

Nepal

Joint Report of Non-government Organization on Universal Periodic Review (UPR)

Submitted by

Nepal National Coalition for UPR (NNC-UPR)
National Women's Coalition for UPR
Durban Review Conference Follow-up Committee (DRCFC)

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Secretariat

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DRCFC



Fourth Cycle of the Universal Periodic Review
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I. INTRODUCTION

1. This joint submission has been prepared by three coalitions: the Nepal National Coalition for UPR (NNC-UPR), the National Women's Coalition for UPR, and the Durban Review Conference Follow-up Committee (DRCFC) Nepal. The coalition comprises 530 civil society organizations (Annex 1).

II. METHODOLOGY

2. This report is the outcome of four national consultations, seven provincial consultations, and seven thematic consultations with relevant stakeholders. Participants included representatives from the National Human Rights Institutions (NHRIs), government, legislature, sexual and religious minorities, *Dalit* and *Madeshi* communities, indigenous people, journalists, lawyers, freed bonded laborers, and child rights activists. This submission includes two different thematic submissions by the National Women's Coalition for UPR and DRCFC as annexes (Annexes 2 and 3).

III. IMPLEMENTATION STATUS OF UPR 3RD CYCLE (2021) RECOMMENDATIONS AND DEVELOPMENTS SINCE THE PREVIOUS REVIEW

3. The mid-term assessment conducted by the NGO Coalition suggested that only 8 (3%) recommendations have been fully implemented, 148 (64%) recommendations have been partially implemented and 77 (33%) have not been implemented. (See: Mid-term report and matrix in the annex 4 for details on the implementation status.)
4. The government of Nepal did not prepare the UPR recommendations implementation action plan, nor did it submit the mid-term review report for the third cycle of review.

IV. BACKGROUND AND FRAMEWORK

A. Scope of International Obligations

5. The first, second and third UPR cycles had recommended ratification of several international treaties for improving the human rights situation.ⁱ Many of the recommended treaties have not been ratified.

6. CSO-Suggested Recommendations:

- Ratify the Convention against Enforced Disappearance, the Migrant Workers Convention, and all three Additional Protocols to the Geneva Conventions of 1949.
- Accede to the Rome Statute of ICC and ILO Convention 189.
- Ratify Optional Protocols to the ICESCR, CAT, CRC (OP III), and Protocol Against Smuggling of Migrants by Land, Sea and Air, 2000.

B. Constitutional and Legislative Framework

7. Nepal's Constitutionⁱⁱ commits to democratic norms and values, including human rights. Even after nine years of adoption, the Constitution is still in the process of implementation under a federal governance arrangement. Many of the provincial and local-level structures have not been established. Nepal still needs to enact many laws to give full effect to the Constitution.
8. The Constitution ensures civil and political rights as well as economic, social and cultural rights as fundamental rights.ⁱⁱⁱ It also guarantees constitutional remedy.^{iv} The Directive Principles state the objective of the state is to establish a public welfare system of governance.^v
9. The Constitution provides a foundation for the participation of ethnic and caste groups, women, indigenous peoples, *Dalits*, Muslims, *Madhesis*, persons with disabilities (PWDs) and sexual minorities in state affairs. However, there is a discrepancy in materializing these rights into reality.

10. **Recommendations:**

- Guarantee equal rights for women to acquire and transfer citizenship.
- Take concrete action to ensure effective implementation of the rights of women, indigenous people, *Dalits*, Muslims, *Madheshi*, persons with disabilities, and sexual minorities as guaranteed in the Constitution.

C. National Human Rights Institutions (NHRI), Infrastructures and Policy Measures

11. The National Human Rights Commission is an independent human right monitoring constitutional body.^{vi} The NHRC is functioning as per the NHRC Act of 2012, which requires amendment to incorporate the aspiration of Nepal's federal model of governance. Implementation of NHRC recommendations by the government has been poor.^{vii}

12. The National Women Commission, the *Dalit* Commission, the National Inclusion Commission, the Indigenous Nationalities Commission, the *Madheshi* Commission, the *Tharu* Commission and the Muslim Commission are also designated as constitutional bodies; however, they do not qualify fully to be considered as a national NHRI.^{viii} These commissions are required to be reviewed after ten years of the commencement of Nepal's constitution, which is in 2025.^{ix} These commissions should be strengthened and backed by adequate resources.

13. **Recommendations:**

- Amend the NHRC Act to align it with the changed governance structure of Nepal.
- Ensure full independence of the NHRC^x and effectively implement its recommendations.
- Ensure transparency and inclusive representation in appointments to the NHRIs.^{xi}
- Conduct a comprehensive review of the impact, effectiveness, and functioning of constitutional commissions, and strengthen them with adequate resources.

V. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. Equality and Non-discrimination

14. **Gender Equality and Violence against Women^{xii}:** Out of 22 recommendations Nepal received on discrimination against women in the third cycle, 21 were supported and one was noted. The mid-term review suggested that only 9% of the recommendations were fully implemented. 61% were partially implemented, and 30% were not implemented at all. The Constitution guarantees that no citizen shall be discriminated against on the grounds of race, sex, economic condition, or similar other grounds.^{xiii} Article 38 safeguards a wide range of rights of women. However, gender inequality is widespread, and women are discriminated against in public, private, and political forums^{xiv}. Women from *Dalit*, indigenous people, religious minorities, single women, and women with disabilities continue to face gender-based and identity-based multiple forms of discrimination.

15. Despite legal safeguards, discrimination and violence against women in families and communities continue. The patriarchal social structure has made it hard to deal with the issues of domestic violence because victims generally do not file complaints; instead, they are forced to seek out of court settlement. The interim protection measure envisioned by the Domestic Violence (Offence and Punishment) Act has not been effective.^{xv} In the fiscal year 2023-024^{xvi}, the total number of crimes committed against women and children was 20,534, including 2507 cases of rape.^{xvii}

16. **Recommendations:**

- Implement laws and the Supreme Court decisions to make citizenship easily available based on the mother's citizenship.
- Ensure effective implementation of laws and policies on gender equality backed with sufficient resources.
- End harmful practices and build awareness for eliminating discrimination against women.^{xviii}
- Investigate cases involving harmful practices and punish those responsible and provide protection and rehabilitation to victims.
- Raise awareness against issues such as the dowry system, son preference, and polygamy.^{xix}
- Remove the provision of reconciliation in the *Domestic Violence (Crime and Punishment) Act, 2008*.
- Remove statutory limitation on the crime of rape.

17. **Discrimination against *Dalit*:** The Constitution provides rights against untouchability and discrimination. Despite these legal guarantees^{xx}, caste-based discrimination is still prevalent in Nepali society. Discrimination has affected access to education, health care, employment, water availability, and

- the ability to enjoy an adequate standard of living for members of these communities.^{xxi} Dalit men marrying non-Dalit women are often charged on human trafficking and rape.^{xxii}
18. **Discrimination against Madhesi:** *Madhesi Dalits* endure greater exclusion, marginalization, and landlessness,^{xxiii} and are discriminated against even within the *Dalit* and *Madhesi* communities. *Dalit* women face discrimination based on region, class, caste, and gender. *Badi* women face sexual exploitation. *Dalit* people face caste-based discrimination and untouchability in public and private places. The children from *Dalit* communities are deprived of education and face malnutrition, child labor, trafficking and sexual violence.^{xxiv}
19. **Recommendations:**
- Ensure effective implementation of fundamental rights, especially Articles 24, 40, and 42.
 - Investigate and prosecute cases of discrimination against *Dalits*, conduct awareness-raising campaigns, functionalize the National *Dalit* Commission, and ensure access to justice in cases of discrimination.
 - Strictly enforce laws against caste-based discrimination.
 - Amend all discriminatory laws, regulations, rules, directives, policies and programs.^{xxv}
 - Ensure protection for all inter-caste married couples.
 - Ensure that all opportunities, resources and services are proportionally distributed among the Hill and *Madhesi Dalits* and *Dalit* women as per the ratio of their respective populations.
 - Ensure proportional participation of Dalits respecting intersectionality and gender at the federal, provincial, and local levels, as well as political and constitutional appointments.
 - End landlessness within one year and ensure the citizenship rights of *Dalits*.
 - Provide mother tongue-based multilingual education and ensure access to schooling for children from *Dalit* and indigenous communities.
 - Withdraw the reservation position of the government of Nepal on articles 4, 6, 14, and 22 of ICERD.
20. **Discrimination against Religious Minorities:** People following *Babai* (303 people), *Sikha* (0.01%), *Jain* (0.01%), *Bon* (0.23%), *Prakriti* (0.35%), Christian (1.76%), *Kirat* (3.17%), Islam (5.9%), and Buddhism (8.21%) are fewer in number compared to people following Hinduism.^{xxvi} Muslim women have lower access to health, justice and education because of cultural and language barriers. They suffer multiple forms of discrimination as women.^{xxvii}
21. **Recommendations:**
- Ensure that Muslim women enjoy all fundamental freedoms and participate in public life without barriers.
 - Ensure non-discrimination towards religious minorities in all aspects of their life.
22. **Indigenous Peoples (IPs):** Indigenous peoples, also known as indigenous nationalities, constitute 35.08% of the total population.^{xxviii} The large-scale projects and national parks have cut off IPs customary rights to the natural resources. Displacement of IPs from their lands, natural resources, and pasturelands because of megaprojects and National Parks has become widespread across the country. A similar action affected around 500 households of Indigenous Tamang and other locals of the area, who have opposed the construction of the substation and the transmission line in Bojheni, Nagarkot, since 2015.^{xxix}
23. Poverty among Hill IPs is high.^{xxx} The National Action Plan for the implementation of ILO 169 is yet to be implemented.^{xxxi} Women survivors of human trafficking are high in numbers from indigenous communities, followed by *Dalits*.^{xxxii} Deeply rooted exploitation, discrimination, poverty, and structural inequality are responsible for IP's vulnerability.^{xxxiii}
24. **Recommendations:**
- Secure the right to use and develop ancestral land by indigenous people and seek their free, prior informed consent before undertaking any development project.^{xxxiv}
 - Effectively implement the Action Plan for the implementation of the ILO Convention 169, review existing laws or formulate new ones to ensure the rights of IPs.
 - Provide adequate financial, human and technical resources for full and effective functioning by the Indigenous Nationalities Commission.
 - Fully implement constitutional provisions on inclusion and proportional representation of IPs, including indigenous women at decision-making levels and state policy.
25. **Persons with Disabilities:** Many of the provisions of the Rights of Persons with Disabilities Act, 2017, such as the provisions related to education, employment, accessibility, healthcare services, inclusion and participation have not been properly implemented. Physical infrastructure and transportation systems are

not accessible for persons with disabilities. Lacking support systems and social security, persons with psychosocial and other severe disabilities are often chained, incarcerated and treated in inhumane ways.

26. **Recommendations:**

- Guarantee accessible infrastructures and transportation systems for persons with disabilities.
- Strengthen support systems and promote independent living by persons with disabilities.

27. **Sexual and Gender Minorities:** Over a decade after SC's verdict,^{xxxv} same-sex marriage is unrecognized; instead, it is legally sanctioned. Though the Constitution recognizes "gender and sexual minority" people among the disadvantaged groups,^{xxxvi} non-recognition of same-sex marriage has deprived LGBTI couples of enjoying certain rights and benefits. LGBTI persons are subjected to discrimination, hatred, social stigma, and harassment in their own families, schools, employment, and public services.^{xxxvii}

28. **Recommendations:**

- Fully implement the constitutional provisions to increase the participation and representation of the LGBTI community in public services and state mechanisms.
- Revise and amend the civil and criminal codes and other discriminatory laws that restrict the rights of the LGBTI community and ensure their right to identity.
- Take concrete actions to guarantee sexual and reproductive rights for LGBTIQ people.

B. Right to Life, Liberty and Security of the Person

29. **Arbitrary arrest and detention, conditions at detention centers:** Despite legal provisions against arbitrary arrest and excessive use of force, and brutality during arrest, there have been numerous such incidents. There are prisons inside prisons run by the hierarchical system of *chaukidars* ("watchmen") who are supported by *naike* and *bhai naike* ("leaders" and "junior leaders").^{xxxviii} Overcrowding, drug abuse and violence have always plagued Nepal's prisons.^{xxxix} There were three incidents of violence in the correction center in under a year.^{xl} One minor lost his life while 11 others were injured after clashes among the inmates in September 2023.^{xli} In July 2024, 28-year-old Jhak Bahadur Khadka died in police custody after four days of detention. On October 19, 2024, a 45-year-old Mohammad Kyamodeen was found dead in police custody in Ratnanagar, Chitwan. He had been in police detention for two days. Perpetrators have not been brought to justice to date.^{xlii}

30. **Recommendations:**

- Take measures to prevent arrests without warrants, police brutality and other types of state misconduct.
- Improve conditions of detentions and juvenile reform homes.

31. **Torture and Enforced Disappearance:** Although the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commissions were established nearly a decade ago, they are yet to deliver any tangible results in delivering justice to the victims of torture and enforced disappearances committed during the armed conflict from 1996 to 2006.^{xliii}

32. The Criminal Code has criminalized the act of torture and enforced disappearance.^{xliv} The Legislature-Parliament on Aug 31, 2016, forwarded the Bill^{xlv} to Control Torture, Inhuman, Brutal and Disrespectful Acts to a parliamentary committee for finalization^{xlvi} but has not been passed yet.

33. Nepal has not yet signed the OP CAT.^{xlvii} Views of the UN Human Rights Committee on individual communications on torture cases have not been implemented.

34. **Recommendations:**

- Ensure proper mechanism for rehabilitation and reparation of torture victims.
- Ensure accountability and improve the capability of security forces for preventing torture.^{xlviii}
- Carry out effective investigations on the allegations of extrajudicial killings and ensure justice for victims.^{xlix}

35. **Human Trafficking and Human Smuggling:** Out of 14 recommendations related to human trafficking and contemporary forms of slavery in the third UPR cycle, Nepal supported all 14 recommendations. Assessment by the coalition considers that 11 (79%) recommendations have been partially implemented and 3 (21%) recommendations have not been implemented. The Human Trafficking and Transportation (Control) Act 2007 (HTTCA) defines human trafficking in a narrow form by not considering concerns of forced labour. It also separately defines "human transportation" with elements of fraud, coercion, force, etc., considered along with transportation and not defined explicitly in terms of trafficking. The Foreign Employment Act, 2007, does not incorporate human trafficking during labour migration but considers it simply a crime of fraud, disregarding the consequences for the aspirant migrant. The recent amendment to the HTTCA defines human smuggling as a form of human transportation. The CSOs call for the amendment of laws in line with Nepal's international obligations,

including as required by the newly ratified Palermo Protocol, which is yet to be actualized.¹ Because of the migration ban for women, unethical recruitment practices, lack of pre-departure information and training, and limited legal and social protection abroad, there is persistent vulnerability of migrant workers to exploitation and abuse, both during recruitment and while employed abroad.

36. Recommendations:

- Amend the Human Trafficking and Transportation (Control) Act 2007, harmonize it with the Foreign Employment Act as per the federal system and the Palermo Protocol, from a victim-centric perspective.
- Enact standard operating procedures for victim identification, rescue, and repatriation.
- Formulate a national policy and national plan of action against human trafficking.
- Formulate a national policy for safe foreign employment and for the reintegration of returnee labour migrants.
- Protect the right to work and freedom of movement by removing the migration ban for aspiring women workers.

37. Forced labour, slavery, servitude and slavery-like practices: According to the 2023 Global Slavery Index, an estimated 3.3 in every thousand people were in modern slavery in Nepal at any point in 2021.^{li} Despite legislative provisions against slavery, historical forms of bonded labor (*Kamaiya*, *Kamalar*, *Harawa*, *Charawa*, *Haliya*, etc.) persist in agriculture, and forced labor in brick kilns, stone quarries, entertainment sector, domestic work, restaurant and embroidered textiles. These exploitations are complex in Nepalese context where legal enforcement is weak and impunity is high without much economic opportunities.^{liii} In 2000, the government declared *Kamaiya* emancipation, including from debt.^{liiii} There are around 37,000 freed *Kamaiya*.^{liv} However, two decades after their emancipation, they are still waiting for proper rehabilitation. They are compelled to work for previous landlords.^{liv}

38. Recommendations:

- Ensure full and effective implementation of laws against slavery, including the *Kamaiyas* (Prohibition) Act 2002.
- Provide employment opportunities to freed bonded labourers.
- Mobilize local authorities to ensure that there are no slavery, servitude or slavery-like practices in communities.
- Ensure right to housing to all the freed bonded labours.

C. Administration of Justice, Including Impunity and the Rule of Law

39. Right to a Fair Trial: Despite the constitutional guarantee of a fair trial,^{lvi} detainees are generally not allowed to meet with their lawyers, friends or relatives from the time of arrest. A huge number of pre-trial detentions and detentions without criminal charges are one of the concerns in Nepal's criminal justice system. Use of coercive measures against suspects to obtain confessions is practiced commonly.^{lvii}

40. Recommendations:

- Develop infrastructure and invest in criminal justice mechanisms to ensure fair trials.
- Strictly enforce the Crime Victim Protection Act 2018.
- Reduce the number of pre-trial detentions and prevent detentions without criminal charges.

41. Access to Justice and Effective Remedy: The judicial procedure is expensive and tiring. Legal aid hardly reaches indigent people and women due to social and legal limitations^{lviii}. Language translators are not readily available in police stations and in courts. There are no sign language interpreters for persons with speech and hearing disabilities, making it difficult for them to register their cases. Women victims of physical violence, sexual violence, and caste-based discrimination are coerced to opt for mediation rather than seeking legal remedy by families and communities.^{lix}

42. Recommendations:

- Make legal aid accessible for all and in all geographical locations of Nepal.
- Allocate sufficient human and financial resources to the judiciary and quasi-judicial bodies.
- Ensure access to justice for persons with all disability types.

43. Transitional Justice: Out of 12 recommendations related to transitional justice in the third UPR cycle, Nepal supported all 12 recommendations. Assessment by the coalition considers that none of the recommendations have been implemented. Victims' groups have expressed dissatisfaction over the selection of TJ commissioners, as they were not properly consulted or included. After 19 years of the Comprehensive Peace Accord between the government and the then-rebels, victims of conflict have received only interim relief and no reparation.^{lx}

44. Politically influenced appointment of commissioners threatens to undermine the purpose of the commission for truth, justice, reparation, and institutional reforms. Survivors of conflict-related sexual violence have not been ensured protection of their privacy.
45. The two commissions have not produced any tangible results other than receiving complaints from victims.
46. Accused of the conflict-era crimes and serious human rights violations have been appointed, promoted, and deployed in the high-level policy-making institutions, and executive and security agencies.
47. **Recommendations:**
 - Amend the Truth and Reconciliation Commission (TRC) Act to align with international human rights standards and the rulings of the Supreme Court of Nepal.
 - Remove statutory limitations on prosecuting cases of sexual violence and abuses committed during the conflict.
 - Ensure confidentiality and security of conflict-related sexual violence.
 - Create a safe and enabling environment for women and girls to participate in the transitional justice process, encouraging the reporting of conflict-related sexual and gender-based violence and abuses.
48. **Impunity:** In some cases, suspects involved in crimes and corruption are not arrested because of political power and protection. There are instances of FIRs that are not registered,^{lxi} and even serious crimes like extrajudicial killings are not adequately investigated.^{lxii}
49. **Recommendations:**
 - Design an approach to check impunity and ensure equality before the law.

D. Right to Privacy, Marriage and Family Life

50. The right to privacy, freedom to choose a spouse, and founding a family are protected by the civil code, but inter-caste marriages among *Dalit* and non-*Dalit* are generally not accepted by societies and are discouraged. Despite the criminalization of child marriage, the government has not been able to stop it. Lack of enforcement of existing laws remains an issue.
51. In 2016, the government adopted the "National Strategy to End Child Marriage" with the vision of ending the practice by 2030. However, a lack of a budget plan hindered the implementation of the strategy.^{lxiii}
52. **Recommendations:**
 - Conduct awareness-raising activities against child marriage and to end caste-based discrimination in marriages.
 - Ensure effective enforcement of the legal minimum age of marriage.

