

These rights below are specifically outlined in part 3, **Article 38** of the Constitution of Nepal, 2015, which deals with the rights of women.

## **Rights of Women According to the Constitution of Nepal, 2015**

### **1. Equal Lineage Rights:**

- **Provision:** Every woman has equal rights to lineage without any gender-based discrimination.
- **Explanation:** This ensures that women have equal rights to inherit property from their parents and are not discriminated against based on their gender.

### **2. Right to Safe Motherhood and Reproductive Health:**

- **Provision:** Every woman has the right to safe motherhood and reproductive health.
- **Explanation:** This right guarantees access to necessary health services and facilities for safe motherhood and reproductive health, ensuring the well-being of women during pregnancy, childbirth, and the postnatal period.

### **3. Protection from Violence and Exploitation:**

- **Provision:** No woman shall be subjected to physical, mental, sexual, psychological, or other forms of violence or exploitation on any grounds, including religion, social, cultural tradition, practice, or any other grounds. Such acts are punishable by law, and the victim has the right to obtain compensation.
- **Explanation:** This provision protects women from all forms of violence and exploitation and ensures that perpetrators are punished by law. It also provides victims the right to seek compensation for the harm they have suffered.

### **4. Right to Participate in State Bodies:**

- **Provision:** Women have the right to participate in all bodies of the State based on the principle of proportional inclusion.
- **Explanation:** This ensures that women have the opportunity to be represented in various state bodies and decision-making processes, promoting gender equality in governance and public administration.

5. **Right to Special Opportunities:**

- **Provision:** Women have the right to obtain special opportunities in education, health, employment, and social security based on positive discrimination.
- **Explanation:** This provision supports affirmative action to improve women's access to education, health services, employment opportunities, and social security, addressing historical and systemic inequalities.

6. **Equal Rights to Property and Family:**

- **Provision:** Spouses have equal rights to property and family.
- **Explanation:** This ensures that both partners in a marriage have equal rights regarding property ownership and family matters, promoting equality within the household.

## Human Trafficking and Transportation Act (2007)

The Human Trafficking and Transportation Act (2007) aims to combat human trafficking and transportation offenses. The key provisions include:

- **Definition:** Human trafficking includes selling or purchasing a person for any purpose, engaging in prostitution, exploitation, or illegal transportation of people within and outside Nepal.
- **Punishments:** Severe penalties for traffickers, including long-term imprisonment and fines.
- **Rehabilitation:** Establishment of rehabilitation centers for victims.
- **Victim Protection:** Provision of safe shelters, legal aid, medical treatment, and rehabilitation for victims.
- **Confidentiality:** Protecting the privacy and identity of victims.

## Domestic Violence (Crime and Punishment) Act (2009)

The Domestic Violence (Crime and Punishment) Act (2009) addresses violence within the home and aims to protect individuals from domestic abuse. Key provisions include:

- **Definition:** Domestic violence encompasses physical, mental, sexual, financial, and emotional abuse by a family member.
- **Complaints and Protection Orders:** Victims can file complaints and seek protection orders against the abuser.
- **Penalties:** Imprisonment and fines for offenders.
- **Counseling and Mediation:** Counseling services for victims and mediation options to resolve disputes.
- **Victim Assistance:** Medical treatment, shelter, and legal aid for victims.

## Caste-based Discrimination and Untouchability Act (2011)

The Caste-based Discrimination and Untouchability Act (2011) aims to eliminate caste-based discrimination and untouchability practices. Key provisions include:

- **Definition:** Discrimination based on caste or untouchability in public or private spheres is prohibited.
- **Punishments:** Strict penalties for perpetrators of caste-based discrimination, including imprisonment and fines.
- **Victim Rights:** Rights of victims to file complaints and seek compensation.
- **Awareness and Education:** Initiatives to raise awareness and educate the public about caste-based discrimination.

## **Sexual Harassment at the Workplace (Elimination) Act (2015)**

The Sexual Harassment at the Workplace (Elimination) Act (2015) is designed to create a safe working environment free from sexual harassment. Key provisions include:

- **Definition:** Sexual harassment includes unwanted physical contact, advances, comments, or any behavior of a sexual nature.
- **Complaints Mechanism:** Establishment of a complaint mechanism within workplaces.
- **Penalties:** Penalties for perpetrators, including fines and imprisonment.
- **Preventive Measures:** Obligations for employers to create a harassment-free workplace, conduct training, and implement policies.
- **Victim Support:** Provision of support, confidentiality, and protection for victims.

