

Interview with Sapana Pradhan Malla

Sapana Pradhan Malla has advocated to improve the legal status of women and also published extensively on the legal status of women in Nepal. As a practicing lawyer before the Supreme Court of Nepal, she has been an advocate for the rights of Nepali women in several landmark cases. Pradhan Malla has helped to achieve legal reform through a process that begins with research – that is, in determining how women are being affected by laws and then take that evidence into court.

In spite of her success, she believes there is a significant problem in getting women to assert their new rights. For example, despite the criminalisation of marital rape, she believes that no woman would actually use the protection now afforded under law unless we can promote the law and create a support system of affected people and empower them. She stresses that Nepal, even as a secular country is still held back by a caste system and strongly believes that state needs to criminalize caste based discrimination.

http://www.gruberprizes.org/files/PradhanMalla_Prize.pdf



Forum for Women, Law and Development (FWLD)

FWLD is an autonomous, non-profit, non-governmental organization established in 1995 to work for the protection, promotion and enjoyment of human rights by whom? In order to eliminate all forms of discrimination, the Forum uses law as an instrument to protect the rights of women, children, minorities, and all other marginalized people of society. The organization was established with the combined effort of seven founder members for the revelation (right word?) and eradication of discriminatory laws and to effectively implement the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) within Nepal. The organization plans to build on its past /record of success by working on a number of issues which include the rights of women, disabled, elderly, children, marginalised groups, religious minorities, indigenous minorities, dalits, sexual and gender minorities.

Can you tell us about your family background and your childhood memories?

My father was a democratic warrior and my mother was a social worker. Both were literate. Both of them passed their School Leaving Certificate (SLC), because of their consciousness, my education was a top priority for my family. My father was a landlord at that time so we didn't face any scarcities. My parents had four children three daughters and a son. All the children were provided an equal opportunity to study in my family even though at that time there was lack of equality between daughters and sons.

My elder sister is a doctor, my younger sister is a beautician, and my brother runs a private business. We three sisters are all older than our brother; this shows that they really wanted a son and saw it as important to have a son and not only daughters. After having two living daughters they were expecting a son for their third child. However my mother gave birth to me, another daughter. Later I was told that I was given the name 'Sapana', which means "**dream**" in English, because their dream for a son became impossible.

I don't remember everything about my childhood, but I remember that I was very much a revolutionary during my childhood. There were some helpers in the household in my family at that time. I always used to treat them as my family members. I didn't think of them as workers, as I believe that our seniors should be respected. I used to challenge the untouchable system prevailing at that time by sharing my food with so called Dalits (lower caste people) and workers in my home.

What was your aim and inspiration when you were young and who has supported you?

Generally everyone is educated in my family. I saw that both my maternal and paternal grandmothers were very determined and active in both our family and wider society. My mother was educated, and had a strong desire for all her children to be educated. In my childhood I was not made to feel that I should leave my father's home to get married I was often taught that I should be independent and self-sufficient. I saw my grandmother managing a big joint family with full control. Looking back, I was inspired by my grandmothers because even though I grew up in a family where females were powerful my grandmothers were especially strong. So my grandmothers (maternal and paternal) were always my role models. They had the ability to control the whole joint family in a perfectly balanced condition.

In my school days, my attention was very focused on extracurricular activities such as sports, social work, drama, art, dance, and singing. My grandmother mainly encouraged me to study Science but

my father wanted me to pursue Law. I wanted to be an engineer as a child so I studied Mathematics. I applied for both Engineering and Law, but I was selected to be admitted into Law chosen for above Engineering, so I started to study Law at University.

I completed my Bachelor in Law from Law Campus, Tribhuvan University, and Kathmandu in 1986. Then in 1989, I completed my Postgraduate Studies from Delhi University, India taking Comparative Law. Since then I have been serving Nepal and contributing to different social sectors. I have also been on different training courses by different institutions. Some of the important training courses are Enterprise and Investment Lawyers Course, Feminist Lawyers Course and a Development Lawyers Course from Rome.

All of these achievements would not be possible without the support of my family. I was supported from my family every step of the way, which enabled me to be successful today. Also after my marriage, my family did not put any pressure on me to limit at house hold work. They didn't ask me to do any housework which enabled me to continue to study. I should inform you that I had completed my post graduate studies after my marriage. I am especially thankful to my father-in-law, who supported and loved me so it became easy for me to study and work. If I had to do housework I wouldn't have had time for all the official and educational work that I do.

