

Proceeding

Women's Participation and Representation in Multi Level Governance

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Kathmandu, Nepal



Organized By

Municipal Association of Nepal (MuAN)

Supported By

Friedrich-Ebert-Stiftung (FES)

1. Background

In the 21st century, women enjoy more freedom and power than ever before. However, they are still disadvantaged when compared to men in virtually all aspects of life. Women are deprived of equal access to education, health care, capital, and decision making powers in the political, social, and business sectors. Whereas men are credited with performing three quarters of all economic activities in developing countries, women actually perform 53 percent of the work, according to the United Nations. Women represent half the world's population, and gender inequality exists in every nation on the planet. Denying women and girls equality and fairness not only hinders them, but also the rest of society. Until women are given the same opportunities that men are enjoying till now, entire societies will be destined to perform below their true potentials.

In Nepal, the recent socio-political developments have led to extensive progress in addressing gender and social inequality and deprivation under the terminological umbrella of gender equality and social inclusion (GESI). Accordingly, one of the responsibilities of the Government of Nepal is to ensure the realization of gender equity and social inclusion in every sector of life through various institutional and budgetary means. Furthermore, various acts, guidelines and provisions were formulated in order to ensure equitable participation and representation of women in all levels of government. However, apart from the progressive 33% women quota for the CA/parliament, the governments' performance has been less than satisfactory in living up to its obligations.

2. Rationale

The last constituent assembly has clearly shown that representation does not automatically result in meaningful participation. However, the long term experience has also shown that reservations during the last local elections, or recently in the civil service recruitment have led to considerable results. Therefore, for women to become truly equal citizens a twofold strategy seems appropriate. First, by ensuring representation in all levels of government and secondly through empowerment by especially ensuring access to resources and education; within a governmental context that honors its legal obligations towards gender equity and social inclusion.

In addition, the primary actors in both the political arena and administration continue to be dominated by the established male elites. Particularly the withholding of local elections has prevented the target populations to actively engage in local and central decision making by and for women. It is however pertinent to ensure women's participation in all levels of governance even when absence of elected representatives in one way or another at the local level. It will help not only minimize the gap, but also create a conducive environment to creat active participation of women through both political and non political representation.

Considering this fact the Municipal Association of Nepal (MuAN) with assistance from Friedrich-Ebert-Stiftung (FES) Nepal organized a national conference on 'Women's Participation and Representation in Multilevel Governance' on 18 December 2013. The main goal of the programme was to provide a forum for women leaders, activists and relevant stakeholders with a national platform to communicate their legitimate claims and according demands to the media, political representatives and the general public. As follows are the specific objectives of the event.

3. Objectives

- To provide a platform for discussion among the primary actors of women rights and social inclusion to jointly formulate the problem of lacking participation and representation in multi level governance and according demands.
- To generate awareness among the political representatives and concerned actors for gender friendly and socially inclusive local government.
- To revise the primary arguments for the gender-social inclusion-accountability nexus from a social scientific, legal, activist, local and administrative perspective.
- To initiate a socially crucial debate of gender equality and social inclusion in all government institutions.
- To pressurize in implementing government's GESI budget at the local level effectively .

4. Expected results

As follows are major output and outcomes of the event:

- The primary actors of women rights and social inclusion will jointly formulate the problem of lacking participation and representation in multi level governance
- A serious debate of gender equality and social inclusion in all level of governance and government institutions will be further initiated.
- Help accelerate in implementing government's GESI budget at the local level effectively
- Expects' working paper on gender and governance presented at the event will be documented, published and dissemination widely to all relevant actors.

5. Structure of the Programme

The one day workshop was divided into various sessions such as inaugural, thematic and closing session. The chief guest of the event was Ms. Bidya Bhandari, Vice Chairperson of CPN-UML. Likewise, Constituent Assembly members such as Mr. Nabindraraj Joshi, Kanchan Chandra Bade, Ramhari Subedi were the special guests of the event along with Ms. Manu Humagain, Member of National Women Commission and Mr. Devraj Dahal, Head of FES Nepal. Besides, representatives from different ministries, Civil Society, I/NGOs, political parties and media showed their significant presence in the workshop. Ms. Aarti Chataut, Women Activist and Journalist, facilitated the workshop under the chairmanship of Mr. Dormani Poudel, President of MuAN. She was of the opinion that though women comprise 51 percent of the total population in Nepal, their work and presence is invisible. She stated that the presence of women in Civil Service is only 15 percent and that is also in the level of support staff though it ensures 45 percent women. This proves that Nepalese women have been deprived of opportunities in various spheres of life.

