

Annexes

Annex 1

Waiting for Justice

Laxmi, a mother of 3 sons and 2 daughters, is a resident of Bardiya district. Her husband was taken away by armed group while watching television on 31 March 2004. They warned Laxmi not to share the incident with anyone because of which she kept it confidential. After few days, she heard a similar incident that had happened to another person who was also taken away on the same day along with her husband. Television News reported that he was killed being accused of rape. Laxmi was told that her husband was buried alive but was not informed of the place. Till now, she does not know the whereabouts of her husband and the truth behind it. Laxmi has reported the case to police specifying the perpetrator. However, the case has not progressed and the perpetrator is walking freely in the society even after committing such a heinous crime. Laxmi is waiting for justice and wants to know as to why her innocent husband was killed with fake accusation.

Being a mother, she has faced many challenges while looking after her children. In enforced disappearance case, there are no provisions for property transformation from enforced disappeared person, the challenges for the family is much higher than other cases. Also the dilemma continuously exists regarding the status of enforced disappeared person.

*Source: Story telling workshop conducted by FWLD and International Alert,
September 2-10, 2018*

Annex 2

Non-acquisition of Citizenship due to discriminatory provisions

Case A

Diwakar filed a writ at Supreme Court on May, 2012. His father had an intercultural marriage that was unaccepted by his father's family. His father thus went through depression and committed suicide. Diwakar's mother is 65 who have a citizenship but despite of the fact that the Constitution guarantees the acquisition of citizenship through mother,

The Supreme Court decided to provide Diwakar a citizenship as accordance to the Law; however he has been continuously denied by the concerned authority since 29 years.

Sadly, as of today he has been given an ultimatum of 3 months from the place of his employment to submit the citizenship or else to discontinue the job. His brother too is the victim who does not have the citizenship to which as a consequence, his children is unable to attend the school.

Source: Writ no. 069-wo-0153, Decided by the Supreme Court on May 12, 2016

Case B

Sunita got married while she was 15 years old. It was an arranged marriage. She later got to know that her husband had mental problem. Thus after living together for 6 months with her husband, she finally decided to get separated with her husband and hence returned to her maternal home.

She registered the divorce while she did not have marriage registration certificate. Neither had she had citizenship certificate. When she along with her parents (who both have the citizenship by descent) approached the local municipality of Madi, the authority told them that since is already married, she cannot acquire citizenship certificate through her parents. And without her marriage registration certificate, they cannot provide her the recommendation for citizenship. When asked that cannot she acquire the citizenship through her parents, the authority denies on the pretext that there is no such law to transfer the citizenship by descent through her parents for married daughter. However, sons are not barred from getting citizenship certificate irrespective of their marital status.

She has been facing a lot of complications as she is not being able to apply for the foreign employment and she is struggling to get a decent employment for her survival simply because she was denied citizenship certificate owing to her marital status.

Source:FGD conducted with the people without citizenship in Madi, Municipality of Chitwan (Terai region of South Central Nepal) on 27th June, 2018.