Maoist movement challenged the traditional status of women not as an objective in itself but rather as a tool to pursue higher military and political goals. A discriminatory and patriarchal mind-set of male elites persisted also within the PLA.

In addition, the continuous bargaining process inherent in women's identity creation can be shaped by internal dynamics. In 2011, the Supreme Court set a valuable precedent with the case of Sabina Damai and acknowledged that married or single mothers can transfer their citizenship to their offspring²⁸. This landmark directive was a sign of hope for women's equal and respectful treatment and has effects on the dynamics of identity formation and the precarious situation of the stateless women and girls in Nepal. The bargaining process can also be modified through external forces including the earthquakes of April and May 2015²⁹. A survey conducted by UN Women and UNFPA with Nepali women suggests that in the aftermath of the major earthquakes 74% of the women stated that men have been listening to them concerning household decisions, including income earning³⁰. The facts have to be taken seriously and might be symptoms reflecting slight shifts in the bargaining power. Moreover, the earthquakes orphaned thousands of children and hundreds of children are still missing, putting them at risk of becoming stateless. Those internal and external factors continuously rearrange the bargaining process, which can lead to a long-term shift away from a deeply rooted patriarchal mind-set, and result in a change in existing cultural assumptions and institutional practices.

7. Conclusion – Prospects for individual impact and social struggle

The legal provisions in the new Constitution did not strengthen or protect the societal, political and economic positioning of women, which signifies in itself no setback compared to the Interim Constitution but also no improvement in the struggle for gender equality and for a peaceful society in

²⁶ During the violent conflict, an estimated 13,200 people were killed and approximately 1,300 persons were forcibly disappeared. In many instances, the victims also endured physical and psychological torture, sexual abuse or were executed extra-judicially. Retrieved 22.06.2015 from http://www.trial-ch.org/fileadmin/user_upload/documents/CAJ/Nepal/NEPAL_REPORT_to_HRC_TRIAL.pdf

²⁷ Manchanda, R. (2008). Women's question in Nepal's democratic post-conflict transition: towards a policy research agenda, in Peace Prints, South Asian Journal of Peacebuilding.

²⁸ Supreme Court directive (Sabina Damai and Forum for Women Law and Development (FWLD) v. Government of Nepal, Writ no 06/0703 of 27 January 2011, decided on February 27, 2011).

²⁹ At the end of May 2015, the Nepali government stated "the earthquakes had left 8,693 people dead and injured 22, 491. The number of houses damaged was 501906 and those partially damaged 272232. Further, the quakes also damaged nearly 30,000 public and private classrooms (about 8000 schools) across 49 districts, and destroyed 1023 health centers. The number of livestock lost until 31 May was 54,411." Retrieved 24.07.2015 from http://icnr2015.mof.gov.np/page/earthquake_2015#sthash.0ZjzUIBy.dpuf.

³⁰ Gender Working Group Responsible to the Nepal Earthquake, Update No. 6. (26.10.2015) Retrieved 30.10.2015 from https://www.utexas.edu/courses/stross/ant393b_files/ARTICLES/identity.pdf

Nepal. It is now the responsibility of people living in Nepal and the international community to pressure the government to revise within the upcoming two years the new Constitution in such a way that human rights will be protected³¹. Nevertheless, the legal provisions, that need to be amended in the future, could be only applied in an equal and just manner if the underlying assumptions of particular dominant identity groups would be coherent with the main convictions the law needs to stand for. Only then would be the Constitution a power full tool able to protect Nepali citizens and to allow them to shape their identities.

Domestic challenges including statelessness, can be resolved if there is sufficient determination, and the acceptance of people's equality and diversity can become a reality in Nepal. The struggle for respect and equality might provoke additional tensions and conflicts between the different identity groups because the loss of social, political and economic power for one group might come with a certain cost on all sides, as has happened so far. Only a change on the level of cultural assumptions, values as well as beliefs, can provoke mid-and long-term changes in behaviour with an effect on the institutional practice. Women from diverse identity groups should acquire decision-making positions in institutions in order to integrate various social, cultural and ethnic backgrounds and perspectives within the policy-making process and to modernise institutional structures. This could help to shift institutional practices with a trickle-down effect from the public into the private sphere. This shift is needed because statelessness can provoke a lack of trust in state institutions. In addition, perceived inequalities between identity groups have an effect on the individuals' wellbeing as well as the social, political and economic stability of the entire community and thus the country.

A change is a condition, to adopt a purely equal, inclusive and just constitution, which values women as much as men, gives the same rights to both genders and aims to eliminate statelessness in Nepal. Women must have the freedom to pass on their citizenship to their children independently from their husbands, guardians or patriarchal influence. This will allow them to explore their own identities, to free their individual and group-related social, political and economic potential and thus spur equal human development in Nepal. However, the amendment of the new Constitution ensuring women to pass on citizenship is only one aspect of fostering gender equality in Nepal.

³¹ Institute on Statelessness and Inclusion, Global Campaign for Equal Nationality Rights and Nepal Civil Society Network of Citizenship Rights (2015). Nepal, Joint Submission to the Human Rights Council at the 23rd Session of the Universal Periodic Review - Summary, Update and Proposed Recommendations for the consideration of States. Retrieved 27.10.2015 from http://www.institutesi.org/UPRNepal_short.pdf