

## **Gender Parity Progress: Assessing Women's Representation in Nepal's Second Constituent Assembly Elections (CAE)**

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### **Abstract**

*This research provides a comprehensive examination of the status of women in Nepal, focusing particularly on their participation in the second Constituent Assembly Elections (CAE). It offers insights into the need for future policy and decision making processes to prioritize women's empowerment through the electoral system, ensuring their meaningful political representation in line with democratic principles. The study analyzes media coverage of women in politics from September to December 2013, during the period of the second CAE. Through qualitative explanatory analysis, it argues that the failure of the first CAE to draft a new constitution for Nepal led to the necessity of a second election within a short span of five years. Inclusion, especially of women, was a prominent theme in both elections. While the first CAE was praised for its inclusivity, particularly in terms of women's representation, the second CAE fell short in this regard. The research concludes that the second Constituent Assembly Election (CAE) witnessed not only a reduced number of female candidates but also a lower success rate among them. It explores the reasons behind this disparity, the issues raised by women candidates, their demands, and offers a comprehensive conclusion on the overall issue.*

**Key words:** Assembly, Demand, Election, Proportional, Representation

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## **Introduction**

Despite significant anticipation and optimism, the highly anticipated first Constituent Assembly (CA) failed to meet the deadline for delivering the constitution. Despite several extensions, the CA ultimately dissolved due to the inability of parties to reach consensus on key contentious issues (Air, 2013). While the first CA played a pivotal role in fostering agreement on various aspects of the draft constitution, disagreements persisted, particularly regarding the structure of the federalism. Some parties advocated for ethnic-based federalism, while others strongly opposed it. Janajatis (ethnic nationalities) and indigenous groups called for provinces to be delineated along ethnic lines, with priority given to the dominant ethnic group. Conversely, some parties opposed ethnicity-based federalism and proposed geographical delineation of provinces, regardless of ethnic considerations (Bhatta, 2013). Additionally, parties were divided on the governance system, with some supporting a directly elected executive presidency and others advocating for an executive prime ministerial system (Sharma, 2013). The inclusion of the right to self-determination for ethnic, indigenous, and Madhesi people in the constitution was also a contentious issue.

In the first constituent assembly, significant discrepancies arose over the electoral system. The UCPN-M suggested a multiple-member, proportional, direct electoral system based on proportional inclusion, considering factors such as population, geography, and socioeconomic status (Bhattarai, 2013). Conversely, others, including the NC and CPN UML, proposed a mixed system where half of the parliament members would be elected directly through FPTP and the other half proportionally (Sharma, 2013). Consensus couldn't be reached on ensuring proportionality for ethnicities/castes, regions, and genders, both in the preamble and in provisions related to fundamental and minority rights, political structures, and the electoral system.

The first Constituent Assembly received high praise for its inclusivity, boasting a significant representation of Dalits, Janajatis, and notably, a 33% participation of women. Nepal's Constituent Assembly cum legislature was acclaimed as the 14th most representative globally (IPU 2008). Among its 601 members, there were 197 women: 163 nominated by parties under the Proportional Representation (PR) system, 30 elected through the First Past the Post (FPTP) system, and four nominated by the government (Sapkota, 2013).

The Interim Constitution also mandated a 33% representation of women in all government institutions, including the Constituent Assembly.

Following the failure of the first Constituent Assembly, Nepal proceeded with a second CA election five years later (Constitution, 2072). However, the outcome was widely regarded as disappointing, particularly due to its lack of gender sensitivity. Despite Section 7 (5) of the Election to the Constituent Assembly Members Ordinance 2013 stipulating that political parties must field women candidates to constitute 33% of the CA's strength, this requirement remained largely unfulfilled (RSS, 2013). Data from various sources indicate a glaring disparity: out of 6,343 candidates contesting under the FPTP section, only 672 were women, amounting to a mere 10.5%. All participating parties seemed to have overlooked women in their candidate selection process, resulting in the notable absence of many senior female leaders and former CA members from the candidate lists (Correspondent, Dolakha 2013). The three major parties - Congress, CPN UML, and United Maoists - each fell significantly short of the mandated 33% women representation, with only 10.8% of their total candidates being women.

### **Statement of Problem**

The media analysis revealed a significant decline in women's representation in the second CA elections compared to the first one, spanning the entire country (Retrieved, 2013). For instance, in Palpa district, only 27%, 20%, and 17% of candidates from the three major parties - Congress, Maoists, and CPN UML respectively - were women (Reporter, 2013). Interestingly, the Maoists had previously nominated as high as 40% women candidates from the same area. The situation was even direr in other regions. Dolakha, for example, had just one female candidate out of 46 registered for the election. Similarly, in the far west region, only 36 out of 371 candidates were women. Districts such as Darchula, Bajura, Accham, Doti, and Bajhang had no female candidates at all (Subedi, Nov, 2013). In it, Subedi has presented the real situation of various castes and communities of Nepal in representing in the politics mainly by the women in the election.