5.1 Inaugural Session

5.1.1 Welcome

Ms. Sharada Sapkota, President of Women Department of MuAN formally welcomed all the participants and highlighted on the importance of the topic. She said that programmes like these should be conducted on a regular basis as it provides an opportunity to come together and identify challenges and problems faced by women.

5.1.2 Objectives



Welcoming the audiences, guest and chief guests, Mr. Kalanidhi Devkota, Executive Secretary of MuAN mentioned about the objectives of the programme along with the importance of women's participation and representation in multi level governance. He explained why investment on women is so important in a country like Nepal whose population is more than half women. He said that the original idea was to invite the winners of the election as well, but since the election results is not yet out the idea had to be dropped.

He said that as per the Local Self Governance Act (LSGA), 1999 33 percent of women's representation is ensured whereas the Constitution gives an according right to nomination, but both provisions are left unfulfilled. He also informed the participants about the writ petition MuAN, ADDCN and NAVIN had filed against the Government for not holding local elections in the Supreme Court linking it with the fact that 1,20,000 women have been deprived of being leaders. Similarly, he mentioned the event on the urgency of local elections which was organized by the three LGAs amid Mr. Khilraj Regmi, Chairman of the Council of Ministers and other influential politicians. Mr. Regmi assured that local elections will take place six months after the CA elections. Mr. Devkota highlighted the bitter truth that no woman has ever become a mayor or deputy mayor in Nepal till date. He mentioned that women in the United States of America (USA) were also given voting rights only in 1920. This was followed by short speeches from the special guests and the chief guest.

5.1.3 Short Speeches

Nabindra Raj Joshi, Ho'nble CA Member

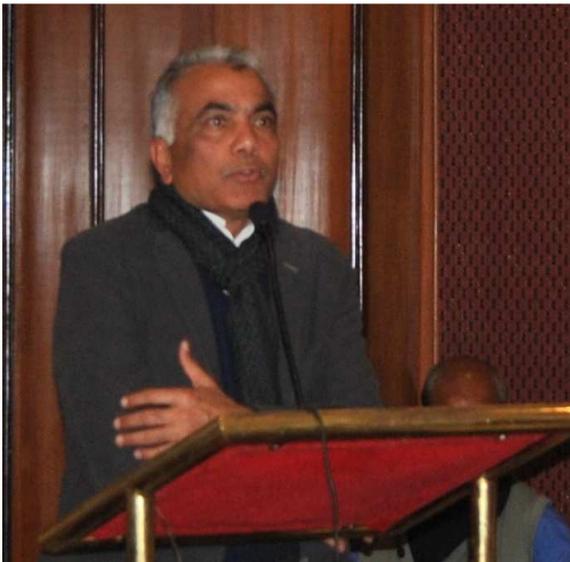


Mr. Joshi said that the title and time of the programme was very relevant and MuAN and FES has supported the movement that is going around the globe. He proudly stated that Nepali Congress was the first party that made woman a minister for the first time and also the majority of women leaders belong to Nepali Congress. "Nepali Congress also lobbied for women's right to vote", he added. In this way, according to him Nepali Congress has ensured women's participation in governance from the very beginning.

As a President of Ganesh Man Singh Foundation, he said that 20 percent participation of women is ensured in every programme they undertake. He assured that the Constitution of Nepali Congress has a separate section that talks about women's participation. In his concluding remarks, he reiterated that the main reason behind Nepal's underdevelopment is because women's potential is not recognized and their contribution is undermined by the society.

Devraj Dahal, Head of FES, Nepal

Mr. Dahal started off explaining the differences between representation and participation. According to him, the former is prescribed by laws which help to mediate the interest between the state and citizens while the latter reflects conscious political choice of citizens which aim to bring the government closer to them. He said that Nepalese women's social movement for unrealized power, resource and identity and international support to them are transforming the nation's political practices and narrowing the historically existing gender gaps in the entire life-cycle. He said that local governance essentially requires bottom up process, down-ward accountability and direct involvement of citizens in various institutions of governance in knowledge building, decision making, public policies and concrete plans, programs and budgets. Stating that gender lenses have moved from welfare approach to Women in Development, Women and Development, Gender and Development to empowerment, he explained women have been enabled to become makers, shapers and owners of public goods and services.