E. Right to Information, Opinion and Expression

53. The right to information^{lxiv}, opinion, and expression^{lxv} is constitutionally guaranteed as a fundamental right. While Nepal has made strides in recognizing and protecting these rights, challenges remain in their effective implementation and enforcement, particularly concerning online freedom of expression. The rise of digital technologies has brought new challenges to freedom of expression, particularly online, with concerns about the misuse of the Electronic Transactions Act (ETA) by the government to restrict online content.^{lxvi} Cases of online abuse of women, children, and LGBTIQ people are on the rise.^{lxvii}
54. **Recommendations:**
 - Amend Section 47 of the ETA to include precise, narrowly defined provisions to prevent its misuse against human rights defenders, women activists, journalists, and citizens for exercising freedom of expression
 - Amend the Social Media Bill, IT and Cybersecurity Bill, and the 11th Amendment of Broadcasting Regulation to remove provisions that unduly restrict freedom of expression and association.
 - Simplify Social Welfare Council procedures for NGOs and civil society organizations to eliminate unnecessary bureaucratic hurdles, ensuring compliance with the right to association under Article 22 of the ICCPR.

F. Economic, Social and Cultural Rights

55. **Right to Work and Rights at Work:** Most of the population employed in the informal economy do not have just and favourable working conditions and social security.^{lxviii} Women working in households, restaurants, dance bars, massage parlours, entertainment and hospitality sectors, etc., are not adequately protected by law and mechanisms. This results in abuse and stigmatization, including unequal and low salaries, uncertain duty hours, job insecurity, harassment, violence, and arbitrary arrests.

56. **Recommendations:**

- Protect women working in the entertainment and hospitality sectors by improving working conditions, ensuring job security, and establishing complaint mechanisms.
- Ensure domestic work is decent work and social security for the domestic workers.

57. **Right to Social Security:** Employees in informal sectors, labourers, and self-employed workers are out of reach of the contribution-based social security scheme launched by the government on 27 November 2018.^{lxxix} Many of the senior citizens, widows, children, *Dalits*, and endangered ethnic groups do not receive social security allowance payments because they do not have citizenship certificates. Many of the senior citizens are unable to receive the payments because the age on their citizenship certificates is mistakenly lowered.^{lxx}

58. **Recommendations:**

- Guarantee social security for people working in the informal sectors.
- Provide protection allowances to all households below the poverty line.

59. **Right to an Adequate Standard of Living:** 10.8 million people in Nepal do not have access to improved sanitation, and 3.5 million do not have access to clean drinking water.^{lxxxi} People have to walk hours to fetch drinking water for themselves and for their cattle. Millions of the Nepali population live in housing without adequate space for family members and without proper light or ventilation.

60. Despite the constitutional guarantee of the right to food^{lxxii} and the Supreme Court decision on holding the state responsible for ensuring easy access to food,^{lxxiii} food scarcity is a problem in rural Nepal. There is little or no promotion of locally available nutritious food for mothers during pregnancy and for children after six months of age.^{lxxiv}

61. There are numerous instances of landless squatters evicted without providing them with alternatives.^{lxxv}

62. **Recommendations:**

- Ensure effective implementation of the right to food and nutrition security.^{lxxvi}
- Improve the food storage management system.
- Adopt a comprehensive human-rights-based strategy with a gender dimension to combat hunger.^{lxxvii}
- Effectively implement the Public Housing Project^{lxxviii} for *Dalit* and marginalized groups and expand the scheme to other indigent communities.^{lxxix}
- Abide by the UN Basic Principles and Guidelines on Development-Based Eviction and Displacement.
- Ensure effective implementation of the "Policies related to Social Justice and Inclusion" as provided by the Constitution.^{lxxx}
- Remove barriers to accessing the water supply for traditionally excluded groups.^{lxxxi}

63. **Right to Health:** Despite the constitutional guarantee of the right to health,^{lxxxii} quality health services are expensive and not accessible to the majority of Nepali people. The Safe Motherhood and Reproductive Health Rights Act, 2018, and the Public Health Service Act, 2018, have been enacted. However, new laws, plans, and policies^{lxxxiii} are unable to control high maternal mortality rates.^{lxxxiv} Health professionals are in short supply,^{lxxxv} and safe abortion services are not easily accessible. Health professionals and services are centred in urban areas and cities.

64. **Recommendations:**

- Create universal health insurance and make primary health services free and accessible.^{lxxxvi}
- Ensure universal access to sexual and reproductive health care, information, and services, especially for socio-economically marginalized communities, women, and adolescent girls.

65. **Right to Education:** The government's policy of compulsory and free education is neither completely free nor compulsory.^{lxxxvii} The dropout of boys from schools to support families economically, and girls because of family pressure to get married, is a major concern.^{lxxxviii} The difference in quality of education in private and public schools is immense. Gender disparity exists in school continuation, and the education system is unfriendly towards children with disabilities.^{lxxxix}

66. **Recommendations:**

- Effectively implement the free and compulsory education scheme.
- Improve accessibility and quality of education, particularly for girls, children with disabilities,^{xc} and economically disadvantaged families, and *Dalits*.^{xci}
- Adopt strategies to control school dropout.
- Ensure the availability of textbooks and maintain the student-teacher ratio as per the national standard in all rural areas.

- Increase access to technical and professional education for all, including children from marginalized communities.

G. Specific Human Rights Issues

67. **Rights of Human Rights Defenders:** Human rights defenders, especially those focusing on issues like torture, extrajudicial killings, enforced disappearances, corruption, abuse of power, and indigenous rights, often face harassment, threats, or violence from state authorities. Women HRDs face a higher level of risk and are routinely threatened.^{xcii} The government used excessive force in protests, censorship of media, and reprisals against activists, which have led to the classification of Nepal’s civic space as “obstructed.”^{xciii}
68. **Recommendations:**
- Enforce the constitutional right to peaceful assembly, avoid excessive force, conduct impartial investigations, and safeguard journalists and activists.
 - Ensure digital rights align with international standards for freedom of expression online.
 - Ensure support and security to HRDs and WHRDs through law, policy, and programmatic interventions.
 - Take immediate actions to ensure protection in cases of threats caused by freedom of expression.^{xciv}
 - Take measures to systematically investigate intimidation, threats, physical harm, and aggression against HRDs.
69. **Rights of the Child:** Out of 10 recommendations related to the protection of children against exploitation in the third UPR cycle, Nepal supported all 10 recommendations. Assessment by the coalition considers that 6 (60%) recommendations were partially implemented and 4 (40%) were not implemented. Nepal does not have updated disaggregated data on child protection or a national database readily accessible to stakeholders. Out of 753 local levels in Nepal, only 372 have formed Local Child Rights Committees, creating a vacuum for child protection.^{xcv} Discrimination against children in communities and schools based on sex, caste, class, mother tongue, disability, or residence persists. Birth registration in the absence of a father is difficult. Child marriage is prevalent in many parts of Nepal. The criminal justice system is not effective in protecting children as victims and witnesses. Children with disabilities lack access to education and adequate social protection. The government’s master plan to eradicate child labour has not been effective. The juvenile justice system remains ineffective, and juvenile courts have not been established all over Nepal. Juvenile rehabilitation centres are overcrowded and lack adequate infrastructure and facilities.^{xcvi} Many children with parents have been transported and made paper orphans in childcare homes (orphanages).^{xcvii} The government has not ratified the third Optional Protocol to the CRC despite requests by civil society.
70. **Recommendations:**
- Accelerate the enactment of provincial and local-level laws for the full protection of child rights.
 - Establish an independent child rights monitoring body.
 - Effectively implement recommendations relating to children made by committees on CRC, CEDAW, and CRPD.
 - Take actions to ensure free and compulsory education for all children.
 - Improve the quality and facilities of juvenile rehabilitation centres.
 - Launch family strengthening programs to end child labor.
 - Endorse the Comprehensive School Child Protection Standard.
 - Enforce the Act Relating to Children 2018, and make sure that institutionalization of children is a last resort.
 - Manage overcrowded juvenile homes concerning child sensitivity, also ensuring sufficient and efficient juvenile homes.
 - Adopt a strategy and action plan to end child marriage by 2030.
71. **Rights of Youths:** Many young people in Nepal struggle with access to affordable, quality education and employment opportunities.^{xcviii} This leads to a cycle of poverty and limited prospects for personal and professional growth. Thousands of Nepali youths leave Nepal and migrate to other countries each day for economic sustainability.^{xcix} Many of them are forced to work in a harsh work environment, low pay, and in exploitative situations.^c
72. **Recommendations:**
- Generate viable employment opportunities for youths to stop forcing them into labour migration.

73. **Rights of Senior Citizens:** Many senior citizens are neglected and sometimes abused by their families. The traditional respect for elders is eroding, and the shift from joint to nuclear families has left many senior citizens without adequate care and support.^{ci} Despite the existence of policies aimed at supporting senior citizens, the implementation of social security measures is often inadequate. Many senior citizens do not receive the financial support they need to live with dignity. Many of them live in loneliness and isolation. Most of the senior citizens are economically dependent on their family members,^{ci} and they are out of reach of healthcare and social benefits.
74. **Recommendations:**
- Ensure social security and develop a support system for all senior citizens.
75. **Consumer's Rights:** While the Consumer Protection Act, 2018, aims to safeguard consumer rights in Nepal, its implementation faces challenges, leading to weak or ineffective enforcement. This means that despite the legal framework, consumers often struggle to access justice and have their rights protected.^{ciii} Consumers frequently encounter substandard or unsafe products and services, with limited avenues for complaints or compensation. Deceptive advertising, misleading claims, and unfair trade practices are widespread with no or limited accountability.^{civ}
76. **Recommendation**
- Establish Consumer Courts in all provinces and provide adequate human and financial resources to these courts.
 - Strictly enforce the decisions of the Consumer Court.
77. **Climate Justice:** Nepal's efforts to curb climate risks have been deemed ineffective and inadequate due to various factors, including limited financial resources, lack of effective policy implementation, and insufficient infrastructure to address the impacts of climate change. This has hindered the country's ability to build resilience and adapt to environmental changes effectively. Fragmented approaches, low community knowledge, and inadequate institutional capacity restrict Nepal's climate change actions (CCA) and disaster risk reduction (DRR) integration.^{cv}
78. **Recommendation**
- Integrate CCA and DRR initiatives to achieve community sustainability.
 - Formulate policy documents on CCA and DRR and properly communicate them to communities.

- i UPR Recommendation Second Cycle, Para 123.1, 123.2, 123.21
- ii Promulgated on 20 September 2015
- iii These rights include the right to equality, rights relating to poverty, the right to language and culture, the right to employment, the right to labour, and the right relating to food and housing. The Constitution requires the State to enact necessary legislation for the implementation of fundamental rights within three years of commencement (Art. 47).
- iv Art. 46, Constitution of Nepal.
- v By establishing a just system in all aspects of national life, including human rights and gender equality, among others. The Directive Principles (Article 50) also incorporate the principle of proportional participation of all sections in the system of governance on the basis of local autonomy and decentralization.
- vi Article 249 of the Constitution of Nepal.
- vii NHRC Recommendations upon Complaints in a Decade (2000-2010).
- viii Part 27 of the Constitution of Nepal.
- ix Article 265 of the Constitution of Nepal.
- x See recommendation, " Amend its National Human Rights Commission Act in order to guarantee the independence and financial autonomy of this Commission (Portugal) (para 122.11 UPR Nepal 2015; A/HRC/3/19)"; "Enact relevant legislation to provide for necessary autonomy and independence of the National Human Rights Commission in accordance with the decision of the Supreme Court of Nepal (Uganda) (para 121.12 UPR Nepal 2015; A/HRC/3/19)";
- xi See recommendation. "Ensure the effective functioning of the National Human Rights Commission of Nepal, including a representative approach to appointments (Australia) (para 121.13 UPR Nepal 2015; A/HRC/3/19)"
- xii 3rd Cycle (2021) UPR Recommendations No. 159.167, 159.178, 159.20.
- xiii Article 18 of the Constitution. Nevertheless, special provisions may be made for the protection, empowerment or development of the citizens including the socially or culturally backward women, *Dalit*, indigenous people, indigenous nationalities, etc.
- xiv Special Rapporteur on Violence against Women, its Causes and Consequences, *Report on Country Visit to Nepal*, UN Doc. A/HRC/41/42/Add.2 of 19 June 2019, para. 35.
- xv UPR Mid-term Review Report, p. 38.
- xvi 16 July 2023 to 15 July 2024.
- xvii <https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/>
- xviii See recommendation. " Promote gender equality including through an awareness-raising programme to combat negative stereotyping against women (Malaysia) (para 122.34 UPR Nepal 2015; A/HRC/3/19)"
- xix Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/NPL/2, para 40.
- xx Despite the enactment of the "Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 (CBD Act), *Dalits* are facing many forms of discrimination.
- xxi Caste-Based Discrimination and Untouchability against *Dalit* in Nepal, Nepal's Civil Society Alternative Report to the UN Committee on the Elimination of All Forms of Racial Discrimination, 2018, p. 13.
- xxii Lok Bahadur Sharki v. Government of Nepal.
<https://supremecourt.gov.np/web/assets/downloads/judgements/Some%20Landmark%20Decision%20-%20Vol.7.pdf>
- xxiii Sustainable Development Forum, Ownership of *Dalits* in Land: A Study. Kathmandu: Sustainable Development Forum, 2006.
- xxiv <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>
- xxv See recommendation. "Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and *Dalits*, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic) (para 122.39 UPR Nepal 2015; A/HRC/3/19)"
- xxvi National Population and Housing Survey, 2021. National Report on Caste/Ethnicity, Language and Religion. Available at: https://censusnepal.cbs.gov.np/results/files/result-folder/Caste%20Ethnicity_report_NPHC_2021.pdf
- xxvii Joint Report on Muslim Women's rights in Nepal, 2018
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32673_E.pdf
- xxviii National Census Report, 2021.
<https://iwgia.org/en/nepal/5005-statement-nepal-stop-state-brutality-against-tamang-indigenous-peoples-locals.html>
- xxix CBS report: Poverty in Nepal visit at <file:///C:/Users/R14i5U360TS/Desktop/Social%20Exclusion%20Report/CBS-view-on-poverty-in-Nepal.pdf>
- xxx Government of Nepal, Office of the Prime Minister and Council: Fourth National Plan of Action on Human Rights, Fiscal Year 2014/2015 – 2018/2019, available at [file:///C:/Users/R14i5U360TS/Downloads/4thNational%20Planof%20Actions%20on%20Human%20Rights2014-2018%20\(1\).pdf](file:///C:/Users/R14i5U360TS/Downloads/4thNational%20Planof%20Actions%20on%20Human%20Rights2014-2018%20(1).pdf)
- xxxii See more at: <http://www.indigenousvoice.com/7-out-of-every-10-victims-of-trafficking-in-person-are-indigenous-women-and-girls-in-nepal.html#sthash.oRTS5TI.2.dpuf>
- xxxiii National Indigenous Women's Federation (NIWF) Workshop report 2014. "A Report on the Consultation Workshop on the Key Concerns of Indigenous Women, Kathmandu, Nepal
- xxxiv Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/NPL/2, para 89.
- xxxv *Suman Panta v. Ministry of Home Affairs et. al.* Case No. 073-WO-1054 on a Writ Petition for an Order of Mandamus and Certiorari
- xxxvi Article 12 (related to citizenship) of the Constitution of Nepal 2015
- xxxvii Global Press Journal. See at <https://globalpressjournal.com/asia/nepal/wanted-male-female-transgender-people-nepal-suffer-hiring-bias-despite-law/>
- xxxviii Nepal: There are prisons inside prisons, June 2, 2022. <https://www.prison-insider.com/en/articles/nepal-des-prisons-dans-la-prison>
- xxxix Chaos Behind the Bars, The Kathmandu Post, August 7, 2023. <https://kathmandupost.com/columns/2023/08/05/chaos-behind-the-bars>
- xl <https://kathmandupost.com/national/2024/07/10/recurrent-violence-plagues-nepal-s-juvenile-correction-centres>

- xli Ibid.
- xlii https://amnestynepal.org/press_release/amnesty-nepal-launches-write-for-rights-campaign-urging-prime-minister-oli-to-investigate-custodial-deaths-eng
- xliii Pursuant to the Act, two Commissions of Inquiry (COIs) were established in February 2015: the Truth and Reconciliation Commission (TRC), which has a mandate to investigate cases of serious human rights violations including unlawful killings, sexual violence, torture and a range of other serious crimes committed during the conflict; and the Commission on Investigation of Enforced Disappeared Persons (CIEDP), which has a mandate specific to investigate the cases about the conflict related disappeared persons
- xliv Persons inflicting torture may get imprisonment up to five years or Rs. 50,000 as fine or both depending on the gravity of offence.
- xlvi Anti- Torture Draft Bill ("Torture and Cruel, Inhuman or Degrading Treatment (Control) Bill") remains to be approved by parliament. The bill proposes criminalizing torture, providing a mechanism for the investigation and prosecution of torture complaints, and compensation to victims. The Bill presented to parliament is a substantial improvement on the current legal framework and contains many positive provisions which would, if implemented, go a long way towards fulfilling Nepal's obligations under the United Nations Convention Against Torture (CAT) and other international treaties on human rights.
- xlvii <http://kathmandupost.ekantipur.com/printedition/news/2016-08-31/anti-torture-bill-moves.html>
- xlviii https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9-b&chapter=4&clang=_en
- xlix See recommendation." Train the public force on human rights principles, in particular on prevention of torture and ill treatment (Djibouti) (para 122.25 UPR Nepal 2015; A/HRC/3/19)"
- l See recommendation." Investigate allegations of extrajudicial killings and deaths in custody as well as of trafficking in human organs (Sierra Leone) (para 121.27 UPR Nepal 2015; A/HRC/3/19)"; "Promptly investigate all allegations of torture, arbitrary detention, extra-judicial and summary executions and punish perpetrators (New Zealand) (para 121.26 UPR Nepal 2015; A/HRC/3/19)"
- li <http://www.walkfree.org/content/uploads/2023/09/27164618/GSI-Snapshot-Nepal.pdf>
- lii <https://www.spotlightnepal.com/2017/09/24/trapped-modern-slavery-case-nepal/>
- liiii The social movement of bonded labor forced the government to declare the emancipation of thousands of *Kamaiyas* and *Kamlaris* (bonded labor form indigenous *Tharu* community) in western Nepal, on 17 July 2000. Similarly, in September 2008, the Government announced that it had abolished the *Haljya* system and cancelled the debts of *Haljya* bonded laborers from Dalit community.
- liv The Kathmandu Post, July 17, 2017, available at <https://kathmandupost.com/miscellaneous/2017/07/17/many-freed-kamaiyas-yet-to-be-rehabilitated>
- lv http://inseconline.org/en/wp-content/uploads/2020/YB2020/Chapter_3.3_YB2020.pdf
- lvi Article 20, Constitution of Nepal.
- lvii Firsthand information obtained from the consultation meeting.
- lviii Inadequate protection mechanism in Domestic Violence (Offence and Punishment) Act, 2066 (2009).
- lix Firsthand information obtained from participants in consultation meetings.
- lx See: <http://trc.gov.np/> and <https://ciedp.gov.np/en/home/>
- lxi <https://myrepublica.nagariknetwork.com/news/police-refuse-to-register-fir-against-ex-minister-basnet-ex-igp-khanal-ruling-party-lawmaker-shrestha-for-the-alleged-abduction-of-opposition-lawmaker/>
- lxii <https://kathmandupost.com/national/2019/11/06/nepal-police-appears-unwilling-to-take-action-against-officials-involved-in-extrajudicial-killing>
- lxiii UPR Mid-term Review Report, p. 23
- lxiv Article 27 of the Constitution of Nepal (2015).
- lxv Article 17(2)(a) of the Constitution of Nepal (2015).
- lxvi <https://www.mediadefence.org/news/freedom-of-expression-digital-rights-nepal/#:~:text=The%20Electronic%20Transactions%20Act%2C%202063,users%2C%20restricting%20their%20online%20expression.>
- lxvii Cyber Bureau 2025.
- lxviii Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 67.
- lxix <https://thehimalayantimes.com/nepal/government-unveils-social-security-scheme/>
- lxx The age in citizenship certificates are mistakenly lowered
- lxxi <https://www.unicef.org/nepal/water-and-sanitation-wash>
- lxxii Article 36 provisions for right to food as a fundamental right whereby every citizen shall have the right to be safe, without endangering life because of food scarcity. It also ensures the right to food sovereignty in accordance with law.
- lxxiii *Prakash Mani Sharma and Others*, NKP, 2065(2008), p.149.
- lxxiv UPR Mid-term Review Report, p. 24
- lxxv <http://www.samriddhi.org.np/why-does-government-often-fail-to-address-the-problems-of-urban-squatters/> - Samriddhi Foundation
- lxxvi See recommendation. "Consider adopting a comprehensive national strategy to ensure food and nutrition security for its people (Malaysia) (para 122.86 UPR Nepal 2015; A/HRC/3/19)"; "Adopt a comprehensive national strategy to ensure food and nutrition security for all in line with international standards (Ireland) (para 122.88 UPR Nepal 2015; A/HRC/3/19)
- lxxvii Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 77.
- lxxviii The government declared *Janata Awas Yojana* (Public Housing Project) in the budget of FY 2009/10 to provide housing for *Dalits*, poor and Muslim families
- lxxix See recommendation."Pursue its efforts with a view to facilitating access to housing for marginalized and low-income groups (Morocco) (para 122.89 UPR Nepal 2015; A/HRC/3/19)"
- lxxx Under article 51(j) of the Constitution of Nepal 2015, it has been envisioned to identify the freed bonded labours, *Kamlari*, *Harawa*, *Charawa*, tillers, landless, squatters and provide them with a housing plot and cultivable land or employment for their livelihoods.
- lxxxi Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 76.
- lxxxii According to article 35 of the Constitution of Nepal 2015, every citizen shall have the right to free basic health services from the State, and also have equal access to health services. Furthermore, women shall have special opportunity in education, health, employment and social security, on the basis of positive discrimination (article 38(5)). Children have been guaranteed the right to health, among others, as per article 39 of the Constitution. The right to safe motherhood and reproductive health have been secured as fundamental right under article 38(2). Similarly, Rights of Persons with Disabilities Act 2074, sec 19(2) mentions the duty of Nepal government, to secure the protection of health and reproductive right of women with disabilities.