## **Right to Safe Motherhood and Reproductive Health Act (2018)**

The Right to Safe Motherhood and Reproductive Health Act (2018) aims to ensure safe motherhood and reproductive health rights. Key provisions include:

- **Services and Rights:** Right to access safe motherhood and reproductive health services.
- **Maternal Health Care:** Free prenatal, delivery, and postnatal care services.
- **Education and Awareness:** Public education on reproductive health and safe motherhood.
- **Confidentiality:** Ensuring the confidentiality of health information.
- **Penalties for Violation:** Penalties for healthcare providers who fail to provide services or violate patients' rights.

## **Crime Victims Protection Act (2018)**

The Crime Victims Protection Act (2018) focuses on the rights and protection of victims of crime. Key provisions include:

- **Victim Rights:** Right to information, participation in the criminal justice process, and fair treatment.
- **Support Services:** Provision of legal aid, medical care, psychological support, and compensation for victims.
- **Victim Compensation:** Establishment of a fund for compensating victims of crime.
- **Confidentiality:** Protection of victims' privacy and identity.
- **Implementation Mechanism:** Establishment of mechanisms to ensure the implementation of victims' rights and protection measures.

## **National Women Commission Act (2007)**

- **Establishment:** Creates the National Women Commission (NWC) as a statutory body.
- **Functions:** Empowers the NWC to investigate gender-based violence cases, recommend legal actions, advocate for women's rights, and monitor the implementation of gender-related laws.
- **Support for Victims:** Provides legal aid and support services to victims of gender-based violence.

## **Children's Act (2018)**

- **Protection of Girls:** Contains provisions to protect girl children from sexual abuse, exploitation, and harmful traditional practices like child marriage.
- **Punishments:** Prescribes penalties for offenses against children, including sexual violence and exploitation.

## **Social Practices (Reform) Act (1976)**

- **Harmful Practices:** Prohibits harmful social practices such as dowry, excessive expenditures on social functions, and other practices that contribute to gender-based violence.
- **Penalties:** Provides for fines and imprisonment for those who engage in or encourage such practices.

## **The Acid and Other Hazardous Chemicals (Regulation) Act (2020)**

- **Purpose:** Regulates the sale and distribution of acid and hazardous chemicals to prevent acid attacks, a form of gender-based violence.
- **Licensing and Monitoring:** Requires licensing for the sale of these substances and mandates strict monitoring.
- **Support for Victims:** Provides medical treatment and compensation for victims of acid attacks.

## **Public Offense and Punishment Act (1970)**

- **Scope:** Covers various public offenses, including those that involve violence against women.
- **Public Nuisance:** Prohibits acts of public nuisance, harassment, and violence, providing a legal framework to address gender-based violence in public spaces.

## **Muluki Ain (General Code) – Revised Provisions**

- **Recent Amendments:** The General Code (Muluki Ain) has been revised multiple times to include provisions against gender-based violence, including sexual harassment, domestic violence, and marital rape.
- **Punishments:** Prescribes penalties for various forms of gender-based violence, ensuring legal accountability for offenders.

## **Labour Act (2017)**

- **Workplace Safety:** Includes provisions to prevent sexual harassment and ensure the safety and dignity of women in the workplace.
- **Employer Obligations:** Requires employers to create safe working environments, conduct training, and implement anti-harassment policies.

## **National Penal Code (2017)**

- **Comprehensive Framework:** The National Penal Code criminalizes various forms of gender-based violence, including sexual assault, domestic violence, and harassment.
- **Punishments:** Provides detailed penalties for offenders and safeguards the rights of victims.

## **Anti-Witchcraft (Crime and Punishment) Act (2014)**

- **Prohibition of Witchcraft Accusations:** Criminalizes accusations and violence against women under the pretext of witchcraft.
- **Penalties:** Imposes strict penalties on those who accuse, harass, or harm women by labeling them as witches.
- **Victim Protection:** Ensures protection and compensation for victims of witchcraft-related violence.

Here is a detailed breakdown of the specific acts, articles, and sections related to gender-based violence in Nepal:

### **1. Human Trafficking and Transportation (Control) Act, 2007**

- **Act:** Human Trafficking and Transportation (Control) Act, 2007
- **Relevant Sections:**
  - **Section 4:** Definition and Punishments for Human Trafficking
  - **Section 12:** Rehabilitation and Victim Protection

### **2. Domestic Violence (Crime and Punishment) Act, 2009**

- **Act:** Domestic Violence (Crime and Punishment) Act, 2009
- **Relevant Sections:**
  - **Section 2:** Definition of Domestic Violence
  - **Section 4:** Complaints and Protection Orders
  - **Section 13:** Penalties for Domestic Violence
  - **Section 5:** Counseling and Mediation