He was of the opinion that participation of women to choose their own leaders and engage in political process has increased their civic competence. He concluded saying that regular dialogues between policy makers, scholars and practitioners' reflection will allow measuring the functions, strengths and weaknesses of women's participation in poly-centric and multi-level governance from diverse perspectives and addressing the existing gender gaps in Nepalese society seeking inclusive process of change towards greater ecological, social, gender and inter-generational justice.

Ramhari Subedi, Ho'nble CA Member

Mr. Subedi said that women's participation is very weak in politics be it inside the party or outside and there won't be any major ground breaking change until and unless women's participation is ensured in direct politics. He was of the opinion that reservation alone is not a long term solution for women's participation and representation. In a separate context, he said that women's participation is relatively high in I/NGOs and other sectors when compared to politics and governance which is right to some extent.

Manu Humagain, Member, National Women's Commission



Ms. Humagain expressed gratitude towards MuAN for organizing workshop on a very important issue. She however said that it would be very relevant and meaningful if more leaders of more party representatives were invited. She also expressed her dissatisfaction that only 10 women had won in the direct election nationwide which clearly shows that women's participation in the recent election to be very nominal. She complemented this stating women have to make a huge investment for contesting elections. "We should be hopeful that more women leaders come forward during the local election which should be held soon", she concluded.

Bidya Bhandari, Vice Chairperson, CPN UML

Ms. Bhandari expressed her satisfaction and appreciated over the workshop topic. She shed light on the fact that efforts to reduce discrimination and oppression against women have been there since long time in Nepal and women's movement has been going very strong and is getting support like never before. "In the local election of 2049, only 136 women had won whereas in 2054, 36000 women won the election because of the 20 percent reservation", she said. Thus as per her explanation, the number increased drastically in five years time, which is a matter of great pleasure and a positive sign in increasing women's participation in different levels of governance of Nepal.



Referring to this, she said that reservation is very important in the initial stage, for example, if Public Service Commission recommends 100 officers, 50 percent out of it should be women. She said, "If this happens, then only there will be change in the central as well as local level", she stated. Ms. Bhandari further said that there should be at least one woman in the posts of President, Prime Minister or Chair person of Constituent Assembly. She also expressed CPN-UML's commitment to achieve this. Finally, she concluded saying that women friendly democracy will be established only after women friendly constitution is written and their participation should be guaranteed by the law and constitution itself.



After the speeches from guests and chief guest, Mr. Dormani Poudel, President of MuAN thanking all guests and the participants with his short speech explained how MuAN has been working on the issues of gender and governance and lobbying women's rights ever since the establishment of MuAN. He also highlighted on the important role of women in all levels of governance. "Even the provision of 33 % participation of women at the local government level according to LSGA 1999, could not be implemented due to lack of political commitment.

The former CA committees have proposed 50 % participation of women in all level of governance, especially in the major decision making position, i.e. if a mayor is male , the deputy mayor should be female and vice versa, however, it is very challenging to materialize unless strong political commitment." , he said. At last, before closing the inaugural session, he reiterated about the urgency local elections which can play a significant role in fostering leadership in women and ensuring their greater participation.

5.2 Thematic Session One

There were two presentations in the thematic session one. Ms. Shanti Adhikary, Former Member of the Constituent Assembly chaired the session.

5.2.1 Presentation I

Ms. Shashi Adhikary, President of Legal Aid and Consultancy Center (LACC) made a presentation on legal provisions on participation and representation of women in different levels of decision making. She started off with the provisions mentioned in the Interim Constitution of Nepal 2007 and emphasized on article 13 (2), 13 (3) right to equality; article 20 rights of women, article 63 (4), 63 (5) Constitution of Constituent Assembly, article 21 right to social justice, article 33 obligations of the state article 142 registration required for securing recognition for the purpose of contesting elections as political party and so on. She then explained about the legal provisions for women in the local level i.e. in VDC, DDC and municipal levels as per the Local Self Governance Act 1999 and Regulations 2000. This was followed by the provisions for women's participation and representation in other nations. She explained about interventions in four sectors i.e. law, politics, social and economy to attain women's empowerment and to get inclusive rights of women. Her presentation also outlined points state should consider to maintain gender equality and equal participation in decision making level such as reservation, prioritization, capacity building, enabling environment, provisions for social justice and so on (*See Annex 2 for detail*).