- lxxxiii The Government of Nepal has formulated its 20-year Second Long-Term Health Plan, 2054- 74 (1997-2017), Nepal Health Sector Plans and more recently, New National Health Policy 2014.
- lxxxiv MMR at 229 and IMR at 46 per thousand live births
- lxxxv Out of 561 doctors required to be working in rural areas there were only 314.
- lxxxvi See recommendation. "Continue to implement policy measures to ensure that quality healthcare is accessible to all, particularly women and children (Singapore) (para 122.90 UPR Nepal 2015; A/HRC/3/19)"; Improve access to affordable healthcare for all through the effective implementation of its policies and directives (Thailand) (para 122.92 UPR Nepal 2015; A/HRC/3/19)"; "Continue to implement measures to ensure all women and girls have equal access to quality sexual and reproductive healthcare (New Zealand) (para 122.95 UPR Nepal 2015; A/HRC/3/19)"
- lxxxvii Ensuring Free and Compulsory Basic Education for Disadvantaged Groups in the Context of Education for All, Research Centre for Educational Innovation and Development (CERID), 2009
- lxxxviii Information obtained from consultation in Madhesh Province.
- lxxxix Ibid.
- xc See recommendation." Continue to increase spending on education in order to improve coverage and quality of education with the special attention to the right to education of the vulnerable groups, including poor students, girls and children with disabilities (China) (para 122.98 UPR Nepal 2015; A/HRC/3/19)"; " Amend current education policies to ensure an inclusive education system and implement concrete measures to increase the participation of children with disability (Norway) (para 122.107 UPR Nepal 2015; A/HRC/3/19)"
- xcii See recommendation." Take measures to facilitate access to education for all children, particularly the poor and disadvantaged (Brazil) (para 122.48 UPR Nepal 2015; A/HRC/3/19)"
- xciii Nepal Human Rights Yearbook (Nepali edition), pg. 246, Informal Sector Service Centre (INSEC), Kathmandu.
- xciv CIVICUS "Nepal: Crackdown on Protests and Suppression of Dissent," October 2024, available at: <https://www.civicus.org/documents/nepal-october-2024.pdf>
- xcv See recommendation." Ensure the right to freedom of expression online/offline in law and in practice, including by decriminalizing defamation, and to investigate all cases of threats and attacks against journalists and human rights defenders (Estonia) (para 122.72 UPR Nepal 2015; A/HRC/3/19)"
- xcvi The National Report on Children-2024, National Child Rights Council.
- xcvii Findings from the field visit by the researcher/author.
- xcviii Kapil Aryal, *Identification of Gaps Between Working Modalities of Child Care Homes and Existing Child Protection and Human Trafficking Laws*, CeLRRd, 2022.
- xcix Laxmi Kant Sharma and Vishal Poudel, *Youth Employment Issues and Their Impact on the Economic Development of Nepal*, The Journal of Development and Administrative Studies, 31(1-2), 1-14, 2023. <https://doi.org/10.3126/jodas.v31i1-2.72227>
- c <https://www.orfonline.org>
- c *False Promises: Exploitation and Forced Labour of Nepalese Migrant Labour*, Amnesty International, https://www.europarl.europa.eu/meetdocs/2009_2014/documents/dsas/dv/ai_nepal/ai_nepal_ed.pdf
- ci The Himalayan Times
- cii Policy Related to Senior Citizen in Nepal: A Critical Analysis, www.academia.edu/10953373/Policy_Related_to_Senior_Citizen_in_Nepal_A_Critical_Analysis
- ciii <https://myrepublica.nagariknetwork.com/news/an-analysis-of-consumer-rights-law-and-reality-in-nepal/?categoryId=81>
- civ Ibid.
- cv www.sciencedirect.com

List of Civil Society Organizations for UPR 2025

1. Aadhibasi RastriyaUtthanPrathisthan
2. Aadhibasi Jana Jati Mahasangh
3. Aadibasi Janajati Mahila Sangh Jhapa
4. AAFANTA Nepal
5. AAWAJ
6. ABC Nepal
7. Accountability Watch Committee (AWC)
8. Adibashi JanajatiAdhika Manch (AJAM)
9. Adjust Nepal
10. Advocacy Forum (AF)
11. AK PAILA
12. Al Amin Muslim Women Nepal
13. All Nepal Transport Labour Union Kaski
14. All people development center
15. Alliance Against Trafficking in Women and Children (AATWIN)
16. Ama Milan Kendra
17. AMKAS – Nepal
18. Asha Sanjal Nepal
19. Asian Human Rights Kaski
20. Association for Dalit Women Advancement of Nepal (ADWAN)
21. Association for Mart Nepal
22. Association of Kirat Chamling Language and Culture Development (AKCLCD)
23. Association of Nepal Kirat Kulung Language Culture Development (ANKKLCD)
24. Association of Youth Organization Nepal (AYON)
25. Badi Development Committee
26. Badi sarkar manch
27. Bahing Kirat Mulukhim (BKM)
28. Bahini Educade Fondation
29. Beyond Beijing Committee (BBC)
30. Bhumi Adhikar Munch
31. Biswas Nepal
32. Blue Diamond Society (BDS)
33. Bung Public Welfare Center (BPWC)
34. Campaign for Human Rights and Social Transformation Nepal (CAHURAST)
35. CAN Thasikhel
36. CAPED Kupondole
37. Care Nepal
38. CCR-Karnali province
39. CDS- Park Mugu
40. CEDAW Writing Committee (CWC)
41. Center for Argo-Ecology and Development (CAED)
42. Center for Depressed and Ethnic Development (CODED- NEPAL)
43. Center for Legal Research and Resource Development Center
44. Center for Legal Study
45. Centre for Ethnic Studies and Development (CESD)
46. Centre for Himalayan Integrated Development and Social Welfare (CHIDSW)
47. Centre for Human Rights and Democratic Studies (CEHURDES)
48. Centre for Indigenous Ethnic Peoples' Concern, Nepal (CIEPCON),
49. Centre for Protection of Law and Environment (CPLE)
50. Centre for Study on Gender and Development Study (CSGS)
51. Centre for Women's Awareness and Development (CWAD)

52. Centre of Victims of Torture (CVICT)
53. Chamlang Creative Youth Society (CCYS)
54. Chepang Mahila Snagh Udayapur
55. Chetnshil Mahila Sanjal , Udaypur
56. Chhari Network
57. CHIDSW
58. Child Home Federation Nepal
59. Child Nepal (CN)
60. Child Rights Concern Nepal (CONCERN Nepal)
61. Child Society Nepal
62. Child Society Nepal, Biratnagar
63. Child Welfare Society Nepal (CWS)
64. Child Workers Concern Center Nepal (CWIN)
65. Children and Women in Social Service and Human Rights (CWISH)
66. Children as a Peace Zone of Peace (CZOP)
67. Children Nepal
68. Chulachuli UNESCO Club (CUC)
69. Citizen's Task Force to Combat Impunity (CTCI)
70. Citizenship Affected Peoples Network
71. Civic Concern Nepal (CCN)
72. Collective Campaign for Peace (COCAP)
73. Collective Concern Nepal
74. Community Action Center (CAC Nepal)
75. Community Empowerment Social Justice Foundation
76. Community Help Centre (CHC)
77. Community Self-reliance (CSRC)
78. Conflict Victim National Alliance
79. Conflict Victims Common Platform on Transitional Justice
80. Conscious Society for Social Development (CSSD)
81. Constitutional Lawyers' Forum (CLAF)
82. Cooperative Society for National Development Nepal (COSFONAD-Nepal)
83. Cruise AIDS Nepal
84. CSGS (Centre for Studies on Gender, Society and Development Study)
85. CWSN Pokhara
86. Dalit Human Rights Organization (DHRO)
87. Dalit Literature and Cultural Academy (DLCA)
88. Dalit Mahila Samuha
89. Dalit National Liberation Front of Nepal
90. Dalit NGO Federation – Nepal (DNF)
91. Dalit Rights National Forum, Nepal (DRNF)
92. Dalit Sewa Sangh
93. Dalit Study and Development Center (DSDC)
94. Dalit Welfare Association (DWA)
95. Dalit Welfare Organization (DWO)
96. Dalit Woman Rights Forum (DWRF)
97. Dalit women Association
98. Dalit Women Right Forum Nepal
99. Danag Tulsipur Mahila Sachetana Samuha
100. DBS Bhajani
101. DCOM Kaski
102. Development Academy (EMMLLCPRDA)
103. DHMS Surkhet
104. Digital Rights Nepal
105. Disability Human Rights Centre (DHRC-Nepal)
106. Disability Human Rights Promotion Society (DHRPS)
107. Disability Independence Development (DIDA) Nepal
108. District Bar Association, Makawanpur
109. District Haliya Mukti Samaj

110. District Youth Network, Janakpur
111. Divya Development Resource Center
112. Doti Mahila Samaj
113. Dristi Nepal
114. Durban Review Conference Follow up Committee (DRCFC)
115. DWRF-Nepal
116. Dynamic Group for Change (DGC), Nepal
117. Dynamic Society
118. Eastern Child Service Orphanage
119. Educational Journalist' Group (EJG)
120. Eighteen Magarant Magar Language Literature Culture Preservation, Research and
121. Empower Nepal
122. Environment and Child Development Center
123. Environment and Rural Development Centre (ERDC)
124. Environment Development Society- Surkhet
125. Environment, Peace and Social Justice Centre (SCOPE Nepal)
126. Equity Society Nepal
127. Esther Benjamin Memorial Foundation
128. Family Planning Association Nepal
129. Fatima Foundation
130. Federation of Indigenous Kirat Association (FIKA)
131. Federation of Nepalese Journalist (FNJ)
132. Federation of Sexual and Gender Minorities Nepal - FSGMN
133. Federation of Women with Disability Nepal
134. Feminist Dalit organization (FEDO)
135. Focus Nepal
136. Food First Information & Action Nepal Network (FIAN Nepal)
137. Forest Resources Studies and Action Team (Forest Action)
138. Forum for Community Upliftment system Nepal (Focus Nepal)
139. Forum for Human Rights and Environment (FOHREN)
140. Forum for Indigenous Nationalities Concern (FINCO), Gorkha
141. Forum for Indigenous Nationalities Development (FIND)
142. Forum for Protection of People's Rights Nepal (PPR-Nepal)
143. Forum for Public Awareness Rural Development and Environmental Conservation (FPARE)
144. Forum for Women Law and Development (FWLD)
145. Forum of Community Solidarity (Focus)
146. Freed Harawa Charuwa Rights Forum
147. Freed Kamaiya Women Development Forum (FKWDF)
148. Friends of Hetauda
149. Gaderi Samaj
150. Gandharba Culture and Art Organization (GCAO)
151. Gandharba Samaj
152. General Federation of Nepalese Trade Unions
153. GOMEA Nepal
154. Good Shepherd International Foundation (GSIF)
155. Goreto Nepal
156. Gramin Mahila Shrijanshil Samaj
157. Gramin Utthan Abhiyan
158. GraminSamajUtthan Kendra
159. Group for Human Rights and Socio-legal Research (GOHRAS)
160. Gyan Bodh Organization
161. Haliay Nepal
162. Haliya Mahasngah , Dadeldhura
163. Haliya Mukti Punarbas Karyakaram- Kanachanpur-11
164. Hamro Khabar Daily
165. Hamro Yatra Sanajal Sunsari
166. HDRF Nepal
167. Help Center Nepal

168. Help Nepal
169. HEURON
170. Hill Development & Conservation Group Nepal (HDCGN)
171. Him Rights
172. Himalaya Bhote Society (HBS)
173. Himalayan Indigenous Society (HIS) Nepal
174. Himalayan Natural Fiber Foundation (HNFF)
175. Hospital and Rehabilitation Center for Disabled Children
176. HRDC Fet
177. HRDs karnali province
178. HRTMCC-CRC Committee
179. Human Rights Alliance Nepal
180. Human Rights and Community Development Center
181. Human Rights and Democratic Forum (FORHID)
182. Human Rights and Environment Munch
183. Human Rights and Justice
184. Human Rights Defenders (HRD), Morang
185. Human Rights Education Radio Listeners' Clubs Nepal (HRERLIC)
186. Human Rights Journalists Association, Nepal (HURJA Nepal)
187. Human Rights Protection and Promotion Center
188. Human Rights Treaty Monitoring Coordination Committee (HRTMCC)
189. Human Rights without Frontiers-Nepal (HRWF)
190. Human Welfare Committee HWC – Nepal
191. Human Welfare Society, Sunsari
192. HURFON-Nepal
193. HurhureYuwa Club (HYC)
194. HURON-Nepal
195. Independent Living Centre (CIL)
196. Indigenous Ethnic Lawyers Council-Nepal (IELCN)
197. Indigenous Nationalities Development Forum (INDF), Nawalparashi
198. Indigenous Non-Governmental Organization District Coordination Forum (INGODCF)
199. Indigenous Research and Resource Development Centre (IRRDC)
200. Indigenous Rural Development Social Services Nepal (IRDSSN)
201. Indigenous Women Legal Awareness Group (INWOLAG)
202. INEPG Nepal
203. Informal Sector Service Centre (INSEC)
204. Information and Human Rights Research Centre
205. INHURED International
206. Initiative for Transformation Nepal (In T-Nepal)
207. Institute of Human Rights Communication Nepal (IHRICON)
208. Integrated Development Society Nepal
209. Integrated Village Development Service, Hetauada
210. International Commission of Jurist (ICJ)
211. Islamic Associate
212. Jagaran Media Center (JMC)
213. Jagaran Nepal
214. Jaghrit Nepal
215. Jagriti Child and Youth concern Nepal
216. Jagriti Sachetana Mahila Samuha
217. Jan Prerna Kendra, Janakpur
218. Jana UtthanPratisthan (JUP)
219. Janachetana Mahila Sanajal
220. Janajati Development Forum (JDF)
221. Jero Kirat Radu Society (JKRS)
222. Jimi Rai Utthan Samajh (JRUS)
223. Journalist Federation Province
224. Justice and Rights Institute-Nepal (JuRI)
225. KalimatiYuwa Club (KYC)

226. Kamhlari Bikas Munch
227. Kanchanjannga Women's Development Group (KWDG)
228. Kapan Dalit UtthanSangh
229. Karmarong (Karani) Society Service Association (KSSA)
230. Karnali Community Development Center (KCDC)
231. karnali indreni aawaj
232. Karnali Netrahin Sangh
233. Kathmandu School of Law (KSL)
234. Kayapalat
235. KIN Nepal
236. Kirat Community Development Centre (KCDC)
237. Kirat Khaling Rai Development Association (KKRDA)
238. Kirat Khaling Utthan Sangh
239. Kirat Rodu Nachhiring Sakham, Kathmandu (KRNS)
240. Kirat Welfare Society (KWS)
241. Kirat Youth Society (KYS)
242. KiratYakthum Chumlung
243. Kishori Adhikara Munch
244. Kokan Nepal
245. Kopila Nepal
246. Kosish Nepal
247. Krishi Bikas Tatha Samudayik Bikas Kendra, Janakpur
248. Kulung Sangh
249. KulungVidyarthi Sangh
250. Land RIGHTS forum
251. Lawyers Association for Human Rights of Nepalese Indigenous People (LAHURNIP)
252. Lawyers National Campaign Against Untouchability (LANCAU)
253. Legal Advocacy forum Nepal
254. Legal Aid Consultancy Centre (LACC)
255. Limbu Language and Culture Development Centre (LILDA)
256. Limbu Language Development Organization (LLDO)
257. LohorungYakhhkamaYuyong (LYY)
258. LokKalyan Nepal (LOK)
259. Loom Nepal
260. Love Green Development Committee (LGDC)
261. LUMANTI, Nepal
262. Lutheran Community Welfare Society (LCWS)
263. Luzza Nepal
264. MAA Mahila Ekal Samaj
265. Madesh Human Rights
266. Madheshi Dalit SewaSamaj
267. Madhesi Dalit Development Federation (MDDF)
268. Madhesi Dalit Mahasangh
269. Madhesi Journalist Association
270. Mahakulung Youth Council (MYC)
271. Mahila Aadhikar Munch
272. Mahila Adhikar Sanjal
273. Mahila Ekata Samuha
274. Mahila Federation Rangeli
275. Mahila Jagriti Kendra
276. Mahila Manch
277. Mahila Prajanan AdhikarSamaj
278. Mahila Rastrya Sanjal
279. Mahila Sahayogi Samaj
280. Mahila Sewa Samaj
281. Mahila UtthanTatha Seep Bikas Kendra
282. Mahottari Magar Service Society (MMSS)
283. MAHURI HOME

284. Maiti Nepal
285. Maitri Samajik Bikas
286. Makalu YakkhabaChuptham
287. Man Engage
288. Manab Adhikar Nigarnai Samuha
289. Manab Adhikar Sanjal Sunsari
290. Mangeni Sanjal
291. Media Advocacy Group (MAG)
292. Mewahang Yakhomma
293. Mitini Nepal
294. MOP Nepal
295. Mukta Kamhalari Samaj Dang
296. Mukti Nepal
297. Multipurpose Development Service Institute
298. Muslim Cultural Society MCS
299. Nagarik Aawaz
300. Nari Sanjal
301. Nari Uthan Center Sunsari
302. National Alliance of Women Human Right Defenders (NAWHRD)
303. National Association of Deaf Hard of Hearing (NADH)
304. National Association of Physically Disabled (NAPD-Nepal)
305. National Ciliation for International Criminal Court (NCICC)
306. National Coalition Against Racial Discrimination (NCARD)
307. National Disable Association
308. National Farmers Association
309. National Federation of Disable-Nepal (NFDN)
310. National Federation of the Disabled-Nepal
311. National Human Rights Foundation (HURFON)
312. National Indigenous Disabled Women Association
313. National Indigenous Women
314. National Indigenous Women Federation (NIWF)
315. National land Concern Group (NLRCG)
316. National Muslim Federation (NMF)
317. National Muslim Forum Nepal (NMFN)
318. National Network of Indigenous Women (NNIW)
319. National Santhal Samaj
320. National School of Research
321. Naulo Bihani
322. Nava kiran Plus
323. Nawa Abhiyan nepal
324. NBS, Biratnagar
325. Nepal Association of the Blind
326. Nepal Bar Association
327. Nepal Disable Association (NDA)
328. Nepal Disabled Women Association (NDWA)
329. Nepal Federation of Indigenous Nationalities (NEFIN)
330. Nepal Good weave Foundation
331. Nepal Indigenous Disabled Association (NIDA-Nepal)
332. Nepal Kewarat Bikas Samaj
333. Nepal Kirat Kulung Bhasa Sanskriti Utthan Sangh
334. Nepal Mahila Ekata Samaj (NMES)
335. Nepal Muslim Women Welfare Society (NMWWS)
336. Nepal National Dalit Social Welfare Organization (NNDSWO)
337. Nepal Paralympic Committee
338. Nepal Peace Building Initiative
339. Nepal Rajat Jankalyan Sametee
340. Nepal Rana Tharu Society (NRTS)
341. Nepal Rural Development Society Center (NRDSC)

