



The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflect to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).

Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).

La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).

| Nepal | | | |
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| Key element 1: Ratification of human rights instruments | | Yes/No | Basis |
| 1 | The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified. | Yes | N/A |
| 2 | The African Charter on Human and Peoples' Rights (ACHPR) is ratified. | N/A | N/A |
| 3 | The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified. | N/A | N/A |
| Key element 2: Elimination of gender-based discrimination in the Constitution | | Stage | Basis |

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| 4 | The Constitution prohibits gender-based discrimination. | 3 | The Constitution, 2015, Sections 23(2) and 43(1) |
| 5 | The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution. | 0 | No provision could be located |
| 6 | The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution. | N/A | N/A |
| 7 | The Constitution promotes the adoption of special measures for the advancement of women. | 3 | The Constitution, 2015, 2007 Section 35, 55 |
| Key element 3: Recognition of women's legal capacity | | Stage | Basis |
| 8 | Men and women, including married women, have the ability to conclude contracts under the same basic conditions, rights and obligations. | 3 | The Contract Act 2056 (2000), Section 3(1) |
| Key element 4: Gender-equality of rights with respect to nationality | | Stage | Basis |
| 9 | Men and women are able to apply for identity documents under the same conditions. | 3 | Application form |



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| 10 | A female national can confer citizenship to her non-national spouse under the same conditions as a male national. | 0 | The Constitution, 2015, Section 13(1) and (2) *** Nepal Citizenship Act 2063, (2006) Section 5(1) and Section 8(a) |
| 11 | Men and women can confer citizenship to their children under the same conditions. | 3 | The Constitution, 2015, Section 12 <i>Conflicts with the Nepal Citizenship Act 2063, (2006) Section 5(2)</i> |
| Key element 5: Gender equality in property rights | | Stage | Basis |
| 12 | The law recognises gender-equality in the right to own or control property regardless of the type of marriage. | 4 | The Constitution, 2015, Sections 30(1) and 43(6) *** Muluki Ain, 1963 Chapter 14, Numbers 1 |
| 13 | The law recognises full or partial community of property as the default marital property regime. | 0 | Muluki Ain, 1963 Chapter 14, Numbers 1-2 and 4-5 |
| 14 | Spousal consent is mandatory for any transaction involving matrimonial property. | 0 | No provision could be located |

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| 15 | The law establishes a presumption of joint ownership of property in consensual unions. | 0 | No provision could be located |
| 16 | The legal framework includes special measures to guarantee women's equal rights to land ownership and control. | 0 | No provision could be located |
| Key element 6: Gender equality in inheritance | | Stage | Basis |
| 17 | The surviving spouse is granted user rights to the matrimonial house for life. | 0 | No provision could be located |
| 18 | Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property. | 3 | Muluki Ain, 1963 Chapter 13, Number 2 and 4 |
| 19 | The law allows partners living in consensual union to inherit from each other. | 0 | No provision could be located |
| 20 | Brothers and sisters have an equal right to inherit. | 0 | Muluki Ain, 1963 Chapter 13, Number 1A - |
| 21 | Brothers and sisters receive an equal share of inheritance. | 0 | Only brothers and unmarried daughters receive an equal share of inheritance |

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| 22 | A right to compensation of other siblings giving up their claims on the family property exists. | 0 | No provision could be located |
| Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice | | Stage | Basis |
| 23 | Decentralisation of land administration services is effected through formalised customary land institutions. | 4 | The Decentralization Act (1982) *** The Local Self-Governance Act, 2055 (1999) |
| 24 | Decentralisation of land administration services is effected through formal land institutions. | 4 | The Lands Act, 1963 Section 21B *** The Land Revenue Act, 1997 |
| 25 | The law guarantees equality before the law. | 3 | The Constitution, 2015, Section 23(1) |
| 26 | The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights. | 0 | No provision could be located |
| 27 | The law makes provision for legal support in civil procedures. | 3 | The Legal Aid Act, 2054 (1997) |
| 28 | A human rights commission or gender-specific institution is in place. | 4 | National Woman Commission Act, 2063 (2006) *** |



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| | | | National Human Rights Commission Act, 2068 (2012) |
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| Key element 8: Women’s participation in national and local institutions enforcing land legislation | | Stage | Basis |
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| 29 | The law sets quotas for the appointment of women in land management and administration committees. | 3 | The Constitution, 2015, Sections 173 (in conjunction with the list of competencies of the Provincial legislature listed in Schedule 5) and Section 175(5) |
| 30 | The law sets quotas for the appointment of women in land dispute resolution committees. | 0 | No provision could be located |