5.2.2 Presentation II

Mr. Jeevan Sharma, Legal Officer of Forum for Women, Law and Development (FWLD) made the second presentation focusing on how to strengthen the role of women in multi-level governance. He explained about some existing policies and laws relating to women's participation. Apart from this, he also outlined the existing problems and challenges such as lack of political will on the part of Government, doubting women's capability and eligibility, undermining women's role and so on. He shared some future strategies from gender perspectives such as campaigning for voter's education, coordinating with media sector, advocacy from the civil society to make necessary law and policies, providing gender orientation to all political parties and leaders, making special provision of entry and promotion for women in the civil service, identifying capable women, maintaining and updating the roster, increasing participation of women voters, candidates and monitors in the elections, providing leadership development skills and opportunities from the local level. He shared his personal opinion regarding the CA election in 2013 where there were no gender checklists and women could not contest simply because they did not have enough collateral. Furthermore, he said that since 2063 there have been 58 peace dialogues but with no participation of women (*See Annex 3 for detail*).



5.2.3 Commentary

Ms. Sharmila Karki, President of NGO Federation of Nepal was the commentator for the thematic session I. She said that Nepal has been learning a lot from various countries to ensure women’s participation and representation; however political will is the most important factor. According to her, qualitative participation is more essential than representation. She also talked about the importance of gender justice meaning equal treatment and equitable value of the sexes. At last, she concluded saying that today is the era of Gender and Development (GAD), an approach to development policy and practice that focuses on the socially constructed basis of differences between men and women and emphasises the need to challenge existing gender roles and relations. “GAD approaches generally aim to meet both women’s practical gender needs and more strategic gender needs, by challenging existing divisions of labour or power relations”, she said.

5.2.4 Questions and Recommendations from Participants

Ganesh Nepal, Executive Officer, Dhulikhel Municipality

There is no doubt that women's participation and representation is an important issue but more than that participation of Dalit, marginalized and poor women is more important and should be addressed by the nation.

5.2.5 Response and Clarification

Ms. Shanti Adhikari, Former Member of the Constituent Assembly and Chair of the thematic session one shared her experiences of being a Parliamentarian for four years. She said that 33 percent representation of women in the last Constituent Assembly was a mere luck as many women leaders had won the elections from the Maoist. "Hence, it was more like a quota system than a legal provision", she said. She gave examples of developed countries where women are well educated and capable but still lack political representation because there is no strong legal provision. Likewise, she shed light on the bitter fact that only elite group of women are seen active in politics and there is no representation from the grass root level. Therefore, with valuable comments and suggestions thematic session one ended.

5.3 Thematic Session Two

Like thematic session one, there were two presentations in thematic session two which was chaired by Mr. Kashiraj Dahal, Chief of the Administrative Court.

5.3.1 Presentation III

Ms. Anju Dhungana, Women Development Officer of Ministry of Women, Children and Social Welfare (MoWCSW), Sindhupalchowk district presented on women's participation and representation at the local level in practice along with the challenges and achievements. She started off with a heart touching documentary which showed drudgery and hardships of poor women in Nepal. As per the GESI indicator, Nepal 0.716 is lagging far behind (110th). As foreign labor migration of men has increased, women headed households have also increased in most of the villages. Her presentation showed some tangible improvement in policies and laws for women for example women's ownership of land has increased in recent years because of 25 percent concession in land registration tax, they can get property from their husbands after divorce and they are given preference in civil service. Likewise, children can now make citizenship in their mother's name and mothers name is written in major

documents these days. Thus, she said all these changes should be taken in a very positive manner. Apart from provisions for women in the law and constitution, her presentation also showed challenges faced such as discriminatory practices, social norms and values, lack of political commitment, lack of meaningful participation and proper implementation (*See Annex 4 for detail*).