342. Nepal Santhal Aadibasi Uthan Sangh
343. Nepal Society of the Disabled (NSD)
344. Nepal Stutters Association
345. Nepal Tamang Ghedung (NTG)
346. Nepal Tamang NGO-federation
347. Nepal Tamang Women Association (NTWG)
348. Nepal Wheel Chair Club (NWCC)
349. Nepal Youth Action
350. Nepal Youth Council (NYC)
351. Netrahin Youth Association
352. Netrahin Sangh Surkhet
353. NFN Gandaki Province
354. NFN, Mkawanpur
355. NGO Federation of Nepal, Sudurpaschim Province
356. NGO-Federation
357. NGO-Federation of Indigenous Nationalities Nepal (Affiliated member organizations)
358. NGO-FONIN District Committee, Dolakha
359. Ngupeal National Federation of the Deaf and Hard of Hearing (NFDH)
360. NHPD- Nepal
361. NMYC Biratnagar
362. Non-Governmental Organization Coordination Committee (NGOCC)
363. North South Collectives
364. Opportunity Village Nepal (OVN)
365. Our Attempt Towards Healthy Society Nepal (OATHS Nepal)
366. Pabitra Paldor Society (PPS)
367. Pacheem Tara Nepal
368. Papachha Guskham
369. Parent Association of Intellectual Disability
370. Parent Federation of Persons with Intellectual Disabilities, Nepal
371. Paribartanshil Samaj
372. Paribartna Nepal
373. Parichaya Samaj
374. Pariwartanshil Samaj, Morang
375. Partnership Nepal
376. Peace Rehabilitation Center
377. PEWA Nepal
378. Physician for Social Responsibility (PSRN)
379. PNC Butwal
380. Population Watch (Pop-Watch)
381. POURAKHI-Nepal
382. Pragati Jgaran Munch
383. Pragatihsil Sachetana Mahila Samuha
384. Pravashi Nepal
385. Prayash Mahottari
386. Prisoners Assistance Nepal (PAN)
387. Professional Development and Research Center (PDRC)
388. Pro-Public
389. Pryas Nepal
390. Public Health Concern Trust (PHECT Nepal)
391. PWEDO Nepal
392. Rajak Janaklyan Samiti
393. Raji Sanmaj Federation
394. Rastriya Dalit Network (RDN)
395. Rastriya Mukt Haliya Samaj Federation-N (RMHSF-N)
396. Rastriya Dalit Network –Nepal RDN -Nepal
397. Rasuwa Nationalities Development Committee (RNDC)
398. Rauta Community Welfare Centre (RCWC)
399. RDF Nepal

400. RDN Nepal
401. Redef Nepal
402. Rehabilitation and Empowerment Center on Disability
403. Rehabilitation Development
404. Remote Area Women and Children Empowerment Centre (RAWCEC)
405. Resource Centre for Primary Health Care (RECPHEC)
406. Resource Centre for Rehabilitation and Development (RCRC)-Nepal
407. Resource Development forum for Human Rights (Redef)
408. RHN Yuwa
409. Right 4 children
410. Right for Children
411. Right to Food Network (RtFN)
412. Rights Here Right Now
413. Rise Up Foundation
414. RMHSFN, Dadeldhura
415. RMHSI-Nepal
416. ROYEM Nepal
417. Rural Basic Service Organization (RBSO)
418. Rural Ethnic People's Development Forum (REPDF), Udayapur
419. Rural Reconstruction Nepal (RRN)
420. RUWON Nepal
421. SAATHI
422. SAATHI Women Shelter
423. SAC Nepal
424. Safal Nepal
425. SAFE Nepal
426. sahakarmi samaj
427. Sahara Nepal
428. Sahara Samaj Itahari
429. Sajaha Bisauni
430. Samabesi Foundation
431. Samabikas Kendra Doti
432. Samaj Bikas
433. Samata Foundation
434. Sambandha Nepal
435. Sambriddhha Samaj
436. Sambriddhika lagi Sahayata Nepal
437. Samriddhy Nepal
438. Samudaik Sashaktikaran Kendra
439. Samuri Uttan Sangh
440. Samyukta Apana Ekta Aawaj Kendra
441. SANA HAATHARU
442. Sancharika Samuha
443. Santal UtthanManch
444. SANTIMALIKA (Women Network for Peace)
445. SAP-Nepal
446. SARCS, Nepal
447. SDM
448. Seto Gurans
449. Seto Gurans Early Childhood Development Service, Morang
450. Seven Scone Jhamsikhel
451. Shakti Milan Samaj
452. Shakti Samuha
453. SHEDC Nepal
454. Shree Jana Utthan Sarokar Kendra,
455. Shree Mirmire Bihani Club (SMBC), Ilam
456. Siddartha Samudayik Samaj
457. Silichong Club, Social Development Centre (SCSDC)

458. Sirjanshil Nepal
459. Social Development
460. Social Development Research Center
461. Social Environment Welfare Association Society (SEWA), Kailali
462. Social Service, Banke
463. Society for Conflict Victims
464. Society for Indigenous Development Nepal (SID Nepal)
465. Society for People in Needs (SPIN)
466. Society for the liberation of Oppressed Caste, Nepal
467. Society for Upliftment of Disabled and Orphan
468. Society for Women's Empowerment for Sustainability (SHRISTI)
469. SOLID Nepal
470. SOS Village Nepal
471. SOSEC Nepal
472. Sudhar Nepal (Reformation Nepal)
473. Sudur Paschim Samaj
474. Sundar nepal
475. Sundar Sanstha Nepal
476. Sungava (ID) Women Vocational Center
477. Support Nepal
478. Sustainable Agriculture for Rural Development Concern Society Nepal
479. Sustainable Livelihood Forum (SLF) Nepal
480. SWASA Nepal
481. Syaku Nepal
482. Tarai Madhesh National Council
483. Tharu Youth Innovative Society Nepal (THYINS-Nepal)
484. The East Foundation (TEF)
485. The Freed Kamlari Development Forum
486. Third Alliance
487. Three Angels Nepal
488. Thulung Women Society
489. Tilpung-Kathmandu Tamang Society (TKTS)
490. Transformation Nepal (InT-Nepal)
491. UCEP -Nepal
492. Ujyalo Samaj Nepal
493. Unified Dalit Rights Forum, Nepal
494. UpatyakaMandal (Kewat) Samaj
495. Uthan Sangh Morang
496. Visible Impact
497. Voice of Children
498. Voice of Mustang
499. WHRD
500. WHRD- Dadeldhura
501. WHRD Kaski
502. Woman Rehabilitation Center of Nepal (WOREC Nepal)
503. Women Act
504. Women Awareness Center
505. Women Awareness Centre Nepal (WACN)
506. Women Awareness Group
507. Women Coalition for UPR
508. Women Development Self-Empowerment Training Center (WDSETC)
509. Women Federation
510. Women for Human Rights
511. Women for Human Rights (WHR)
512. Women Forum For women in Nepal
513. Women Health Research Center
514. Women Human Rights Defender Network
515. Women Human Rights Defender's Network

516. Women Human Rights Defenders Network Kathmandu
517. Women Human Rights Defenders Network Lalitpur
518. Women Security Pressure Group (WSPG)
519. Women Service Institute (WSI)
520. Women Skill creation Center
521. WPC Nepal Hetauda
522. Yakata Nepal
523. Yamphu Kirat Samaj
524. Yogmaya Neupane Foundation
525. Youth Action Nepal
526. Youth Advocacy Nepal
527. Youth Club
528. Youth Development Center, Sunsari
529. Youth Federation of Indigenous Nationalities, Nepal (YFIN Nepal)
530. Youth Initiative

Fourth Cycle of the Universal Periodic Review (UPR): Submission by Women's Rehabilitation Centre (WOREC), Women's Coalition for UPR



I. INTRODUCTION

1. This joint submission has been prepared by the National Women's Coalition, as a part of three coalitions, the Nepal National Coalition for Universal Periodic Review (NNC-UPR), and the Durban Review Conference Follow-up Committee (DRCFC) Nepal. The National Women's Coalition comprises 47 civil society organizations (Annex 1).

II. METHODOLOGY

2. The report has reviewed the UPR 3rd cycle report of Nepal, CEDAW concluding observation report 2025 and the report of the special rapporteur on extreme poverty for Nepal 2022, including the mid-review report of UPR by Civil Society Organizations (CSOs), census report of Nepal and other reports published by various NGOs/INGOs. This report also gathered primary data from 2 national consultations, one with representatives of key stakeholders and the other with the representatives of government and National Human Rights Institutions (NHRIs), 7 provincial and 1 thematic consultation with more than 500 participants and relevant stakeholders. Participants included representatives from the National Human Rights Commission (NHRC), government, sexual minorities, Muslims, religious minorities, Dalit and Madhesi communities, indigenous peoples (IPs), journalists, lawyers, freed bonded labourers, women human rights defenders, and child rights activists. Data were even collected from Google Forms from the participants and the stakeholder organizations.

III. IMPLEMENTATION STATUS OF UPR 3rd CYCLE (2021) RECOMMENDATIONS AND DEVELOPMENTS SINCE THE PREVIOUS REVIEW

3. The Nepal government had supported 197 out of 262 recommendations made by the Human Rights Council including on the rights of women human rights defenders, addressing impunity during the time of civil warⁱ; addressing gender-based discrimination and violence; and protection of vulnerable communities including women with disabilities, sexual and religious minorities, indigenous people, Dalits and women migrant workers.
4. The Nepal government had conducted the National Population and Housing Census (NPHC) in 2021 with disaggregated data for monitoring the achievement of Sustainable Development Goals (SDG) targets related to gender equality, working conditions, health, poverty and such.
5. A periodic election was held in 2022, which elected the highest percentage of women political leaders in the history of Nepal. The women's representation in the federal parliament is 34% of the total 334 seats. The share of women in the National Assembly and the House of Representatives is 37% and 33%, respectively. In local government, 41.2 % of all representatives are women.
6. The government has developed the 16th five-year plan (2024/25-2029/30), including the national target for SDGs. Also, the National Action Plan on Business and Human Rights, 2023 to guide business firms on respecting human rights.
7. Nepal has amended the *Citizenship Act* 2006, by the Second Amendment in 2025, paving the way for obtaining citizenship in the name of the mother as ensured in the Constitution of Nepal.ⁱⁱ

8. A commissioner has been appointed at the National Women Commission (NWC) following the recommendation from the UPR 3rd cycle and is functional.

IV. BACKGROUND AND FRAMEWORK

A. Scope of International Obligations

9. Nepal's *Treaty Act*, 1990, commits Nepal to interpret domestic laws in line with the international conventions which Nepal has ratified. Nepal has ratified
10. The third cycle of UPR had recommended ratification of several international treaties for improving the women's human rights situation in Nepal. Still, the following treaties have not been ratified. So, the state shall take all necessary steps to ratify the following international human rights and humanitarian conventions. The recommendations are similar to previous cycles as they are yet to be implemented:

11. Recommendations

- a) The United Nations international human rights and humanitarian conventions - (i) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 1990; (ii) the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), 2006 and (iii) The Rome Statute of the International Criminal Court, 1998 (iv) The United Nations Convention against Cybercrime, 2024; (v) The Convention relating to the Status of Refugees, 1951 and its Protocol, 1967 are to be ratified immediately.
- b) The Additional Protocols (APs) to the four Geneva Conventions - (i) AP I on the protection of victims of International Armed Conflicts (IAC), 1977; (ii) AP II on the protection of victims of Non-International Armed Conflicts (NIAC), 1977 and AP III on the adoption of an additional Distinctive Emblem, 2005 shall be ratified
- c) The ILO conventions - (i) ILO C 177 (Home-based worker), (ii) ILO C189 (Domestic Workers) and (iii) C190 (GBV/Harassment) extending labour protections to unorganized /informal sectors shall be ratified immediately.
- d) The Optional Protocols to major international human rights conventions that Nepal has already ratified: (i) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; (ii) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (iii) Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure and (iv) Optional Protocol to the Convention on the Rights of Persons with Disabilities which provides for the individual communication procedures in human rights violations are to be ratified by 2026.

B. Constitutional and Legislative Framework

12. The constitution of Nepal, 2015, has committed to women's human rights in its Article 38 in fundamental rights and guarantees a constitutional remedy. While other constitutional provisions are equally important in securing women's human rights, such as citizenship, representation and participation of women in leadership in government, including an independent commission for women. A study report by the Legislation Management Committee of the National Assembly has found that 111 laws have been enacted among the estimated 151 laws to implement the constitutionⁱⁱⁱ.

13. Recommendations

- a) Guarantee equal rights for women to acquire and transfer citizenship without any conditions as equal to their male counterparts.
- b) Ensure inclusion, representation and meaningful participation of women, indigenous peoples, Dalits, Madhesi, people with disabilities and sexual and religious minorities in both private and public spheres and at all levels (federal, provincial and local) as guaranteed in the Constitution.
- c) The government needs to immediately enact 40 laws to effectively implement the constitution, according to the report of the Legislation Management Committee.

C. National Human Rights Institutions (NHRI), Infrastructures and Policy Measures

14. The National Human Rights Commission (NHRC) is a constitutional body with an independent mandate on human rights implementation. Since 2021, it has made 444 recommendations to the Nepal government, but except for some departmental action, no legal action has been taken in the past 4 years.^{iv} Likewise, there

are other constitutional thematic commissions functioning: (i) National Women Commission, (ii) National Dalit Commission, (iii) National Inclusion Commission, (iv) Indigenous Nationalities Commission, (v) Madhesi Commission, (vi) Tharu Commission and (vii) National Muslim Commission. But still, after a decade of mandate in the constitution, some of these commissions are not fully equipped, and the commissions are also not appointed. The constitution provides that these commissions will be reviewed and revised after 10 years of the implementation of the constitution.

15. Recommendations

- a) Ensure the recommendations of NHRC and other constitutional bodies are fully implemented, and actions are taken by the Nepal government.
- b) Ensure inclusive representation in appointments to all these constitutional, independent commissions.
- c) Revise the existing commissions for their mandate and continuation, and ensure they are fully functional.
- d) Implement the recommendations provided by these independent commissions to Nepal government and monitor the status of implementation.

V. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. Women Human Rights Defenders (WHRDs) and shrinking civic space

16. The work of Women Human Rights Defenders (WHRDs) is seen as challenging patriarchal notions in family, society and country, which often leads to hostility by the society and government authorities. WHRDs are working to the best of their abilities from defending the rights of the LGBTIs, indigenous minorities, differently abled individuals and Dalits, to raising issues of discrimination, lawlessness and patriarchy, so that others can live a just and meaningful life, free from threats and violence.
17. The civic space in Nepal is rated as ‘obstructed’ by CIVICUS. The laws are used by the government to extend restrictions on freedoms to express, participate, assemble and associate. New technologies, social media and digital platforms have helped civil society networks to grow, but they’ve also given governments excuses to control civil society movements and media freedoms, often under security pretexts^v.
18. Although restrictions of and attacks on civic space affect all defenders, WHRDs are specifically targeted and face additional and specific obstacles, risks, violations and impacts, which are shaped by: who they are (women, girls, LGBTI people, etc.), who they identify with or are part of (such as the feminist movement), and/or what they are working to advance (such as the human rights of LGBTI people). Due to this, WHRDs are subjected to stigmatisation and ostracism by community leaders, faith-based groups, families and communities who consider them to be threatening religion, honour or culture through their work.
19. In 2023, INSEC recorded 45 incidents of human rights violations against Women Human Rights Defenders (WHRDs), by both state and non-state actors. State authorities were responsible for 26 incidents, including arrests, restrictions on assembly, beatings, and inhuman treatment of WHRDs. Likewise, non-state actors caused 19 cases of violence, including beatings, threats, caste-based discrimination, and further restrictions on assembly.^{vi} In 2024, WOREC conducted research on violence against Women Human Rights Defenders (WHRDs), where it found that among the 102 respondents, 96 reported facing threats, including physical abuse, mental harassment, and character assassination. Such threats hinder their advocacy efforts and deepen the culture of silence around GBV. The challenges WHRDs faced in civic space include failure to recognize them as “Human Rights Defenders”, persisting culture of impunity, restriction on defending human rights, absence of support mechanisms, lack of legal protection for women human rights defenders and persistence of discrimination arising from rigid caste and class systems including discrimination against single women, women working in the entertainment sector, lesbian and bisexual defenders, transsexual or third genders. Journalists have faced regular threats from armed groups and political parties for filing reports about the WHRDs’ activities. Because they challenge the orthodoxy of the society, WHRDs bear a major brunt and have become victims of murders, domestic violence, kidnapping, threats and character assassinations, among others.
20. The UN Special Rapporteur reported two separate physical attacks on a women’s rights organisation in mid-2024. Firstly, on 28 May, a landlord violently threw out equipment and abused staff to protest the hiring of Dalit (marginalised caste) personnel. Second, between 23–31 June, unidentified men attempted to forcibly enter the office of WHRDs at night, threatening rape and murder, and vandalizing the premises.^{vii}

Even after the communication from the Special Rapporteur, the government has not properly investigated those cases.

21. Recommendations

- a) Enact a comprehensive law for recognising the rights of Human Rights Defenders, promoting the rights of women human rights defenders.
- b) Develop protection mechanisms for the women defenders working on women's rights from violations perpetrated by state and non-state actors by offering effective security measures.
- c) Ensure the constitutionally protected fundamental rights such as the right to form associations, freedom of expression of views and peaceful assembly are not restricted by the government either at online platforms or physically, citing a threat to peace and security.
- d) Create an enabling environment by countering the stigmatisation and criminalisation of women human rights defenders, including by publicly recognising the significance and importance of their work; condemning hate speech and defamatory statements directed against them, including online platforms; and refraining from taking legal action against them for the nature of their work.
- e) Government shall refrain from interference in the flexible, multi-year funding for women human rights defenders-led programmes, their security, and organisational sustainability.
- f) Provide robust and effective support for Women Human Rights Defenders, ensuring digital security by enactment of laws against digital harassment and increasing backlash against gender equality.
- g) Establish a National Protection Mechanism (in line with international guidelines) providing risk assessments, protective orders, safe shelters, and legal aid for WHRDs. Provide physical protection, legal aid, and emergency relocation mechanisms to women human rights defenders who are under threat to their physical security
- h) Amend Section 47 of the *Electronic Transaction Act, 2006* to include precise, narrowly defined provisions to prevent its misuse against human rights defenders, women activists, journalists, and citizens for exercising freedom of expression.
- i) Amend the proposed social media Bill, IT and Cybersecurity Bill, 11th Amendment of Broadcasting Regulation, and National Cybersecurity Bill to remove provisions that unduly restrict freedom of expression and association and make it gender sensitive.
- j) Simplify and digitalise the Social Welfare Council (SWC) procedures for NGOs and civil society organisations to eliminate unnecessary bureaucratic hurdles.
- k) Increase funding for the rights of women in the sector of sexual and reproductive health, gender-based violence and for women-led organisations.

B. Violence against women

22. According to Nepal police, 2507 cases were of rape and 5 cases were murder after rape.^{viii} In cases related to sexual violence, 91.9 % of the accused/offenders were acquaintances, and 64.6 % of the victims were girls. The domestic violence cases constitute 78.3% of Gender-based violence cases, while there were 81 cases of murder after domestic violence. Yet, many cases of domestic violence are mediated as the law requires. Domestic violence was registered highest in Madhesh Province and lowest in Gandaki Province. According to Women's Rehabilitation Center (WOREC) during the fiscal year - July 2023 to June 2024 a total number of 1,393 cases of gender-based violence were recorded, with 65% (911 cases) of domestic violence, followed by 13.2 % (185 cases) cases of rape^{ix}. Also, there are increasing cases of cyberbullying in online platforms.^x Nepal Police had registered 19730 cases of cybercrime, with 8745 cases reported by women and 382 cases reported by girls.
23. The *Muluki Criminal Code, 2017* was amended in 2022 to extend the time allowed for reporting cases of sexual violence, for rape the time limitation for reporting is 2 years. As per the new amendment, if the victim is a minor, they are permitted to file a report within three years of reaching the age of 18. For adult victims aged between 18 and 70, the statute of limitations allows reporting within two years from the date of the offence. The amendment also gives people over 70 those with intellectual disabilities, and people with other disabilities three years from the date of the offence to report.