As anticipated, the election resulted in a minimal number of women being elected, largely due to their limited presence among the candidates. Only 10 women secured seats through the FPTP system, constituting a mere 4.16%

representation, significantly lower than the percentage achieved in the first CA elections. In the initial CA, women held 29% of FPTP seats. What's concerning is that this representation of women is even lower than that seen in the 1999 parliamentary elections (Kohalpur, 2013). Additionally, when considering candidates from the PR system, the overall representation of women in the second CA elections falls short of the mandated 33%. There is a significant research gap due to the lack of sufficient previous studies on this issue. So, the research has been guided by the following research questions:

- ❖ How to enhance women in the leadership through Political participation in election?
- ❖ What are the various disparities that prevent women's representation in politics?

### **Objectives**

The primary aim of this article is to analyze the portrayal of women in Nepalese politics through a media review conducted between September and December 2013, particularly during the second CA election. Furthermore, it seeks to explore the underlying factors contributing to the disparity in women's representation in the CA, as well as the concerns raised and the demands made regarding this issue. The research aims at:

- ❖ To explore the ways of enhancing the women's leadership through election.
- ❖ To investigate the various disparities that prevent women's representation in politics.

### **Methodology**

This research paper utilizes information extracted from three prominent national newspapers, including two Nepali publications and one English newspaper. Among these, Kantipur (Nepali) and Republica (English) are privately owned national dailies, while Gorkhapatra (Nepali) is a publicly owned newspaper. A total of twenty-three op-ed articles, twenty reports from various regions of the country, seven editorials, and two other relevant materials were meticulously selected based on their pertinence to the research topic. These materials were carefully chosen for their relevance to the focus of the research, covering the period from September to December 2013.

## **Key Issues Raised**

The media analysis uncovered several significant issues regarding the underrepresentation of women in the second CA elections (Editorial, 2013). Despite hopes for increased inclusivity and gender sensitivity, the opposite occurred. Women activists and leaders squarely blamed their own parties and leaders for disregarding gender sensitivity.

One prominent issue raised was that parties trivialized gender inclusiveness by fielding women candidates in constituencies where their chances of winning were slim (Tansen, 2013). Critics noted that the allocation of tickets to women candidates was often merely symbolic. Many women candidates found themselves pitted against entrenched political heavyweights, making victory unlikely from the outset (Correspondent, 2013). This practice ensured the defeat of women candidates before the election even began.

Another notable issue highlighted in the media scan was the lack of serious consideration given to women candidates by party leaders (Correspondent, 2013). There was a dearth of clear guidance and support from the top echelons of parties for women leaders. Many women leaders themselves admitted to feeling a lack of trust from their parties, receiving lesser funding and fewer supporters for their election campaigns (Retrieve, 2013). Women writers pointed out that despite women constituting more than half of the population, male candidates often viewed them merely as a voting bloc rather than as equals in the electoral process.

This trend was especially noticeable in the most recent elections. A well-known senior leader and former CA member from a major party even took the drastic step of leaving the party after being denied a ticket for her previous constituency (Reporter, 2013). She subsequently contested the election as an independent candidate but was unsuccessful in winning.

The findings indicated that parties preferred to nominate women candidates through the PR system rather than the FPTP system. This strategy allowed them to prioritize male candidates from the FPTP system, who were perceived to have a higher likelihood of winning, according to party leaders (Retrieve, 2013). Despite the willingness of many women leaders to contest from the FPTP system, they were denied party tickets. Party leaders asserted that the choice to participate in the PR system was made by the women leaders themselves

(Editorial, 2013). Numerous senior women leaders from all three parties were selected through the PR system.

Experts raised another significant concern, highlighting that the lower participation of women in the CA would result in fewer discussions on women's issues during the constitution-making process (Editorial, 2013). They argued that male CA members would likely prioritize other matters over women's issues. Women leaders also expressed apprehension that the gains achieved for women in the first CA through extensive deliberation might be squandered (Editorial, 2013). Moreover, there was concern that the second CA would undermine the inclusivity established in the first CA. (Reporter, 2013) Even if issues concerning women and other marginalized groups were raised, experts warned that their effective resolution cannot be guaranteed in the absence of adequate female representation.

Despite receiving little support from their parties, nearly all women candidates performed well. Contrary to expectations, lesser-known female candidates posed significant challenges to their more experienced male counterparts (Editorial, 2013). This was particularly noteworthy as some of the seasoned male leaders they competed against included former Prime Ministers and Ministers (Editorial, 2013). Women leaders argued that it was the candidates' agendas that resonated with voters rather than their prominence or familiarity

## **Demands**

As per the media analysis, women leaders emphasized the crucial demand for an inclusive Constituent Assembly (CA) with proportional representation of women, if not equal. They advocated for parties to nominate at least 33% of women candidates from the FPTP system, in accordance with guidelines (Editorial, 2013). Emphasizing the capability of women in political performance equal to men, these leaders urged party leaders not to marginalize them.

Some women leaders from various political parties raised a demand for the creation of constituencies exclusively reserved for women candidates. These constituencies would exclude male candidates entirely (Gautam, 2013). The primary objective of proposing such constituencies would be to encourage greater participation of women candidates in the electoral process, fostering direct competition among women candidates.