### **3. Caste-based Discrimination and Untouchability (Offense and Punishment) Act, 2011**

- **Act:** Caste-based Discrimination and Untouchability (Offense and Punishment) Act, 2011
- **Relevant Sections:**
  - **Section 4:** Prohibition of Caste-based Discrimination
  - **Section 7:** Punishments for Discrimination
  - **Section 12:** Victim Rights and Compensation

### **4. Sexual Harassment at the Workplace (Prevention) Act, 2015**

- **Act:** Sexual Harassment at the Workplace (Prevention) Act, 2015
- **Relevant Sections:**
  - **Section 2:** Definition of Sexual Harassment
  - **Section 5:** Complaints Mechanism
  - **Section 11:** Penalties for Offenders
  - **Section 9:** Preventive Measures by Employers

### **5. Right to Safe Motherhood and Reproductive Health Act, 2018**

- **Act:** Right to Safe Motherhood and Reproductive Health Act, 2018
- **Relevant Sections:**
  - **Section 3:** Right to Safe Motherhood and Reproductive Health Services
  - **Section 5:** Maternal Health Care Services
  - **Section 10:** Education and Awareness
  - **Section 17:** Penalties for Violation

## **6. Crime Victims Protection Act, 2018**

- **Act:** Crime Victims Protection Act, 2018
- **Relevant Sections:**
  - **Section 3:** Victim Rights
  - **Section 5:** Support Services
  - **Section 8:** Victim Compensation
  - **Section 11:** Confidentiality

## **7. Constitution of Nepal, 2015**

- **Act:** Constitution of Nepal, 2015
- **Relevant Articles:**
  - **Article 38:** Rights of Women
    - (1) Equal lineage rights
    - (2) Right to safe motherhood and reproductive health
    - (3) Protection from violence and exploitation
    - (4) Participation in state bodies
    - (5) Special opportunities in education, health, employment, and social security
    - (6) Equal rights to property and family

## **8. National Women Commission Act, 2007**

- **Act:** National Women Commission Act, 2007
- **Relevant Sections:**
  - **Section 3:** Establishment and Functions of NWC
  - **Section 9:** Powers to Investigate Gender-Based Violence

## **9. Children's Act, 2018**

- **Act:** Children's Act, 2018
- **Relevant Sections:**
  - **Section 66:** Protection from Sexual Abuse and Exploitation
  - **Section 72:** Penalties for Offenses against Children

## **10. Social Practices (Reform) Act, 1976**

- **Act:** Social Practices (Reform) Act, 1976
- **Relevant Sections:**
  - **Section 3:** Prohibition of Harmful Practices
  - **Section 8:** Penalties for Engagement in Harmful Practices



## **11. The Acid and Other Hazardous Chemicals (Regulation) Act, 2020**

- **Act:** The Acid and Other Hazardous Chemicals (Regulation) Act, 2020
- **Relevant Sections:**
  - **Section 4:** Regulation and Licensing
  - **Section 9:** Monitoring and Enforcement
  - **Section 15:** Support for Victims

## **12. Public Offense and Punishment Act, 1970**

- **Act:** Public Offense and Punishment Act, 1970
- **Relevant Sections:**
  - **Section 2:** Definition of Public Offense
  - **Section 7:** Punishments for Public Offenses

## **13. Muluki Ain (General Code) – Revised Provisions**

- **Act:** Muluki Ain (General Code)
- **Relevant Sections:**
  - **Chapter on Rape (Section 219):** Definition and Punishment for Rape, including Marital Rape
  - **Chapter on Domestic Violence:** Various Sections Addressing Domestic Violence
  - **Section on Sexual Harassment:** Provisions and Penalties for Sexual Harassment

## **14. Labour Act, 2017**

- **Act:** Labour Act, 2017
- **Relevant Sections:**
  - **Section 132:** Prevention of Sexual Harassment in the Workplace
  - **Section 134:** Employer Obligations

## **15. National Penal Code, 2017**

- **Act:** National Penal Code, 2017
- **Relevant Sections:**
  - **Part 4 (Sexual Offenses):** Comprehensive Framework for Sexual Offenses
  - **Part 7 (Offenses against the Individual):** Provisions against Various Forms of Violence

## **16. Anti-Witchcraft (Crime and Punishment) Act, 2014**

- **Act:** Anti-Witchcraft (Crime and Punishment) Act, 2014
- **Relevant Sections:**
  - **Section 3:** Prohibition of Witchcraft Accusations
  - **Section 6:** Penalties for Accusations and Violence
  - **Section 9:** Victim Protection and Compensation