24. Recommendations

- a) Adopt a comprehensive Gender Based Violence legislation defining and criminalising all forms of Gender Based violence (GBV) with funding mechanisms to support survivors of violence such as

domestic violence, online bullying, harassment, violence, and workplace harassment and ensure their survivors have access to justice and protection services.

- b) Remove the provision of reconciliation in the cases of domestic violence as provided in Sections 8, 10 and 11 of the *Domestic Violence (Crime and Punishment) Act, 2008*.
- c) Enact legislation on regulating the live-in relationship.
- d) Build victim-friendly accessible rooms and ensure accessibility for people with disability in all courts and police stations, and offices of government attorney offices for safe testimony and support for women and their accompanying and dependent children
- e) Establish fully funded one-stop crisis centres in all 77 districts of Nepal, ensuring legal, psychosocial, medical, and shelter support for survivors of violence against women and girls, cases of trafficking, unsafe migration, and providing a conducive environment to women of Dalit, Indigenous, sexual minorities and disabilities.

25. **Child marriage:** There are several harmful traditional practices prevail in Nepal, such as caste-based discrimination, menstrual restrictions (*Chhaupadi*), child marriage, dowry, and witchcraft accusations and persecution^{xi}. The NPHC 2021 report states that within the age group of 18 to 20, there are 34.4 % of marriages with 35.9% of girls and 32.6% of boys getting married, and 22.3% of the total married population are between 15 to 17 years. In Nepal, child marriage can be arranged or forced. As well as families and communities arranging marriages for children, current evidence points to an increase in a particular type of child marriage, which is self-initiated marriage, or elopement.^{xii} Nepal has criminalised child marriage in the *Muluki Criminal Code, 2017*. Recently, the government has proposed an amendment to the *Muluki Criminal Code, 2017*, with the amendment on Section 173. Recently, the Ministry of Law has proposed a bill to amend this law, making the following major changes:

- Section 173 (1) - “child marriage” is replaced with “underage marriage.”
- Section 173(2) - the punishments for child marriage are categorised according to the age of the minor:
 - If someone marries a person under 16, the punishment is 3 years of imprisonment or an NRs 30,000 fine.
 - If someone marries a person between 16 to 18 years old, the punishment is 1 year of imprisonment or an NRs 10,000 fine.
 - If someone marries a person between 18 to 20 years old, the punishment is a fine up to NRs 10,000.
- Section 173(4) - There shall be no punishment if the marriage is between persons aged 16–20 with their mutual consent and they agree to live separately until 20 years old, based on mediation.
- 173(3)(5)(6) - The marriage is void or voidable according to the age of the minor in child marriage. Child marriage is automatically void if there is a minor below 16 years of age. For others between 16 to 20 years of age, annulment may be requested within 35 days after turning 20, but is not allowed if the girl is pregnant or a child is born.

26. Recommendations

- a) Take all necessary steps to effectively implement laws against harmful practices, e.g. child marriage, dowry, polygamy, *Chhaupadi* (dignified menstruation) and witch accusation.
- b) Redraft the amendment bill of the *Muluki Criminal Code, 2017*. Amend the *Muluki Criminal Code, 2017* by defining the “child”, “early” and “child forced” marriage. Also, define the self-initiative marriage by the minors.
- c) Amend the *Muluki Criminal Code, 2017*, so that the minors are not prosecuted in case of child marriage and their cases are taken under Section 29 for diversion according to the Act relating to children.
- d) Amend the Act relating to children, 2018, Section 48 to include married adolescents within the group of children who need special protection.
- e) The annulment of child marriage shall consider the aspect of maintenance of girl bride, custody of children, social rehabilitation and reintegration or alternative care protection.

27. **Human trafficking:** The National Human Rights Commission (NHRC) has estimated that about 1.5 million Nepalese were vulnerable to human trafficking. The commission’s report of 2022 found a growing risk of human trafficking in all seven provinces and for people of all genders. It further underscored the ongoing exploitation of people in the adult entertainment sector, as labourers at brick kilns, and in organ trafficking operations, both domestic and international.^{xiii}

28. The reporting, investigation and prosecution of the cases of human trafficking is very few. According to Women's Rehabilitation Centre (WOREC), during the fiscal year, July 2023 to June 2024, 77 cases of human trafficking were reported.^{xiv} From July 16, 2022, to July 15, 2023, the police conducted 131 investigations involving 321 suspects, and continued investigating at least 209 sex trafficking cases involving 116 suspects. Police also registered 75 child trafficking cases. The government attorney prosecuted 356 suspects in 175 cases, including 53 sex trafficking suspects in 24 cases and 303 suspects in 151 cases of unspecified forms of trafficking, and continued prosecuting 209 ongoing sex trafficking cases. Courts convicted 176 traffickers. Yet, from 2019 to 2021, just 270 trafficking cases were registered with the Nepal police and 1,179 cases with the judiciary.
29. Nepal ratified the Palermo Protocol in 2020, but its domestication is still pending. The official explanation indicates that, for this reason, Nepal is now downgraded to Tier 2 Watch List from Tier 2 by the US government.^{xv}
30. Nepal still conflates sex work with human trafficking, leaving sex workers in constant fear of raids, forced rescues and other harmful anti-trafficking measures.
31. Numerous studies have highlighted that certain anti-trafficking initiatives can lead to human rights violations.^{xvi}
32. There is no accountability on the part of the host state (including India) in whose territory Nepali citizens are trafficked. Under international law, the country where individuals are trafficked should be held responsible for providing measures such as rehabilitation support, legal assistance, housing, educational support, and the right to remain, temporarily or permanently etc. However, the current practice is that Nepali citizens are simply deported from the host country, leaving them to bear the burden of stigma.
33. **Recommendations**
- a) The Government should amend its existing human trafficking legislation and decouple it from sex work, in order to address labour exploitation more broadly across all forms of labour employment.
 - b) Harmonise the *Foreign Employment Act, 2007* and the *Human Trafficking and Transportation (Control) Act, 2007*, to ensure consistency with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially related to women and children.
 - c) The government shall finalise and implement Standard Operating Procedures (SOP) guidelines for victim identification of trafficking.
 - d) The Government should increase the compensation amount for victims of trafficking and implement concrete measures to protect citizens during the trial period.
 - e) The government shall allocate and provide adequate resources to rehabilitation centres, psycho counselling for trafficking survivors.
 - f) The Government shall expedite the domestication of laws related to anti-trafficking to align with the Palermo Protocol.
 - g) The government should increase the monitoring of anti-trafficking NGOs in Nepal, and create mandatory and periodic social audit of anti-trafficking initiatives.
 - h) The Government shall incorporate an anti-trafficking clause in all Bilateral Labour Agreements (BLAs), placing the responsibility for the protection of Nepali migrant workers on destination countries where such workers are at risk of exploitation.^{xvii}
 - i) The Government should develop a concrete integration plan for all victims of human trafficking within Nepali society by creating a special provision for trafficked victims in its national reintegration plan.
34. **Transitional justice:** In August 2024, the government amended the legislation for a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CIEDP). The Section 2(j1) (1) of the *Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2014* (TRC Act) – Third amendment now defined rape as "serious violations of human rights" and the perpetrators cannot plea for amnesty. It requires that the victims of Conflict-Related Sexual Violence (CRSV), who have previously not registered their cases with the Commission to register the case within three months.^{xviii} The time limitation to file the complaints starts once the Chairperson and members are appointed. It also provides for the creation of several specialised units within the Commission to aid in fulfilling their mandates effectively. These include the Truth Finding and Investigation Unit, Reparation Unit, Unit for Investigating Serious Violations of Human Rights, Unit for Investigating Rape and Sexual Violence and Victim Coordination Unit. It recognises the discrimination faced by CRSV victims and

prioritises them for interim relief. It further provided that there must be at least one female Commissioner among the five members of the Commission. It also provides that there should be at least one woman in the five-member Recommendation Committee.

35. However, survivors and victims' representatives have rejected a short list of candidates published by a committee to appoint commissioners. There is a lack of trust between the government and the victims and their families. It is evident from the official record of the TRC that around 308 CRSV cases were only recorded. The civil society organisations estimate thousands more have not been submitted due to fears of inadequate protection and insufficient confidentiality protocols.

36. Recommendations

- a) Remove statutory limitations on reporting the cases of rape and sexual violence and abuses committed during the civil war.
- b) Implement the recommendations of the NHRC, ensuring state accountability and providing a remedy to the victims/survivors.
- c) Appoint the members to CIEDP and TRC without any political interference according to the TRC Act, ensuring the process is credible, transparent, and inclusive, and upholds democratic principles and public trust.
- d) Government shall ensure the participation of women at all levels of recruitment, including in the formation of the recommendation committee, in the appointment of Commissioners of both the TRC and CIEDP and at all levels of staffing to ultimately achieve gender parity. A gender balance must be maintained when recruiting staff and appointing experts, including statement-takers, researchers, investigators and legal and psychosocial counsellors to create an empowering environment for female victims to approach the commission and share their experiences.
- e) The government shall design and implement gender-friendly procedures for investigation, including statement taking, victim and witness protection and other activities of the Commission, including a specific reparation policy to address the unique needs of women victims/survivors of sexual violence during the conflict period
- f) Government shall develop gender-sensitive and gender-responsive working procedures of the commissions that are not limited to having women as commissioners but include training for staff on the gendered aspects of the TJ process, gender-friendly reparation programmes involving relevant stakeholders. This also includes supporting the commissions to develop gender-friendly rules of evidence in cases of Conflict-Related Sexual Violence (CRSVs).
- g) Develop a new National Action Plan (NAP) for the implementation of UN Security Council Resolutions 1325 and 1820 while promoting the meaningful participation of women in all discussions and decisions related to peace and security, particularly in the development and evaluation of national action plans.

C. Women and intersectionality

37. **Indigenous women:** The Census of Nepal 2021 shows that the total population of Indigenous Peoples is 35.08%, which is 29,164,578. There are 59 communities of Indigenous Peoples formally recognised by the State, while 19 more identified communities in 2021 are yet to be formally recognized and the indigenous people are under represented at the government agencies. The Nepal government has adopted the National Action Plan (NAP) on Business and Human Rights on 27 December 2023, to guide the work of businesses in terms of human rights. The NAP comprises six thematic sectors: the environment, labour, consumers, women and children, migrant workers, and Indigenous Peoples, as well as an overall focus on gender equality and non-discrimination. However, the Indigenous Peoples have serious concerns about the continued human rights violations, interference, abuse, and non-compliance from State and non-state actors.

38. Amnesty International and the Community Self-Reliance Centre (CSRC) report (2021) found the state has failed to provide effective remedies to the Indigenous peoples while their human rights are violated by both state and non-state parties. The study highlighted several cases such as “forced evictions, denial of rights to their ancestral lands, unjustified restrictions on access to the forests and natural resources on which they traditionally rely, amounting to a denial of access to food, arbitrary arrests, unlawful killings, detention, and torture or other ill- treatment by the Nepal Army and National Park personnel protecting conservation areas.”^{xix} Meanwhile, the government has endorsed and approved the National Action Plan for the implementation of ILO 169, but it is yet to be implemented.

39. Recommendations

- a) The government shall revise and amend related legislations and plans with the input and perspective of Indigenous Peoples and Indigenous Women, thereby recognising the vital role that Indigenous Peoples, Indigenous Women, and Girls play and ensuring full compliance with ILO 169, which it has ratified.
- b) The government shall collect disaggregated data of Indigenous Women and apply an intersectional approach to ensure representation and participation in government bodies.
- c) The government shall revise climate change laws, business and human rights plans and policies with input from Indigenous Women, recognising their role as custodians of local natural resources, ensuring active involvement for overall development.
- d) The government shall recognise indigenous knowledge, skill, culture and promote entrepreneurship of indigenous women and involve them in the planning process and development at the local government.

40. **Sexual and religious minorities:** The Constitution of Nepal 2015 has recognised “gender and sexual minority” people among the disadvantaged groups. The community of LGBTIQ+ persons are subjected to discrimination, hate, social stigma, and harassment in their own families, schools, employment and public services. The community of LGBTIQ+ has reported 767 cases of cybercrime between July 2023- July 2024.^{xx} Still, the marriage between diverse LGBTIQ+ groups is not recognised by the government. This non-recognition of marriage equality has deprived LGBTI couples of enjoying certain rights and benefits in their family matters and marital rights.

41. In 2021, 81.19% of Nepal’s population identified as Hindu, slightly down from 81.34% a decade ago. Buddhists have also declined slightly from 9.04% to 8.21%. Christians make up 1.76% (up from 1.41%) while Muslims constitute 5.09% (compared to 4.38% in 2011). The Human Development Index (HDI) of the Muslim community in Nepal is 0.422,^{xxi} which is the lowest among the other social groups. Muslims make up less than 1% of the total bureaucracy. Their presence at the gazette level is almost nil and under-represented in the non-gazette level. This disparity has been largely attributed to the low educational level. The Constitution has recognised the secular nature of the state. It guaranteed individuals’ rights to freely “profess, practice and preserve” their religion and prohibit discrimination based on religious grounds. Despite these policy measures, the religious minorities continue to face several problems, including hate speech, harassment, intimidation, and violent attacks. Religious minorities are ridiculed with awful titles and labels. These stereotypical views and opinions are widely disseminated and amplified via digital space and social media.

42. Recommendations

- a) The Government of Nepal must accept the country visit request of the Special Rapporteur on Freedom of Religion or Beliefs to review the human rights situation of the religious minorities in the country.
- b) Government shall ensure that all religious groups have equal access to resources to preserve and protect religious and cultural heritage, and people of religious minorities are protected from online harassment.
- c) Government shall ensure that religious minority populations, especially women, enjoy all fundamental freedoms, are represented and participate in public life without barriers.
- d) Government shall recognise and mainstream the religious education schooling system in Nepal’s education system.
- e) Government shall revise and amend the *Muluki Civil Code, 2017* and *Muluki Criminal Code, 2017* and other discriminatory laws that restrict the rights of the LGBTI community.
- f) Government shall introduce legal provisions that allow transgender or intersex individuals to amend their gender and name in citizenship documents without invasive medical examinations.

43. **Dalit women:** The *constitution of Nepal, 2015*, guarantees the principles of equality and non-discrimination. Additionally, the *Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011* was adopted to provide the Dalits in Nepal the right to equality, to live with human dignity, and prohibit untouchability and discrimination on the grounds of caste. Yet, the women from Dalit communities are suffering from multiple discrimination in Nepal.

44. In Nepal, Dalits, comprising more than 13% of the total population, are disproportionately impacted by poverty, illiteracy, child marriage, and social exclusion despite constitutional guarantees of equality and inclusion. The are 36% of Dalits living in extreme poverty. The average literacy rate for Dalits is 67.4%— 8.8 % points lower than the national average. The child marriage rate among Dalits stands at 23%, significantly higher than the 13% rate among non-Dalits. The report indicates that 34% of Dalit women

were married as children, in contrast, 20% of non-Dalit women who were married before the legal age. A study report has revealed that Dalit women faced various kinds of violence because of inter-caste marriage. According to the report, 71.7% of women have faced threats, and 70.8% of women have faced verbal abuse in public because of inter-caste marriage. Also, child marriage which involve inter-caste marriage are mostly prosecuted.

45. Recommendations

- a) The Government should implement public awareness campaigns to address the ongoing legacy of caste-based discrimination that marginalises Dalit women and ensure social justice across all three tiers of federal governance
- b) Enact the *Dalit Empowerment Act* to address systemic discrimination to Dalit women and ensure Dalits' equal access to justice, social justice, education, employment, and land, in line with constitutional and international human rights standards.
- c) Strictly implement the *Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011*, to take action against discrimination against Dalits and uphold the rights of Dalits, providing them access to justice.
- d) Address the Violence against women, especially against Dalit women, when there is inter-caste marriage with non-Dalits.
- e) The Government should establish provisions for community-based training programmes (on covering rights awareness, financial literacy, digital education, and entrepreneurial skills) for Dalit women, delivered through local-level governance structures especially in wards with high Dalit population.

46. **Women with Disabilities:** In Nepal, more than six hundred thousand people, or 2.2% of the population, suffer from at least one type of disability. The distribution of disability is disproportionately skewed across gender, age groups, geographic area, and wealth quintiles.^{xxii} Among the male population, 2.5% and the entire female population, 2.0% have some disability.

47. Disability discourse has shifted from an 'individualised medical model' to a 'societal paradigm' based on rights. In society, people with disabilities still face obstacles to accessing the necessary medical care they need to live their lives every day, as they are expensive for many to afford. In addition to this, many people view disability as a result of sins committed in past lives and 'ill omens. Many people with disabilities, especially women, are hidden from the social arena, and are believed incapable of independence and denied opportunities for income generation and often their sexual and reproductive health rights are ignored.

48. Recommendations

- a) Ensure inclusion, representation and meaningful participation of women with disabilities while developing the plans and programs of the Nepal government.
- b) Take all necessary measures to improve assistive devices in technology, increase the CBR/CBID budget, and ensure social protection for persons with disabilities and empower the OPD Organisation of Persons with disabilities to work on the CBID approach.
- c) Launch a program at the local level on the awareness about forms of disability and the rights-based approach to view them, and provide an opportunity for income generation.
- d) Ensure effective implementation of the *Safe Motherhood and Reproductive Health Rights Act 2018* for women and persons with disabilities, allocating sufficient budgets to the health service providers.

D. Right to work of women

49. The Nepal Labour Force Survey (NLFS) 2017/18 shows that labour force participation rate among people of 15 to 64 years is 26.3% for women compared to 53.8% for men. The average monthly wages received by men on average is NRs 20,071 per month by women is NRs 13,235 per month, which is 34% of the wage less than that of men.^{xxiii} According to the Agriculture Census, women agriculture workers on average earn NRs 531 daily wage while men earn NRs 667.

50. Most women are engaged through informal / unorganised employment, unprotected by legal or regulatory frameworks. Engagement in informal sectors is characterised by low pay or gender pay gap, lack of social security protections and job security among others. 3/5 employed in the informal sector are men, and the majority (45.8%) are employed in non-agricultural jobs. Only 13.4% work in agriculture. For employed women, the share of women in the informal sector is larger than 2/3 and, as opposed to men, they are close to equally employed in agriculture and non-agriculture jobs (31.8% and 32.9%, respectively). Although few

are employed in private households, the share of women is 1.8% to 0.6% for men.^{xxiv} The share of female labour force participation in the construction sector is about 11%.

