

Women need de jure, de facto rights to end discrimination

Himalayan News Service

Kathmandu, August 31

Supreme Court Justice Sapana Pradhan Malla said that her long activism for equal rights prior to her appointment as Justice of the apex court helped bring equal rights to women in Nepal mainly because she used the non-discrimination clause of the Convention on the Elimination of All Forms of Discrimination against Women.

It was Justice Malla's major contribution to the case filed by Advocate Meera Dhungana who worked for the Forum for Women, Law and Justice headed by Malla, that brought about some major changes in the Country's Code (Muluki Ain) related to women's inheritance right.

Delivering its verdict in 1995, the Supreme Court had ruled that the existing provisions for inheriting parental property were 'conditional' for daughters

and were thus discriminatory against them, and the government should, within a year, introduce a bill reviewing all the laws related to property rights.

Speaking at the programme organised by International Women's Rights Action Watch Asia Pacific (IWRAP AP) in collaboration with Partners for Law in Development, India, Forum for Women Law and Development and Women's Fund Asia, Justice Malla said that rights activists needed to ensure that de jure equality alone was not enough to ensure substantial equality. "We need to have both de jure and de facto equality," she said. Malla said the principle of non-discrimination should be the major focus for rights activists to ensure gender equality.

Founder, IWRAP Asia Pacific Shanthi Dairiam said her book 'Promoting the Equality of Women: IWRAP Asia Pacific Journey', which was launched

today, also depicted the arduous journey of many rights organisations that they had undertaken to achieve goals of substantial equality. She said domestic laws were effective to ensure substantial equality but international laws helped make all governments accountable to ensure equality. She said rights activists can also use tactics of naming and shaming the governments that are reluctant to ensure substantial accountability.

IWRAP AP, the organiser is hosting 'Convening to Celebrate our Journey - The Legacy of Accountability' in Kathmandu, from today. The programme will end tomorrow.

The two-day seminar has brought together feminists from Bangladesh, India, Nepal, Pakistan and Sri Lanka who worked, learned and grew with Shanthi, as she popularised CEDAW across the Asia Pacific, through the aegis of IWRAP AP.