Furthermore, women leaders contended that the inadequate representation of women in the CA would result in the neglect of issues central to women in the forthcoming constitution. Writers also asserted that ensuring women's rights, safety, and their proportional representation in both public and private spheres could only be guaranteed with sufficient female members in the CA. With parties disregarding the mandate for at least 33% representation of women in the CA, women leaders argued that the requirement for 33% representation of women in public bodies had become merely symbolic.

### **Re-Addressable of Demands**

With the conclusion of the second Constituent Assembly elections, addressing the aforementioned demands becomes challenging at this juncture (Khadka, 2013). The only viable solution and recommendation for the future entail a rigorous enforcement of existing policies (Rana, 013). Women writers contend that the Election Commission should closely oversee parties' compliance with election guidelines (Marashaini, 2013). Additionally, women leaders have called for unity among female leaders from all parties in challenging the entrenched patriarchal dynamics within their respective parties and leadership structures (Jatiya Aadhar, 2013). It was observed that a lower number of women candidates were expected to be elected under the PR system, as 90 percent of the total 302 disqualified candidates, due to procedural and technical errors by the EC in finalizing the PR list, were women (Noda, 2013). Many women candidates were not listed on the voter roll, while others were nominated under both the PR and FPTP systems (Retrieved, 2013). Women leaders have attributed these occurrences to party negligence and have urged for thorough consideration of such issues in the future.

The media analysis indicates that women advocate for a shift in societal perceptions towards women to empower them politically (Ojha, 2013). Owing to prevailing social norms, security concerns, and familial pressures, women find it challenging to engage in politics and run for election candidacy (Pandey, 2013). They argue that women must be integrated into the policymaking process across all levels and institutions, and should receive proportional representation in key areas such as education, employment, and healthcare, among others.

## **Findings**

This study highlights that national progress and prosperity can only be achieved by actively involving women in politics as representatives, working hand-in-hand with both men and women for nation-building (Singh, 2013). Efforts to engage women in politics have been made repeatedly in Nepali politics (Pokhrel, 2013). In 1997, the government introduced the Local Self Governance Act (LSGA), which allowed up to 40,000 women to participate in local-level politics by reserving twenty percent of seats for women at the ward level of Village Development Committees (VDCs) and municipalities (Poudel, 2013). However, this did not lead to significant changes in women's participation in politics for a couple of reasons. Firstly, the number of reserved seats for women was insufficient compared to their population (Rai, 2013). Secondly, the reservation was limited to the ward level, and no specific measures were implemented to enhance women's participation at decision-making levels.

In April 2006, Nepal's ten-year conflict concluded, ushering in significant political transformations with a commitment to a more inclusive democracy and heightened focus on addressing disparities related to gender, caste, ethnicity, and religion. The successful completion of the Constituent Assembly elections and the establishment of Nepal as a federal republic on May 28, 2008, raised expectations for further advancements.

The initial Constituent Assembly elections and the significant turnout of women participants suggested that Nepali politics had become more inclusive and supportive of women (Pradhananga, 2013). The CA, functioning as a legislature, was even recognized as the 14th most representative globally (Sharma, 2013). However, the second CA election dashed these optimistic expectations. The lack of representation and evident discrimination against women indicated that achieving gender equality remains a distant goal in Nepal.

## **Conclusion**

The research focusing on women's participation and representation in Nepal's first and second Constituent Assembly Elections has identified the minimal presence of women as a result of political parties' unwillingness, reluctance, and lack of trust in women's leadership. While the constitution mandates a minimum of 33% representation for women across all organs of the nation, including the



electoral system, the primary deficiency lies in the implementation of this constitutional provision by political parties in practical terms.

The media analysis revealed significant discrimination against women throughout the entire process of the second CA Elections. From candidate selection to involvement in party manifestos, women's participation has been minimal. The limited representation of women seems merely symbolic, and many were pitted against seasoned leaders, making their defeat almost inevitable. As a result, women accounted for just 10.5% of the CA representation.

While the first CA Election was commended for its high level of representation, it is regrettable that just five years later, the second CA elections saw minimal participation of women. This lack of women's representation in the CA could lead to various negative consequences. There is a high likelihood of women's issues being overlooked, and it also underscores the continued presence of discrimination in our patriarchal society.

### **Recommendation**

Experience from numerous countries has demonstrated that achieving proportional representation in government bodies can promote inclusivity and drive the country's progress. Rwanda serves as a prime illustration. Despite enduring genocide nearly two decades ago, Rwanda has since emerged as one of the world's fastest-growing economies. A key factor contributing to this rapid development is its highly inclusive government structure, with approximately 64% representation of women in the lower house.

In a country like Nepal, which faces economic challenges and struggles with its health system, it is imperative to effectively implement existing policies. Political parties must adhere to the guidelines outlined in the Election Acts, and failure to do so should result in their exclusion from participating in elections. Women leaders should be entrusted with greater responsibilities and leadership roles. Additionally, the proposal put forward by women leaders to designate constituencies exclusively for women candidates could offer a potential solution. Only through achieving proportional representation of women can the country truly progress towards long-lasting peace, stability, and development.

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