5.3.2 Presentation IV

Rudra Singh Tamang, Under Secretary of MoFALD's presentation was based on GESI in local governance, its objectives, goals and current status. He started off his presentation with a proper definition of gender equality which refers to the view that men and women should receive equal treatment for example equal wages, equal voting rights, equal representation and so on. Similarly, social exclusion refers to processes in which individuals or entire communities of people are systematically blocked from rights, opportunities and resources for example housing, employment, healthcare, civic engagement, democratic participation that are normally available to members of society and which are key to social integration. He identified reasons for exclusion to be gender, geography, poverty, caste, creed, race, religion, and culture. "The antonym of social exclusion is social inclusion that refers to the provision of certain rights that need to be provided to all individuals and groups in the society", he said. He explained that the act to amend some acts in maintaining gender equality had been promulgated with the effect of either amending or repealing a total of 65 provisions in various acts that were found discriminatory against women (*See Annex 4 for detail*).



5.3.3 Commentary

Ms. Saloni Singh, Executive Chair of Didibahini said that the workshop provided an opportunity for all stakeholders to come together and see the differences in policies and reality. She said that the documentary on women's hardships was a genuine picture of what exists in Nepalese society even today. She shared her own experience and said that 25 years ago when she started her career as an activist, people never accepted ideas like women's empowerment, gender equality and blamed activists for blindly following the western world, however now the scenario has changed and we have our own translated words and versions. According to her, people have become more aware and informed now. "Until and unless women's rights is ensured, meaningful participation of women cannot be thought of", she said. In her concluding remarks, she thanked MuAN for prioritizing such an important issue and bringing it to the limelight.

5.3.4 Questions and Recommendations from Participants

Sharada Sapkota, President of Women Department of MuAN

We have been talking about meaningful participation and been representation of women. However, women feel discrimination in all spheres of life. For example men do not face much problems while women cannot even work during night. There should be some policy or law that would ensure women's safety so that she can work even during the dark hour and become a productive member of the society.

Subash Panta, Town Development Fund

It is always the elite group of women who dominate Nepalese politics. It was seen in this election that women faced financial problems to get the tickets and they lacked collateral. This is one major reason women from the grass root level or non elite group are not coming forward to take the leadership. Hence, it is important that such women be given opportunities by the state.

Juneli Shrestha, Member of Women Department of MuAN

While contesting for election, women are very often questioned about their eligibility and capability. However, majority of women lack competence and resources because of which they have to abandon their ideas of getting involved in politics and decision making level.

Devi Gyawali, Secretariat Member of MuAN

It has been seen that women are used only for fulfilling the quota in elections. But examples have proven that opportunities help in developing capacity for example, Shanta Chaudhary after 18 years of being "Kamalari" (Nepalese Traditional Slavery System) became the member of Constituent Assembly and fought battle against all the odds to speak for her kinds & against Kamalari System in Nepal. Hence, women if given a proper platform can become change agents of the society.

Shyama Regmi, Member of Women Department of MuAN

It is a pity that the Constituent Assembly could not even draft a Constitution in four years. This has really affected the psychology of young generation and they do not want to hear anything on politics. Today brain drain has become a common phenomenon in Nepal because of which eligible and productive citizens are leaving country for better prospects.



5.3.5 Response and Clarification

Responding to various questions, Mr. Kashiraj Dahal, Chief of Administrative Court, Nepal said that the main problem in Nepal is related to the “mindset” and “status quo attitude” exacerbated by weak governing system. According to him, women’s participation in contemporary formal politics is low throughout the world because unlike their male counterparts, female candidates are exposed to several barriers that may impact their desire to run for elected office such as sex stereotyping, political socialization, lack of preparation for political activity and balancing work and family. “However, increasing women’s representation in government is necessary to achieve gender parity”, he said. He concluded saying that three things need to be guaranteed for women’s participation and representation in the government i.e. a right based legal system, access to resources and a voice to be heard.

5.4 Concluding Session

President of MuAN, Mr. Poudel, thanked all the presenters, chairs, commentators and participants for their active engagement throughout the workshop. He said that the activities we undertook should be action and result oriented and not just be limited to words. Thus, he ensured the audience that the report of the event will be widely disseminated and continuously lobbied against the government and a concerned actor for the gender friendly governance until it is fully achieved.

6. Conclusion/ Way forward:

According to participants, guests, and the media the event was a grand success. The outputs of the event will be published and disseminated to all actors including the municipalities. MuAN will develop a future plan of action to follow up the recommendations derived through this conference in cooperation with MoFALD, FES and other relevant partners.