Can you tell us about some of the work that you have been doing?

I began my professional career in 1989 as an Advocate, Supreme Court, Nepal, and I am still continuing to work in this field today. I taught for some time at the Law Faculty, Tribhuvan University, Nepal from 1992 to 1994. I have also been a guest lecturer in various institutions and universities including Harvard Law School. I worked as a trainer in Law and the rights of marginalised groups. As a public interest lawyer, I have filed and pleaded a number of cases on a range of issues, from the environmental cases (water pollution, Godavari Marble Case, Pesticide Case) to civil rights (such as voting rights for prisoners) as well as the rights of minorities and marginalised groups. I have been involved in most of the leading cases regarding gender discrimination issues in Nepal as either a party to the case, individually, and institutionally as an applicant or as a lawyer.

As the present Member of Constitutional Assembly of Nepal I have been involved in drafting Laws. At present I am the Member of the Constitutional Committee responsible for drafting the constitution and am also a Member of Legislation Committee of the Parliament. I have coordinated the subcommittee to finalize the Domestic Violence Bill in parliament which has already been corrected into law.

I was strongly involved in equal right to property, right to abortion, right to criminalize abortion, and in drafting anti human trafficking law.

What have been your main achievements and challenges and what are your future plans?

In my life I have mainly worked for the promotion of women's rights. I have contributed to the formation of laws that guarantee equality among males and females. I have worked continuously to end different discriminatory laws against women. My main achievements include securing women's inheritance rights, eliminating discriminatory punishment provision on bestiality and helping change the Tenancy Law that excluded daughters from being tenant. I was also involved in amending the Army Act that denied women's employment in the Army. I was also active in challenging the Rape Law that allowed for a lesser punishment for the rape of women in prostitution, of Rape Law that excluded Marital Rape from the definition of rape. Another achievement was helping to amend discriminatory punishments between voluntary abortion and forced abortion, for the effective enforcement of child marriage law.

Over the years I have become successful at representing defendants whose cases were filed to curtail women's right such as to curtail right of wife to her husband's property or maintenance until remarriage, before the decree of divorce is given. Other successful cases include where the plaintiff challenged the decision of Tribhuvan University to provide reserved seats for women, Dalit and Janajati, challenged right to abortion of women without parental consent.

There are many challenges. Firstly, my family regularly complains because of the lack of time that I have for them. A few days ago my son arrived in Kathmandu from India, but I have not had any time for him, so he was complaining that I didn't even have one day for him! It is no less challenging to raise subjects concerning women's rights in a country like Nepal. Sometimes we should challenge our society, religion, culture, and traditions as well as challenge the government and the political parties.

Now I am focusing on issues regarding the citizenship right from mothers, but some people accuse me of being unpatriotic and against nationality. These days, my main focus is on promoting equality for citizenship and promoting the participation of women in every position of Nepal. I am totally satisfied in my work as I became a key promoter of equality among males and females, and at the same time I can see discrete changes in discrimination. As part of a different revolution, I was able to support a revolution of equality. As we know that there is no end to the revolution and no criteria of success. I don't like to say, like some people do, that I will be a great person. I am not aiming to

attain the highest position as in the government. My main aim is to continue to raise and support issues concerning the equality among males and females. But now I am in the position of drafting the laws, as a member of the Constitutional Assembly. It is not important for me to be in the position to utilise power it is important that I am working to support women and sexual equality. I will always be working for women and minority groups to promote a better society. In the future I am planning to write about my experiences, feelings, challenges and achievements to share what I have learnt with others.

What suggestions do you have for other women?

I have two suggestions for women. Firstly, it is very important for all women to be well educated. Being literate helps you to be capable, aware and actively work for the protection and promotion of your rights. Secondly, it may not be possible for all women to be literate. However, highly skilful women can empower themselves. If you are skilful in your own area then most people will respect you in your society. The perspective that people have of you will be different if you are skilful. I do not ask others to agree with my opinions but I always try to explain my position and justify my actions by linking it to my ideological beliefs.

Please listen to others. Never force others to support you. You may not always be correct; hence everyone should listen to others and should give each other time to explain their reasons. Always be passionate and don't be in a hurry to achieve your dream as things can take time.

I think every female should try to make herself strong in all areas, so please develop your knowledge and skills.

Qualitative Analysis in Action

Qualitative Analysis in Action provides open access to interviews undertaken with inspirational women of Nepal. In doing so it creates an environment where these women experiences can be explored, examining the gendered experiences of meanings of inspiration.