51. **Women Migrant Workers:** Women made up 19% of the over 2 million migrant workers of Nepal in 2021. The women are increasingly involved in labour migration for financial reasons, such as improving their family's economic condition, paying for children's education and repaying debts, while some also migrate to escape social-cultural prescriptions at home and violence in the family. The Nepal Labor Force Survey (NLFS) showed more than half of the women migrant workers in the GCC countries, Malaysia and India engaged in 'elementary occupations,' namely domestic workers and helpers, cleaners, launderers and manufacturing labourers, followed by 'service and sales' work such as salespersons, restaurant service workers, etc.
52. There were 9.5% of labour permits issued to women in 2021/22. However, it is less likely to truly represent the magnitude of women's migration for work. as it does not take into account the migration to India and the use of irregular channels because of restrictive policies imposed on women's migration in domestic work and sex work sectors. As in 2020, seven stringent pre-conditions were introduced on Nepali women from travelling to the Gulf Cooperation Council (GCC) countries to work as domestic workers which has further strengthened the existing migration bans.^{xxv}
53. Nepal has signed new memoranda of understanding on migration with Malaysia (2018, revised in 2023), the United Kingdom (2022), and Romania (2023). In 2023, Nepal and Germany signed a joint declaration of intent (JDoI) on skilled labour migration and knowledge exchange. The Nepal government has reformed policies to facilitate the safe migration, return and reintegration of migrant workers.^{xxvi} In August 2024, the Ministry of Labour, Employment and Social Security (MoLESS) developed the National Implementation Strategic Framework of the Global Compact for Migration, to improve migration governance across all 23 objectives of the Global Compact for Migration (GCM).^{xxvii}
54. In 2021, Nepal adopted the Three Years Work Plan for the Use of Information Technology, to move all labour approval procedures online and strengthen online platforms – such as the Foreign Employment Information Management System and the Foreign Employment Welfare Information Management System – to facilitate the application for and issuance of labour permits and to access welfare services. In 2022, the Ministry of Labour, Employment and Social Security passed two working guidelines to strengthen the SSF and expand coverage to migrant workers living abroad, workers in the informal sector and those who are self-employed. Through the scheme, Nepali migrant workers living abroad are entitled to access accident and disability insurance, support for family dependents, and old-age security. Nepal has included a specific point in its 2023 budget to facilitate the reintegration of returning migrants to the country and has implemented the Reintegration Programme (Operation and Management) Directives for Returnee Migrant Workers since 2022. In 2024, the Nepal government issued the Monetary Policy, including several key provisions aimed at supporting various sectors of the economy, such as migrants, agriculture and start-ups.^{xxviii}
55. There is a huge role of local government in migration. The *Local Government Operation Act* 2017 mandates the local government to collect and process information regarding both employed and unemployed populations to establish an effective information system. Additionally, it calls for the establishment of employment centres, the promotion of financial literacy and training in foreign employment, and the reintegration and social counselling of migrant returnees. Implementation of the Act varies across different local government areas.
56. This idea of policies on safe migration and orderly return, and reintegration envisioned in Nepal's policy does not include the Returnee Women Migrant Workers (RWMWs) who went through irregular routes. Upon return to Nepal, compared to male Returnee Migrant Workers (RMWs), women face additional and specific challenges and barriers for reintegration at home, such as poor access to information on reintegration measures.
57. **Recommendations**
 - a) The government should immediately lift emigration ban on women migrant domestic workers which increases their vulnerability to exploitation

- b) The government shall expedite its diplomatic mission for signing a legally binding Bilateral Labour Agreement (BLA) with the countries of destination of women migrant workers, including a safe and decent working environment for women domestic workers.
 - c) The government shall ensure safe migration of domestic workers by removing any prohibitions or conditions that prevent them from departing from the airports in Nepal. They shall regulate and monitor recruitment agencies and immigration officials for safe and orderly migration.
 - d) The government authorities should also ensure that diplomatic missions are adequately resourced and increase their ability to support women domestic workers facing exploitation or abuse, including by providing a hotline, shelter, as well as financial and legal support to those in need in the country of destination.
 - e) Government shall amend the reintegration guidelines extending support to the women migrant workers who travelled by irregular route and returned.
 - f) The Government should unconditionally register all women migrant workers who have migrated through irregular channels at Nepali embassies and consulates
58. **Domestic worker:** Domestic work is often undervalued, informal and invisible, and mainly carried out by women and children, mostly adolescent girls. A global research-policy network has estimated that there are 250,000 domestic workers in Nepal. The *Labour Act, 2017*, has recognised domestic work and requires the contract to be made between the employer and the employee. Section 88 of the Act merely states that the government may issue separate regulations for determining the minimum wage of domestic workers, making it discretionary and non-binding. The lack of binding regulations means domestic workers often work long, unregulated hours without guaranteed rest periods, with no restriction on employing domestic workers' overtime^{xxix}. A survey conducted by WIEGO and GEFONT^{xxx} shows that more than 80% of domestic workers in Nepal do not have a written contract. Most of them are employed in live-out arrangements with multiple employers. While live-in domestic workers are often paid below the minimum wage, or in some cases, not paid at all. The ILO confirms that they earn on average 20% less than other workers. Despite this increasing demand of domestic worker are one of the vulnerable workers.
59. **Recommendation**
- a) The government shall ratify ILO C189, ILO C190 to ensure decent work conditions for domestic workers and protect them from violence and harassment at the workplace.
 - b) The government shall include domestic workers, agriculture workers, self-employed and other workers in informal sector into the social security schemes through coordination with the local governments.
 - c) The registration of domestic workers along with a standard employment contract at the local level shall be made mandatory.
 - d) The Government should establish specialised labour courts or tribunals dedicated to addressing the grievances of internal domestic workers to ensure timely, accessible, and gender sensitive mechanisms for grievance redressal.
 - e) The domestic workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.
60. **Care work:** The report of the Special Rapporteur on Extreme Poverty and Human Rights of, “Unpaid care work is positioned as a major human rights issue” (UN General Assembly, 2013). Having no enjoyment or access to good health, education services and decent work with good pay due to the burden of unpaid care and domestic work, women's rights are violated. In Nepal, women bear a significant burden of unpaid care work, including domestic chores, caregiving and community work. As per the ILO's regional report, women in Nepal carried out 85 per cent of daily unpaid care work, spending a total of 29 million hours a day cumulatively, compared to 5 million hours spent by men.^{xxxi} This disproportionate amount of unpaid care work exacerbates Nepali women's time poverty, severely limiting their ability to participate in various educational, political, social and economic activities. As per the 2017/18 Labour Force Survey, 39.7% of Nepali women cited “unpaid care work” as a key barrier to entering the labour force, compared to 4.6% of Nepali males who mentioned the same issue.
61. Nepal has several policies supporting women through the recognition of care work. The *Labour Act, 2017* ensures maternity (98 days) and paternity (15 days) leave, breastfeeding breaks, and childcare in workplaces with over 50 employees. The Labour Rules operationalise these provisions to some extent. *The Social Security Act, 2018*, offers maternity, unemployment, and dependent family benefits. Civil service rules

provide extended paid leave and breastfeeding breaks. Now, the Nepal government is developing the National Care Policy, aligned with the 16th Periodic Plan and the National Gender Equality Policy of 2021.

62. Recommendations

- a) Government shall develop national care policy, grounded in the ILO's 5R Framework (Recognise, Reduce, Redistribute, Reward, and Represent care work). Also, domestic work either paid or unpaid shall be defined within a national care policy.
- b) Government shall prioritise investments in health and education infrastructure, staffing, incentives and social protection benefits for caregivers, and investment in public childcare services in all local governments.
- c) Government shall establish an inter-ministerial coordination mechanism to mainstream care across all development policies and ensure integrated investment in care services, infrastructure, and workforce.
- d) The Government shall recognise care work in Gross Domestic Product (GDP) calculations and include it in national statistics and policies.
- e) The Government shall allocate a designated percentage of remittance income to establish special provisions for returnee women migrant workers.

63. **Sex worker:** It is estimated that there are around 60,000 CSWs in Nepal, where there were approximately 25,000 sex workers in Kathmandu Valley.^{xxxii} According to an integrated biological and behavioural survey carried out by the Nepal Health Research Council in 2023, the median age of female sex workers was 30 years, and they came from diverse ethnic groups, including *Janajatis* in higher numbers, and Dalits. Regarding their educational status, 35.7% had secondary-level education. The majority, 77.% were married at least once.^{xxxiii}

64. People have negative perceptions and attitudes towards sex work and workers. They face many unpleasant experiences such as social insults, bitter criticism from the religious community, violence related to sexual work, arrest by the police force, etc.^{xxxiv} On the contrary, activists and organizations working for the rights of sex workers have been advocating to consider sex work as the right of the individual involved in this occupation.

65. In addition to internal sex workers, there are thousands of Nepali citizens engaged in sex work in various countries, including India and GCC countries. Due to the restrictive policies, practices, protectionist approach and stigma around sex work, these workers navigate their lives clandestine manner and live without protection.^{xxxv}

66. Under the *Human Trafficking and Transportation (Control) Act, 2007*, the law has defined sex work as prostitution, referring to it as human trafficking.^{xxxvi} While the act has not criminalised sex work, there is a practice of prosecuting them on the grounds of violation of the public morality clause.^{xxxvii}

67. Recommendations

- a) The Government should recognise sex work as work and ensure that Nepali citizens engaged in sex work are protected under the Constitution of Nepal, which guarantees every citizen the right to live with dignity under Article 16, the right to work under Article 34, and the right to basic health services under Article 35.
- b) The government should repeal all laws which criminalise consenting sex workers and adults, and make sure that migrant sex workers are not criminalised and can access legal protection.
- c) Government shall amend the *Human Trafficking and Transportation (Control) Act, 2007* to remove the inclusion of voluntary sex work as human trafficking. The derogatory words such as “Besyagaman” and “Besyabritti” in the *Human Trafficking and Transportation (Control) Act, 2007* shall be removed.
- d) The sex workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.
- e) The government should launch anti-stigma campaign to address historical stigma associated to sex workers.
- f) Government shall develop policies to protect sex workers and also provide exit plans that allow for transition into an alternate livelihood without stigmatising their current work.

68. **Work in the Entertainment and hospitality sector:** Entertainment work is not fully recognised as work by the state, labour authorities or police. Many women are employed without employment contracts, leaving them without access to minimum wage, social security, or legal protections. Often, there are police raids

and surveillance at their workplace. Yet, poor regulation of recruitment practices, involvement of agents and organised traffickers in internal human trafficking has led to cases of child trafficking and child labour in the entertainment and hospitality sector. The Supreme Court of Nepal gave a directive order in 2008 to the Government to develop legal measures, rules and regulations to address sexual harassment of women workers entertainment sector. The Supreme Court further issued procedural guidelines to protect women in the entertainment sector from sexual abuse and exploitation. Post the decision, *the Sexual Harassment at Workplace (Elimination) Act*, 2014 was promulgated. Also, the *Muluki Criminal Code Act*, 2017 and the *Labour Act*, 2017, prohibited sexual harassment at the workplace.

69. Recommendations

- a) Government shall formally recognise the entertainment and hospitality sector under the *Labour Act*, 2017, ensuring the minimum wage, occupational health and safety, and contractual obligation to the recruiters. The government shall enforce the guidelines of the Supreme Court (2008), accompanied by regular monitoring, inspections, and penalties for violations of labour rights in the entertainment and hospitality sector.
- b) Government shall implement anti-trafficking measures against internal human trafficking, including the monitoring of recruitment brokers in the entertainment sectors, and child labour in the entertainment industry. Train police and labour inspectors, mandating gender-responsive enforcement and victim-sensitive practices.
- c) The government shall launch social awareness initiatives to destigmatise entertainment workers and protect their housing and community rights.
- d) The workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.

References

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- i UPR Info, available at: [https://upr-info-database.uwazi.io/library/?q=\(allAggregations:!f,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),state_under_review:\(values:!\(%27285j1kwnj3w%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/library/?q=(allAggregations:!f,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),state_under_review:(values:!(%27285j1kwnj3w%27))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:!f))
 - ii Republica, HoR passes Citizenship Bill: Children of Nepali mothers can now get citizenship in her name, 28 June 2025, available at: <https://myrepublica.nagariknetwork.com/news/hor-passes-citizenship-bill-children-of-nepali-mothers-can-now-get-citizens-97-53.html>
 - iii The Kathmandu Post, 40 laws needed to enforce constitution still lacking, 31 August 2023. Available at: <https://kathmandupost.com/national/2023/08/31/40-laws-needed-to-enforce-constitution-still-lacking>
 - iv The Kathmandu Post, Implementation of rights body's recommendations hits historic low, 17 March 2025, Available at: <https://kathmandupost.com/national/2025/03/17/implementation-of-rights-body-s-recommendations-hits-historic-low>
 - v CIVICUS, Nepal: Civic space at risk as authorities suppress fundamental freedoms and dissent, 4 November 2024, available at: <https://www.civicus.org/index.php/media-resources/reports-publications/7359-nepal-civic-space-at-risk-as-authorities-suppress-fundamental-freedoms-and-dissent>
 - vi Informal Sector Service Center (INSEC), Nepal Human Rights Year Book (2024), Kathmandu: Author, available at: https://www.insec.org.np/wp-content/uploads/2024/02/RS104814_Nepal-Human-Rights-Year-Book-2024-English.pdf
 - vii UN Special Rapporteur on Human Rights Defenders, 25 October 2024, available at: <https://srdefenders.org/nepal-harassment-of-womens-rights-organisation-worec-and-its-members-in-two-separate-incidents-joint-communication/>
 - viii Women, Children and Senior Citizens Service Directorate, Annual Fact Sheet on Gender-Based Violence - July/Aug 2023 to Jun/July 2024 (2024), Kathmandu: Nepal police, available at: https://www.nepalpolice.gov.np/media/filer_public/57/33/5733d531-91bb-4450-8fb2-d2dd21d9022e/fy_2080-81_annual_infographics_-_en.pdf
 - ix Women's Rehabilitation Center (WOREC), Annual Factsheet on Gender Based Violence against Women and Girls, available at: <https://www.worecnepal.org/publications/192/2024-11-22>
 - x Women, Children and Senior Citizens Service Directorate, n(8).
 - xi Ibid.
 - xii United Nations, Harmful Practices in Nepal Report on Community Perceptions 2020, Available at: https://un.org.np/sites/default/files/doc_publication/2021-02/HP_perception_survey_0.pdf

- xiii The Asia Foundation, Nepal’s Silent Crisis: Human Trafficking Under the Spotlight, 27 September 2024, available at: <https://asiafoundation.org/nepals-silent-crisis-human-trafficking-under-the-spotlight/>
- xiv Women’s Rehabilitation Center (WOREC), n (9).
- xv The Kathmandu Post, Problematic anti-human smuggling law, 17 January, 2025, available at: <https://kathmandupost.com/columns/2025/01/17/why-an-anti-smuggling-law-is-problematic>
- xvi Bhagat, A. (2023), “Who is not an agent here?”: The Collateral Damage of Anti-Trafficking in Nepal. *Antipode*, 55: 70-89. <https://doi.org/10.1111/anti.12882>
- xvii The Kathmandu Post, Missing Nepali women, 27 June 2025, available at: <https://kathmandupost.com/columns/2025/06/27/missing-nepali-women>
- xxiii See, ICJ, A brief review of Nepal’s Transitional Justice Law, 2024: The two commissions have registered approximately 65,000 cases, where many victims opted out to register their complaints for lack of trust among others.
- xix CSRC and Amnesty International, Violations in the name of conservation, “What crime had I committed by putting my feet on the land that I own” (2021). London: Author, available at: <https://www.amnesty.org/en/wp-content/uploads/2021/08/ASA3145362021ENGLISH.pdf>
- xx Women, Children and Senior Citizens Service Directorate, n (8).
- xxi Rup Sunar, Policy Brief on The Situation of FoRB for the Religious Minorities in Nepal (2022), available at: https://thesouthasiacollective.org/wp-content/uploads/2023/02/PolicyBrief_FoRB_Nepal.pdf
- xxii Central Bureau of Statistics (CBS). National Population and Housing Census 2021 (12th decennial census report).(2022). Kathmandu: Author.
- xxiii Jumana Alare fetal., Policy research working paper, Women’s Labor Force Participation in Nepal An Exploration of The Role of Social Norms, (2024), available at : <https://documents1.worldbank.org/curated/en/099816406182414601/pdf/IDU-035b93f9-1719-41a0-8d50-ae0bc1f1e2.pdf>
- xxiv Government of Nepal, Gender Equality in Nepal Facts and Figures (2024), Kathmandu, Author, available at: https://giwmscdnone.gov.np/media/pdf_upload/Gender-Equality-Report-1715242038_dfizkhs.pdf
- xxv Bhagat, Ayushman (2024). Reducing Vulnerability to Exploitation of Nepali Migrant Domestic Workers. Brunel University London. Online resource. <https://doi.org/10.17633/rd.brunel.26892934.v1>
- xxvi IOM, Migration Governance Indicators (2024), IOM: Geneva.
- xxvii Ibid.
- xxviii Nepal Rastra Bank, Monetary policy for 2024/2025 (2024).
- xxix ILO and Women’s Rehabilitation Centre (WOREC) (2020). Webinar: *Domestic workers in Nepal and COVID-19* as acceded from from https://www.ilo.org/kathmandu/whatwedo/eventsandmeetings/WCMS_748322/lang--en/index.htm
- xxx Women in Informal Employment: Globalizing and Organizing (WIEGO). (2020). *Domestic workers, risk and social protection in Nepal*. WIEGO Policy Brief No. 20. Manchester, UK, p.2.
- xxxi International Labour Organization (ILO) (2020). Millions of hours spent daily on unpaid work: Evidence from Asia and the Pacific. Available at: <https://ilostat.ilo.org/millions-of-hours-spent-daily-on-unpaid-work-evidence-from-asia-and-the-pacific/>
- xxxii A. Shrestha, Prostitution: Sociological Study in Kathmandu Valley (2000), as cited in P. Subedi, Sex Work and Human Rights in Nepal (Master’s thesis, Tribhuvan Univ. 2015).
- xxxiii The Kathmandu Post, Sharp rise in sexually transmitted diseases among female sex workers in Pokhara, 7 February 2024, available at: <https://kathmandupost.com/health/2024/02/07/sharp-rise-in-sexually-transmitted-diseases-among-female-sex-workers-in-pokhara>
- xxxiv Ishwori Basnyat, Representations of Sex Work in Nepal: The Making of a Periphery, 19 *Culture, Health & Sexuality* 106, 106–120 (2017).
- xxxv Laurie N, Richardson D. Geographies of stigma: Post-trafficking experiences. *Trans Inst Br Geogr.* 2021; 46: 120–134. <https://doi.org/10.1111/tran.12402>
- xxxvi *Human Trafficking and Transportation (Control) Act*, 2007, Sec 4
- xxxvii *Muluki Criminal Code*, Sec 118, see also: FAITH, Unseen Battles: The Courage and Struggle of Sex Workers against Violence Case Studies, available at: <https://www.faith.org.np/digital-booklet/>

Members of Coalition

Women Rehabilitation Centre (WOREC)-Secretariat of National Women's Coalition for UPR

- 1 3 Angels Nepal
- 2 Akhil Nepal Women's Association (ANWA)
- 3 Alliance Against Trafficking In Woman And Children In Nepal (AATWIN)
- 4 Aaprabasi MahitaKamdar Samuha (AMKAS)
- 5 Beyond Beijing Committee (BBC)
- 6 Biswas Nepal
- 7 Change Action Nepal (CAN)
- 8 Community Action Center (CAC Nepal)
- 9 Centre for Women's Awareness and Development (CWAD)
- 10 CSGS (Centre for Studies on Gender, Society and Development Study)
- 11 Dalit NGO Federation (DNF)
- 12 Dristi Nepal
- 13 Fedration of Sexual and Gender Minorities Nepal, (FSGMN)
- 14 Feminist Dalit Organisation (FEDO)
- 15 Forum for Women Law and Development (FWLD)
- 16 Gyanbodh Research and Development Services
- 17 Him Rights
- 18 Indigenous Women League–LWL Nepal
- 19 Institute of Human Rights Communication Nepal (IHRICON)
- 20 Jagriti Mahila MahaSangh, Nepal's Federation of Female Sex Workers (JMMS)
- 21 Loom Nepal
- 22 Lutheran World Federation (LWF) Nepal
- 23 Lutheran Community Welfare Society (LCWS)
- 24 Luzza Nepal
- 25 Mitini-Nepal
- 26 NagarikAawaz
- 27 National Alliance for Women Human Rights Defenders (NAWHRD)
- 28 Nepal Disabled Women Association (NDWA)
- 29 Nepal Mahila EkataSamaj (NMES)
- 30 Nepal Muslim Welfare Society (NMWWS)
- 31 POURAKHI-Nepal
- 32 Public Health Concern Trust (Phect) Nepal
- 33 Resource Center for Primary Health Care (RECPHEC)
- 34 Rastriya Mukta Haliya Samaj Federation Nepal (RMHSF)
- 35 SAATHI Women Shelter
- 36 Sex Workers and Allies (SWASA Nepal)
- 37 Shakti Samuha
- 38 Society For Women Awareness Nepal (SWAN)
- 39 SOLID Nepal
- 40 Women for Human Rights Single Women Group(WHR)
- 41 Women Act
- 42 Women Forum for Women in Nepal (WOFOWON)
- 43 Women Human Rights Defenders Network Kathmandu
- 44 Women Human Rights Defenders Network Lalitpur
- 45 Women Security Pressure Group (WSPG)
- 46 Women's Reproductive Rights Program-Center for Agro-Ecology and Development (WRRP)
- 47 Youth Action Nepal
- 48 CARE Nepal
- 49 Informal Sector Service Centre (INSEC)

**Joint Submission to the United Nations Universal Periodic Review
(UPR) of Nepal
51st Session of the UPR Working Group
19-30 January 2026**

Submitted by

DURBAN REVIEW CONFERENCE FOLLOW-UP COMMITTEE (DRCFC)

The Durban Review Follow-up Committee (DRCFC), established in 2009, is a network advocating for the human rights of marginalized groups, including Dalits, Indigenous Peoples, LGBTQ+ individuals, persons with disabilities, religious minorities, and Madhesis



Joint submitting Organizations

Blue Diamond Society (BDS), currently acting as the secretariat of the DRCFC, established in 2001, is the pioneer organization in Nepal dedicated to protecting the human rights of LGBTI+ people. Beyond its early work in Human Immunodeficiency Virus (HIV) prevention, BDS has expanded its work to advocacy & human rights, providing leadership building, psychosocial support, safe spaces, and educational outreach for LGBTI+. BDS also advocates for inclusive education policies and anti-bullying measures, ensuring LGBTI+ in Nepal are protected, respected, and affirmed in their identities.

National Indigenous Women Forum (NIWF), founded in 1998 by Indigenous Women, legally registered in Nepal, works in protecting and promoting the rights and dignity of Indigenous Women, particularly engendered and highly marginalized Indigenous Women in Nepal.

Established in 2006 and officially registered with the Government of Nepal, the **National Muslim Women Society (NMWWS)** stands as a non-partisan, non-profit, and non-discriminatory organization. NMWWS is committed to uplift marginalized, disadvantaged, and impoverished communities across Nepal, with a specific emphasis on supporting the Nepali Muslim population

Equity Society Nepal (ESN), founded in Kathmandu in 2023, is a non-governmental organization promoting justice, equity, and dignity for Dalits in Nepal. ESN combats caste-, class-, gender-, and ability-based discrimination, and advocates for civic responsibility, economic equality, and social inclusion. It also serves as the secretariat of the Asia Dalit Rights Forum, a South Asian network of communities marginalized by work and descent.

I. Introduction

1. Based on a series of national consultations held from May to July 2025, alongside relevant studies, lived experiences, and analysis by the submitting organizations, this joint submission provides a current human rights assessment for marginalized groups in Nepal. It specifically examines the situation of Dalits, Indigenous Peoples, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI+) people (sexual & gender minorities), Muslims/religious minorities, and Persons with Disabilities, and evaluates the implementation of recommendations from the 3rd cycle of the Universal Periodic Review (UPR).

A. Recommending state, follow-up, support and effective implementation of UPR recommendations

2. UPR is a state-led peer review and mutual accountability mechanism based on a cooperative and collaborative framework. This signifies that international support and follow-up are crucial to ensure that recommendations are effectively implemented.¹ However, this is lacking in Nepal.

Recommendation:

- International communities and Member States that issued recommendations on Nepal's human rights situation should be encouraged to actively follow up on their implementation and provide the necessary technical and financial support to ensure effective fulfilment of these commitments.

B. Lesbian, Gay, Bisexual, Transgender, and Intersex Persons (LGBTI)

3. Despite criticism, the National Census 2021 grouped gender and sexual minority, under the broad label of "others" in its 2021 census. However, the data under this *Other* category is yet to be released.
4. While Nepal's 2015 constitution enshrines rights for gender and sexual minorities (Articles 12, 16, 17, 18, 42), the absence of supportive policies and mechanisms, coupled with criminalizing provisions in the National Civil Act 2017, means these protections aren't realized. Despite constitutional guarantees and efforts to recognize same-sex unions, LGBTI+ individuals continue to suffer widespread stigma, discrimination, and inequality.

1. Implementation status of the 3rd UPR recommendations

5. During its third UPR cycle, Nepal supported recommendation **159.192** (*A/HRC/47/10/Add.1 – Para. 6; Norway*), which is partially implemented.
6. In its third UPR cycle, Nepal noted three recommendations – 159.31 (*A/HRC/47/10/Add.1 – Para. 6; Uruguay*), 159.37 (*A/HRC/47/10/Add.1 – Para. 6; Iceland*), 159.46 (*A/HRC/47/10/Add.1 – Para. 6; Spain*). These recommendations call to enact marriage equality laws and amend discriminatory provisions in Nepal's Civil Code (2017) remain unaddressed, leaving same-sex couples without equal legal recognition or protection. *No steps have been taken towards these issues.*

2. Non-recognition, underrepresentation and exclusion

7. Despite constitutional recognition, LGBTI individuals in Nepal face exclusion from key inclusion laws and policies. For instance, the Civil Service Act (2007) and the Gender Equality and Social Inclusion (GESI) Policy (2021) lack specific provisions for their inclusion. Similarly, the Election Commission does not mandate political parties to nominate LGBTI candidates, unlike quotas provided for other minority groups. This significant gap highlights a disconnect between constitutional intent and practical implementation, leading to the continued marginalization of LGBTI people in Nepal.
8. Despite constitutional recognition of self-identified gender for citizenship (Article 12), Nepal's LGBTIQ+ individuals face significant challenges. Only new applicants can select the "O" (Other) gender category, with no legal provision for existing citizens to amend their gender identity or update documents like educational certificates. This contradicts their constitutional right to gender recognition. Furthermore, those with "O" identity frequently encounter job discrimination, and there's no specific mechanism to investigate or penalize such bias.

Recommendations:

- Amend the Civil Service Act (2007) and the House of Representatives Election Act (2017) to formally recognize sexual and gender minorities as a distinct marginalized population, and allocate

separate reserved quotas to enhance their equitable participation and representation in state institutions, governance structures, and political processes.

- Take an action to allow legal gender and name changes in all official documents, including for those who have already obtained citizenship.

3. Issue of same sex marriage

9. As noted above in paragraph no. 5, Nepal noted three key recommendations – 59.31, 159.37, and 159.46 – regarding marriage equality and same-sex marriage. The National Civil (Code) Act, 2017, Section 67 defines marriage as between a man and a woman, and legislative amendments are pending. While Nepal has registered same-sex marriages based on the Supreme Court’s order in 2023, comprehensive marriage equality legislation has yet to be enacted. This legal ambiguity affects the recognition of same-sex unions and related rights. For LGBTI+ still due to legal ambiguity, marriage equality can create legal and social insecurity within their families and couples.

Recommendations:

- Amend the Civil Code 2017 to recognize same-sex marriage and remove discriminatory language such as “unnatural sex.”
- Adopt and enact a comprehensive marriage equality legislation, ensuring legal recognition and protection for same-sex unions and related rights.

4. Social stigma, violence and harassment

10. Nepal accepted the recommendation **159.192** that urges Nepal to fully commit to ending sexual and gender-based violence, including against LGBTI people, at all levels of society. But the ground reality is that LGBTI people are subject to discrimination, hate, social stigma, violence and harassment in their own families, schools, employment, and public services, harassment on public transportation, which remains widespread.² Due to social stigma associated with sexual orientation, LGBTI people remain closeted and have become victims of hate and social exclusion.³

Recommendations:

- Establish a special mechanism responsible for independent LGBTI rights monitoring and oversight, against the violence and accountability to protect and promote economic, social and cultural rights of the LGBTI communities.
- Adopt and introduce dedicated anti-discrimination legislation explicitly protecting LGBTI.
- Set up dedicated units in the police and judiciary to investigate hate crimes and discrimination against LGBTI people.
- Adopt a policy to include LGBTI issues in school curricula and teacher training programs.

5. Barriers to access healthcare and Sexual and Reproductive Health Rights (SRHR)

11. It has been a lived reality for LGBTI people to experience discrimination, harassment, and denials of healthcare and sexual and reproductive health rights (SRHR).⁴ LGBTI people silently suffer from significant pain and stigma. For instance, we LGBTI people experience that transgender men frequently face mockery or derision when seeking medical assistance for menstruation or other gynaecological concerns.
12. The Right to Safe Motherhood and Reproductive Health Act 2018 exhibits a significant flaw by specifically granting reproductive health rights to “women” but excluding LGBTI women.⁵ This omission creates a legal vacuum, denying a vulnerable group essential healthcare access.

Recommendations:

- Formulate and adopt national guidelines for providing gender-affirming reproductive healthcare services for transgender men and other gender minorities.
- Amend the Right to Safe Motherhood and Reproductive Health Act to ensure inclusive access to reproductive health services for LGBTI.

- Adopt a policy to mandate training for all healthcare workers on gender diversity, inclusive language, and respectful care, highlighting the specific reproductive health needs of transgender men, including menstruation, contraception, and gynecological services.

6. Prevalence of Intimate Partner Violence (IPV)

13. The prevalence of Intimate Partner Violence (IPV) is widespread among the LGBTI people.⁶ However, there is no legal framework that covers IPV concerning LGBTI people.⁷

Recommendations

- Adopt a policy to provide legal aid and psychosocial support to LGBTI people facing violence or harassment.
- Design and fund a national campaign program to destigmatize LGBTI identities and promote acceptance in schools, workplaces, and communities.

7. Impact of International Funding Cuts on Human Rights Advocacy Programs

14. Due to a USAID PEPFAR funding freeze, 26 community HIV service sites in Nepal have halted operations, critically endangering key populations' health and impacting local jobs. Without immediate intervention, Nepal risks undoing hard-won progress, failing to meet 2025 UNAIDS targets, and depriving communities of vital medical treatment.

Recommendation:

- The Government of Nepal, in collaboration with international partners, should urgently mobilize alternative funding sources to restore and sustain community-based HIV services.

C. Freedom of thought, conscience, and religion

15. The CBS 2021 reports that 1,483,060 people, or 5.09% of the total population, identify as Muslim. The Muslim community, who maintain a unique cultural identity, continue to face barriers to full socio-economic and political inclusion while striving to preserve its cultural and religious identity. These challenges persist today, with ongoing disparities affecting access to economic opportunities, social recognition, representation and cultural rights.

1. Implementation status of the recommendations of the 3rd UPR Cycle

16. Nepal has made notable progress in recognizing the rights of religious minorities, including Muslims. The 2015 Constitution prohibits discrimination based on sex, race, ethnicity, religion, language, origin, or nationality. It also acknowledges Islamic festivals as national holidays.
17. During its third UPR, Nepal endorsed one recommendation – **159.80** (A/HRC/47/10/Add.1 - Para.6, Haiti), concerning the issues of freedom of thought, conscience, and religion. This recommendation urges the government *to take legislative action, ensuring legal protections for religious minorities and guaranteeing freedom of religion* in line with international human rights law. However, this is yet to be fully implemented. No legislative action has been taken by the government.

2. Marginalization, underrepresentation and exclusion

18. Formed in 2012, Nepal's Muslim Commission remains weak and largely ineffective, with its recommendations unimplemented. A constitutional review—mandated within 10 years under Article 265—is overdue in 2025. Despite its potential to represent Muslim voices, the commission suffers from limited authority, poor resources, weak parliamentary oversight, and opaque appointments.
19. Nepal's 2017 election law mandates proportional representation for marginalized groups, including Muslims, in party candidate lists for the House of Representatives. However, Muslim representation in Parliament remains low, often dependent on political parties' discretion rather than guaranteed by the system. Likewise, Muslims remain underrepresented in political and administrative institutions.

Recommendations:

- Extend the tenure of the commission and amend the *Muslim Commission Act* to align with the Paris Principles, granting it quasi-judicial powers, autonomy in investigations, and authority to summon officials and enforce recommendations.

- Effectively implement the provision of proportional representation for Muslims in public service, education, and political institutions, based on population data and socio-economic indicators.

3. Challenges in Madrasa education

20. According to an estimation, there are 2000 Madarasas, where more than 25000 Muslim children are studying.⁸ Nonetheless, Madrasas lack legal recognition, and their independent curricula exclude students from the national education certification system, hindering access to public universities and formal employment.
21. As most Muslim parents send their children to Madrasas for education, particularly Muslim girls are enrolled in Madrasas, which often lack formal recognition, limiting access to higher education and public sector jobs.⁹ This non-recognition has limited Muslim girls' access to higher education and disqualifies them from public service and professional opportunities requiring accredited qualifications. Muslim girls face major challenges transitioning from Madrasas to public schools due to cultural, religious, and language differences. Limited support in government schools often discourages continued education.¹⁰

Recommendations:

- Legally recognize registered Madrasas as government schools and ensure dedicated budget allocations to improve infrastructure, recruit qualified teachers for core subjects, and provide essential learning resources.
- Adopt a policy of equivalency framework that facilitates smooth grade-level transitions for students transferring from Madrasas into the public school system.
- Amend the Education Act to ensure all aspects of education—laws, policies, infrastructure, textbooks, teacher training, and scholarships—are culturally inclusive and responsive to diverse communities in both Madrasas and government schools
- Establish a robust data collection system to accurately track enrollment, attendance, and learning outcomes of Muslim children in both government and Madrasa schools

4. Prevalence of child marriage among the Muslim community

22. Child marriage severely restricts the freedom and opportunities of women and girls, particularly within Muslim communities. It's a primary reason Muslim girls discontinue their formal education and drop out of secondary school, hindering their pursuit of higher education, careers, and participation in public and private life (data).¹¹

Recommendations:

- Enforce effectively the national legislations, in particular, the National Strategy on ending child marriage.
- Introduce school-based psychosocial counselling and awareness programs for students and parents, including sessions on early marriage prevention and life skills.
- Design a program and launch culturally sensitive awareness campaigns with Muslim leaders and scholars to highlight the illegality and harms of child marriage, focusing on girls' education, health, and rights.

5. Barriers to religious freedom and traditions

23. Though the constitution 2015 has declared Nepal a secular state, a lived reality is that discriminatory effects of the previous imposition of Hinduism, the majority religion, as the dominant State religion still exist.¹² Nepal's social fabric is deeply influenced by Hindu traditions. While religious minorities—including Muslims, Christians, Kiratis, Buddhist, Sikhs—are legally protected, they often face subtle and overt challenges in practice.
24. Muslims in Nepal have long-standing grievances regarding their specific identity under Nepal's constitution and laws related to non-recognition of their Islamic family/social laws. For instance, the National Civil Code 2074 (2017) governs marriage, divorce, inheritance, and other family laws, but most of them are rooted and influenced by Hindu norms and value system, and are, thus, discriminatory

against non-Hindu.¹³ It means the Civil Code provisions on family laws do not recognize other non-Hindu customary laws on family, marriage, divorce, succession and inheritance.

Recommendations

- Revise and amend the National Civil & Criminal Code 2074 (2017) to recognize and incorporate Indigenous family laws, including Islamic family laws, marriage, divorce, customs, inheritance and personhood.

D. Persons with Disabilities

25. In 2021, Nepal's National Census reported that 2.2% of its population, or 647,744 people out of 29,164,578, have a disability. Nepal's 2017 National Penal Code made discrimination based on disability illegal, with significant punishments for offenders. Nonetheless, Persons with Disabilities (PwDs) often face familial restrictions concerning partner selection, marriage, parenthood, and inheritance of parental property. Furthermore, they are frequently subjected to negligence, abuse, and violence.

1. Implementation status of the recommendations of the 3rd UPR Cycle

26. During its third Universal Periodic Review (UPR), Nepal endorsed four recommendations specifically concerning Persons with disabilities: **159.52** (A/HRC/47/10/Add.1 - Para.6; Indonesia), **159.54** (A/HRC/47/10/Add.1 - Para.6; Maldives), **159.221** (A/HRC/47/10/Add.1 - Para.6; Bulgaria) **159.224** (A/HRC/47/10/Add.1 - Para.6; Islamic Republic of Iran), **159.225** (A/HRC/47/10/Add.1 - Para.6; Jordan) and **159.226** (A/HRC/47/10/Add.1 - Para.6; Malaysia). These recommendations are not yet to be fully implemented.

2. Discrimination and stigmatization: marriage, divorce, parenthood, and inheritance

27. The National Civil Code, 2074 (2017), governs domestic matters, including marriage, divorce, inheritance, parenthood, guardianship, and adoption. It also outlines the procedures and requirements for marriage, including age, consent, and registration. However, the implementation of these provisions, especially in the case of PwDs, is weak.¹⁴

28. Women with disabilities suffer from multiple discrimination and stigmatization. They continue to face significant barriers to full participation in society (socially, economically, and politically) because of multiple forms of discrimination and stigmatization. These factors lead to them living in unstable and difficult conditions.¹⁵

Recommendation:

- Effectively implement the Civil Code, 2074, to ensure the rights of Persons with Disabilities in domestic matters such as marriage, divorce, inheritance, parenthood, guardianship, and adoption

3. Victims of sexual abuse and violence

29. The prevalence of sexual abuse and violence against women with disabilities is widespread.¹⁶

Recommendations:

- Thoroughly investigate and hold perpetrators accountable for sexual abuse and violence against women with disabilities.

4. Barriers to access to justice

30. The *Rights of Persons with Disabilities Act, 2074* guarantees equal legal rights and access to free legal aid.¹⁷ The authorities are yet to fully implement these legal provisions and persons with disabilities in Nepal face major barriers to justice. On the other hand, a one-size-fits-all approach of the Act has failed to address the diverse needs of the ten recognized disability types. For example, persons with intellectual and psych-social disability continue to face challenges, including a lack of interpreters in courts and police stations, non-recognition of guardians' statements for persons with intellectual disabilities, and poor implementation of fast-track procedures and legal aid services.¹⁸

31. Women with disabilities continue to face significant barriers to access, as existing legal frameworks fall short in addressing the unique forms of violence and marginalization they encounter.

Recommendations:

- Ensure effective implementation of the Act and legal clarity and inclusivity across all disability types.

- Deploy trained sign language interpreters and disability support officers in all district courts and police stations, judicial academy
- Launch an accessible online portal and mobile outreach units for disability card registration and renewal.

5. Cross-cutting issues, discrimination and exclusion among the Persons with Disabilities

32. Nepal's legal framework guarantees the political rights of persons with disabilities, including candidacy and representation under the proportional electoral system at the federal and provincial levels.¹⁹ However, a major gap remains in their implementation. The political participation of persons with disabilities is largely symbolic and not reflected in actual practice.
33. Women with Disability, including Indigenous women, Dalit women with disabilities, are marginalized by policy frameworks, denied meaningful representation, and viewed as outsiders within society.²⁰ The constitutional provision of 33% reservation for women's participation have largely benefited privileged women, while more marginalized women with disabilities remain excluded.²¹ The current implementation fails to apply an intersectional lens, resulting in unequal access and reinforcing disparities even within the disability and women's rights movements.²²
34. Nepal's Rights of Persons with Disabilities Act (2017) and the National Policy on Persons with Disability (2080) fail to address the unique, compounded discrimination faced by Indigenous persons with disabilities, particularly Indigenous women with disabilities, due to intersecting factors like gender, ethnicity, and caste. This oversight leads to their further exclusion.²³
35. In addition, the Local Government Operations Act of 2017 lacks specific measures to ensure their inclusion and involvement in local governance. Consequently, persons with disabilities remain largely absent from the decision-making processes related to disability policies and programs.

Recommendations:

- Amend the House of Representatives Election Act to ensure that separate reservations for Women with disabilities are allocated, recognizing intersectionality among women with disabilities within the existing women's quotas (33%) for all public sector and state institution recruitment.
- Amend the 2017 Disabilities Act and related policies to ensure inclusive and equal access to government services for all persons with disabilities, women and Indigenous persons with disabilities.
- Amend the electoral system to mandate disability representation, disaggregated by gender, ethnicity, and disability type, ensuring inclusive politics per Article 42 and the Convention on the Rights of Persons with Disabilities.
- Amend the Local Government Operations Act 2017 and ensure representation of Persons with Disabilities in local governance.
- Establish a national inter-ministerial body to drive and monitor disability-inclusive policies, strengthening coordination across government.

6. Cross-cutting issues: Barriers in access to health and Sexual and Reproductive Health (SRHR)

36. Access to healthcare, including SRHR services, remains a significant challenge for girls and women with disabilities.²⁴ The primary obstacles to accessing healthcare are inadequate and insufficient infrastructure and funding, as well as policy implementation gaps, including social and geographical barriers.²⁵ In addition, social stigma associated with sexuality and reproductive health of girls and women with disabilities is an important factor that has shaped access to SRHR in Nepal.²⁶
37. Access to health and SRHR of girls and women with disabilities has been curtailed by their other social categories such as caste and ethnicity. Indigenous women and girls with disabilities tend to have lower awareness of SRHR and related services than other women with disabilities in mainstream communities.²⁷

Recommendation:

- Ensure the effective implementation of the SRHR Guideline for persons with disabilities with intersectionality approaches

- Recognize intersectionality among persons with disabilities and women with disabilities, Indigenous and Dalit women with disabilities and adopt inclusive policies accordingly.
- Design a program and launch culturally sensitive awareness campaigns on sexual and reproductive health rights of girls and women with disabilities.

E. Caste-Based Discrimination and Untouchability against Dalits

38. In Nepal, the Dalit population was recorded as 3,898,990 in the Nepal National Population and Housing Census 2021, constituting 13.4% of the total population of 29,164,578.²⁸ In the ground, Dalits experience untouchability, caste-based discrimination and oppression rooted in the caste system, resulting in various forms of prejudice, limiting their access to social, economic, and educational opportunities. The ongoing impact of this system is observed in social dynamics and can affect individuals' well-being.

1. Implementation status of the recommendations of the UPR 3rd Cycle

39. In the third UPR cycle, Nepal accepted several recommendations relating to full and effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011. These include: **159.32** (A/HRC/47/10/Add.1 - Para.6; Bahamas), **159.33** (A/HRC/47/10/Add.1 - Para.6; Croatia), **159.34** (A/HRC/47/10/Add.1 - Para.6; El Salvador), **159.35** (A/HRC/47/10/Add.1 - Para.6; Germany), **159.39** (A/HRC/47/10/Add.1 - Para.6; Italy), **159.44** (A/HRC/47/10/Add.1 - Para.6; Republic of Korea), **159.40** (A/HRC/47/10/Add.1 - Para.6; Jordan), (A/HRC/47/10/Add.1 - Para.6; Argentina), **159.42**, (A/HRC/47/10/Add.1 - Para.6; Argentina); **159.43** (A/HRC/47/10/Add.1 - Para.6; Malta). Among them, some recommendations, such as **159.32, 159.33, 159.34, 159.39, 159.40, and 159.41**, are partially implemented. However, the recommendations **159.35** and **159.43 (Partially implemented)** are yet to be implemented.

2. Lack of effective implementation of constitutional and legal provisions

40. Nepal has enacted laws and constitutional provisions—such as the 2011 Anti-Untouchability Act and Articles 24 and 40—to combat caste-based discrimination and safeguard Dalit rights. However, a lived reality is that significant gaps persist in their effective implementation. Nepal accepted the recommendation **159.35** related to developing effective mechanisms to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act; to date, the authorities are yet to establish such a mechanism.

Recommendations:

- Establish a special mechanism for implementing the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011, with clear powers and resources.
- Amend the title of the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 by removing the word “other,” and increase the minimum sentence to five years with fines up to NPR 500,000, and shift the burden of proof onto the accused when prima facie evidence is established.
- Enact a comprehensive legislation related to Article 40 of the constitution for ensuring economic, social, and cultural rights of Dalit communities.

3. Discrimination and untouchability are widespread realities of Dalit everyday life

41. On June 6, 2006, Nepal was declared a country free of untouchability and discrimination, but caste-based discrimination and untouchability are widespread realities. The government has criminalized caste-based discrimination. Nevertheless, efforts to ensure the smooth administration of justice for the persons affected by caste-based discrimination have been few and far between, and the law has therefore made little difference in the everyday life of the Dalit community.²⁹

42. The Commission consistently urges all levels of government to allocate appropriate policies and budgets to implement its proposals, but these appeals have thus far gone unheeded.³⁰ The situation is so bad that even when the commission sends complaints to the police for action, the police do not respond about the progress they have made. about what, if any, action was taken on those complaints.³¹

Recommendations:

- Create a national caste-based violence reporting system and publish regular data to track progress and trends.
- Design and fund a national action plan to eliminate caste-based discrimination through socio-cultural and religious campaigns, school and university education, and public awareness-raising programs that teach human rights, equality, and dignity.
- Fully resource and empower the National Dalit Commission to independently investigate cases, monitor implementation of laws, and recommend prosecution or policy reforms and implement its timely recommendations with priority.
- Strengthen the National Dalit Commission by expanding its mandate, ensuring adequate financial and human resources, and establishing provincial offices as per the constitutional provisions.

4. Intra-Dalit discrimination and marginalization

43. Dalits comprise more than 26 groups, of which 7 groups belong to the Hill Dalits and 15 groups belong to Madhesi Dalits. As per the caste system, they themselves have a caste hierarchy and socio-economic inequality. When discussing discrimination, Madhesi Dalits face even deeper discrimination and marginalization within the Dalit community itself.³²

Recommendations:

- Guarantee proportionate and inclusive participation of all Dalits, with a focus on intersectionality, including *Madhesi Dalits* and Dalit women, in all local, provincial, and national government bodies, as well as in commissions, civil service, and political and ambassadorial appointments.

5. Increased caste-based discrimination, violence and culture of impunity

44. Caste-based violence is rising, often with impunity, as government officials, political leaders, police, and courts shield perpetrators.³³ There are vivid examples from the grounds. A stark example is the 2020 Nabaraj BK case in Rukum West, where six Dalit and non-Dalit youths were killed in a caste-motivated attack led by a ward chairperson.³⁴ Despite clear evidence, the Surkhet High Court ruled it was not caste-based, exposing deep judicial bias.

45. Similarly, in 2021, Dalit journalist Rupa Sunar was denied housing by a non-Dalit landlord in Kathmandu; when she sought justice, the then Education Minister intervened to release the accused, violating due process and undermining the rule of law. Later, the Supreme Court of Nepal and the National Human Rights Commission (NHRC)³⁵ demanded an explanation, prompting the minister to acknowledge his misconduct—even though his actions constituted a criminal offence.

46. On February 22, in Siraha's Aaurahi Rural Municipality, Dalit resident Deepak Malik Dom's home was bulldozed by Mahayagya organizers, including Bajrangi Baba and local officials. His family was forcibly relocated to a temporary shelter, citing "impure" soil in a clear act of caste-based discrimination.³⁶

Recommendations:

- Perpetrators involved in caste discrimination and untouchability must be held accountable and legally punished.
- Establish reparation programs for Dalit victims and families, including restitution, compensation, and public apologies.
- Provide legal aid and psychosocial support to victims of caste-based violence and discrimination.
- Protect victims and the justice process from political interference by holding leaders and elected representatives accountable and ensuring they are punished as per the law.
- Strengthen the Dalits help desk at all police stations, allocating adequate human and financial resources.

6. Dalit women

47. Dalit women experience triple layers of discrimination rooted in their class, caste, and gender.³⁷ The case in point, Madhesi Dalit women, endure a fourth layer of marginalization due to linguistic and regional exclusion.³⁸ On the other hand, Badi women, another strata of Dalit women, have historically been subjected to systemic sexual exploitation under the guise of tradition and face deep-rooted marginalization and ongoing discrimination, even within the Dalit community.³⁹

Recommendation:

- Ensure separate reservations for Dalit, Madhesi, and Badi women within the existing Dalit quota for all public sector and state institution recruitment

F. Indigenous Peoples

48. According to the 2021 National Census, Nepal has a total population of 29,164,578, with Indigenous Peoples comprising 35.08% of the total. The census also identifies over 142 distinct caste and ethnic groups residing across the country.⁴⁰ The government has recognized a total of 59 indigenous groups.

1. Implementation status of the recommendations of UPR 3rd Cycle

49. During its third Universal Periodic Review (UPR), Nepal endorsed three specific recommendations related to Indigenous Peoples – **159.50** (A/HRC/47/10/Add.1 - Para.6; Fiji), **159.150** (A/HRC/47/10/Add.1 - Para.6; Finland), and **159.219** (A/HRC/47/10/Add.1 - Para.6; Marshall Islands). The authorities are yet to implement these recommendations.

Recommendations:

- Upgrade the Indigenous Nationalities Commission to a fully empowered constitutional body with legislative authority, independent appointments, and adequate resources.
- Establish a high-level commission to review laws and policies and recommend reforms to uphold Indigenous lands and territorial rights in line with ILO 169, UNDRIP, and the CBD.

2. Marginalization and exclusion

50. Exclusion of Indigenous Peoples in decision-making and policy-making on matters that affect them is seriously lacking. Political exclusion is prevalent.⁴¹ Even when various laws set aside quotas for marginalized groups like Indigenous Peoples, the voices of their members often go unheard despite their inclusion.⁴²

51. Although the government has set up the Indigenous Nationalities Commission, its role has been largely symbolic. The Commission faces several challenges, including a lack of meaningful government cooperation, disregard for its recommendations, limited resources, questions about its credibility, opaque appointment processes, and failure to implement its proposals.⁴³ As a result, Indigenous Peoples' voices have largely been excluded from the governance.

Recommendations:

- The government should adopt a specific law to ensure substantive representation of Indigenous Peoples and Women, including Indigenous Persons and Women with disabilities.
- Establish a legally binding Human Rights Framework and national mechanism enabling Indigenous Peoples and Women to exercise self-determined governance over Indigenous affairs, with clear indicators for participation, autonomy, and accountability.

3. Non-recognition

52. The Government of Nepal officially recognizes 59 Indigenous nationalities, of which 10 are endangered,⁴⁴ 12 are highly marginalized,⁴⁵ and 20 marginalized.⁴⁶ Yet, many Indigenous communities remain excluded and not recognized.

Recommendation:

- Take decisive action to review and update the criteria for recognizing Indigenous Peoples, ensuring the inclusion of currently excluded communities.

4. Land dispossession, cultural loss, and environmental degradation

53. Thousands of Indigenous Peoples have been forcibly displaced from their lands due to the unchecked expansion of hydropower projects. Without meaningful consultation or adequate safeguards, this development has caused irreparable social and cultural harm to Indigenous communities.⁴⁷ The recent incidents in Bozheni (Shankharapur, Kathmandu) can be seen as the latest examples in an ongoing pattern. Over 350 Tamang families in Bozheni face displacement for an electricity substation. Since 2019, the community has been resisting the government's plan, defending their ancestral land and right to residence.⁴⁸
54. For over fifty years, Nepal's Indigenous peoples have endured widespread human rights abuses stemming from harmful and exclusionary conservation policies. This has led to the forced eviction of tens of thousands of Indigenous people from their ancestral territories and the loss of access to vital lands they rely on for their livelihoods and survival.⁴⁹
55. Indigenous Peoples suffer from arbitrary arrests, unlawful killings, detention, and torture at the hands of the *security forces* and *National Park personnel* who are tasked with protecting conservation areas.⁵⁰ The most precarious aspect is that the government hold the authority to declare protected areas and buffer zones anywhere, in any territory, with no obligation to consult the local and Indigenous Peoples, inhabitants of that territory.⁵¹ In Dhorpatan Hunting Reserve, the Magar community's traditional grazing practices and governance have been disrupted, with restricted rangeland access and increased militarization resulting in intimidation, unlawful arrests, and torture.⁵²

Recommendations:

- Adopt a legal and policy framework for Indigenous Peoples' lands, resources, economic, cultural, and political rights in all hydropower development processes.
- Amend the Environment Protection Act, 2076 (2019), and related laws to incorporate Free, Prior, and Informed Consent (FPIC), ensuring no project affecting Indigenous Peoples proceeds without their explicit consent.
- Amend the National Park and Wildlife Conservation Act, 2029 (1973) to align with ILO 169, UNDRIP, and the CBD, ensuring Indigenous Peoples' rights to land, territory, and resources
- Adopt a National FPIC Protocol, developed in consultation with Indigenous communities, to standardize procedures across all development sectors;

5. Denial of Indigenous Women's Identity and Rights

56. Nepal supported two recommendations relating to protecting women and girls from the ethnic minorities and vulnerable groups. Recommendation **159.172** (A/HRC/47/10/Add.1 - Para.6; Estonia) and **159.177** (A/HRC/47/10/Add.1 - Para.6; Viet Nam). The government has yet to fully implement these recommendations.
57. Although Nepal's Constitution promotes inclusion, its implementation largely benefits women from dominant castes, excluding Indigenous Women.⁵³ Despite constitutional provisions for women in governance, Nepal's laws, like the House of Representatives Election Act and the Local Government Operation Act, 2017, fail to recognize Indigenous women as a distinct group. This lack of specific quotas perpetuates their underrepresentation and limited decision-making power.
58. National data lacks disaggregated data on Indigenous women. Key national surveys like NLSS, NDHS, and NMICS also fail to reflect the status of diverse caste, ethnic, and Indigenous women, leaving them statistically invisible.

Recommendations:

- Amend the House of Representatives Election Act and the Local Government Operation Act (2017) to formally recognize Indigenous Women—including those with disabilities—as a distinct marginalized group, and allocate a separate reservation for them within the women's quota for proportional representation and public sector recruitment (e.g., civil service, security forces, and other state institutions).

- Revise the GESI Policy, 2021, to explicitly recognize Indigenous Women as a distinct and intersectional identity group, acknowledging their unique socio-cultural, economic, and political challenges.
- Collect disaggregated data on Indigenous Peoples across all sectors to identify disparities and guide targeted policies and track progress in representation, participation, and access to services.

6. Exclusion of Indigenous Peoples and Women from the Development and Implementation of the National Climate Change Adaptation Plan

59. In third UPR cycle, Nepal endorsed recommendations **159.50** (A/HRC/47/10/Add.1 - Para.6, Fiji) and **159.54** (A/HRC/47/10/Add.1 - Para.6, Maldives) addressing Indigenous Peoples and climate change response, which urge Nepal to *ensure that Indigenous and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction frameworks*. The government has yet to fully implement this.
60. Nepal's 2021 National Adaptation Plan marked progress on climate resilience but excluded Indigenous Peoples and women, reducing them to vulnerable groups and ignoring their vital knowledge and leadership.
61. There has been some positive progress in this regard. The government has formulated several programs, plans, and policies to promote gender equality in climate change action.⁵⁴ The NAP refers to Indigenous Peoples merely as a vulnerable group, overlooking their traditional knowledge and leadership.⁵⁵
62. Nepal is one of the world's most climate-vulnerable countries due to its fragile geography, climate-sensitive livelihoods, and weak adaptive capacity.⁵⁶ Certain groups of people are more vulnerable to the effects of climate change due to the overlap of various factors like *gender, race, class, ethnicity, sexuality, Indigenous identity, age, disability, income, migrant status, and where they live*. This makes existing inequalities worse and creates new injustices.⁵⁷

Recommendations:

- Amend the *National Adaptation Plan (NAP) 2021–2050* to explicitly recognize Indigenous Peoples and Women as key stakeholders, not just as a vulnerable group and integrate Indigenous knowledge systems and leadership into climate adaptation strategies.
 - Ensure representation of Indigenous Peoples and Women and their organizations in NAP implementation committees at the federal, provincial, and local levels.
 - Establish a dedicated Indigenous Peoples and Women's Advisory body within the Ministry of Forests and Environment to guide climate policy.
 - Provide training and technical support to enhance their participation of Indigenous Peoples and Women in climate planning and monitoring.
 - Establish a mechanism and institutionalize Free, Prior, and Informed Consent (FPIC) processes for all climate projects affecting Indigenous territories.
63. Biodiversity conservation is essential for supporting poor and marginalized indigenous peoples in achieving the UN's 2030 Sustainable Development Goals. However, biodiversity conservation can only occur when Indigenous cultures are preserved and protected.⁵⁸ Unfortunately, the government's implementation plan for the Sustainable Development Goals (SDGs) does not acknowledge the importance of Indigenous culture in this context.

Recommendations:

- Amend SDGs Implementation Plans to explicitly recognize Indigenous Peoples and their cultural contributions as central to biodiversity conservation.

¹ Etone, D., Nazir, A., and Storey, A. (2024). *Human rights and the UN Universal Periodic Review Mechanism*. Routledge.

- 2 UN Women (2023). *Evidence to action: Addressing violence against LGBTIQ+ People in Nepal*. https://un.org.np/sites/default/files/doc_publication/2023-06/LGBTIQ%20Study%20Report-Final-web%20version-11%20June%202023%20evening.pdf
- 3 Pokhrel, A. (June, 2024). Nepal's LGBTQ+ landscape: Legal Wins and Social Battles. Republic. <https://myrepublica.nagariknetwork.com/news/nepal-s-lgbtq-landscape-legal-wins-and-social-battles/>
- 4 Ray, A. (December, 2024). LGBTQIA+ people face challenges in accessing SRHR. The Kathmandu Post. <https://kathmandupost.com/national/2024/12/21/lgbtqia-people-face-challenges-in-accessing-srhr>
- 5 Chapter 2 – Right to Reproductive Health of The Right to Safe Motherhood and Reproductive Health Act 2018
- 6 Prevalence of an Intimate Partner Violence (IPV) within Lesbian, Trans man and Third man couple in Nepal (2023). https://mitininepal.org.np/wp-content/uploads/2023/07/IVP-research-on-Lesbian-and-transman-couple-in-Nepal_Mitini-Nepal.pdf
- 7 Policy brief: Intimate Partner Violence [IPV] within Lesbian, Bisexual women, Trans man and Third Gender man couple research (2023). https://mitininepal.org.np/wp-content/uploads/2023/07/IVP_Policy-brief-English_Mitini-Nepal.pdf
- 8 Representatives from
- 9 Quality Education. Nepal Muslim Women Welfare Society. <https://nmwws.org.np/access-to-quality-education/>
- 10 The sixth annual report. Muslim Commission. <https://muslimcommission.gov.np/content/11029/sixth-annual-report-2080-slented-4281/>
- 11 <https://www.girlsnotbrides.es/aprendizaje-recursos/centro-de-recursos/effect-child-marriage-girls-school-dropout-nepal-analysis-data-multiple-indicator-cluster-survey-2014/#resource-downloads>
- 12 Many laws are based on values and philosophies of Hinduism, the majority religion. One such law is criminalization of slaughtering or intended slaughtering cow, an animal considered holy as per Hindu beliefs and recognized as national animal. Penalties for violating this law include twelve years in prison. This has led to detention and prosecution of many indigenous, mostly non-Hindus, individuals who have traditionally relied on cows for their subsistence or religious practices. Most official festivities align with the Hindu calendar and the State often allocates to observe those festivities directly or indirectly.
- 13 Alpine Law Associate. Family law in Nepal: Marriage, divorce, inheritance, and more. Accessed on 7 July, 2025. <https://lawalpine.com/blog/family-law-in-nepal>
- 14 LAWneeti Association. Family law in Nepal: A new 2081 guide. Accessed on 7 July, 2025, <https://lawneeti.com/publications/family-law-in-nepal-a-new-2081-guide>
- 15 Bigler, C., KC, S., and Pita, Y. (2022). Women with disabilities in Nepal: Potovoice study on the barriers and enablers to social, economic and political participation. Interdisciplinary Centre on Gender Studies (ICFG) at the University of Bern. https://eave-no-one-behind.ch/wp-content/uploads/2022/02/PhotoVoice-Study-Women-with-Disabilities-in-Nepal_accessible_final.pdf
- 16 Simkhada, P., Basnet, S., Sharma, S., van Teijlingen, Wasti, S. P., Dahal, T., Okyere, J., Silwal, R. M., and Pyakurel, M. (2025). Life-time experience of violence among women and girls living with disability in Nepal. PLOS ONE, 20(6). <https://doi.org/10.1371/journal.pone.0326659>
- 17 Chapter 3, Sections 7 and 15(2).
- 18 National Human Rights Commission and National Federation of Disabled-Nepal (2022). *A study on identifying barriers to accessing justice for persons with disabilities*. <https://nfdn.org.np/research-report>
- 19 Section 11, Act on the Rights of Persons with Disabilities; Article 86(2a), and 84(3), the Constitution of Nepal, 2072 (2015)
- 20 Hillman, W., and Teather, S. (2025). Contextualising the experiences of women with disabilities in Nepal: An integrative review. *Disability & Society*, 1-21 <https://doi.org/10.1080/09687599.2025.2455096>
- 21 National Policy on Persons with Disabilities, 2080 BS
- 22 Section 34, Civil Service Act, 2049 BS. Second Amendment, 2064 BS and Civil Service Regulations, Seventh Amendment, 2064 BS
- 23 Acharya, T. (2020). *Sex, Gender and Women with Disabilities: Marginalized narratives and policy reform*. Routledge.
- 24 Bigler, C., KC, S., and Pita, Y. (2022). Women with disabilities in Nepal: Potovoice study on the barriers and enablers to social, economic and political participation. Interdisciplinary Centre on Gender Studies (ICFG) at the University of Bern. https://eave-no-one-behind.ch/wp-content/uploads/2022/02/PhotoVoice-Study-Women-with-Disabilities-in-Nepal_accessible_final.pdf
- 25 Herren, L., Lanzarrotti, F., Noori, S., Hillman, S., Roll, K. (2023). *Maternal Healthcare for Women with Disability in Nepal: Access and Quality*. The Reach Alliance. <https://reachalliance.org/case-study/womens-access-to-healthcare-in-nepal/>
- 26 Prayatna Nepal and Mama Cash, the Netherlands (2021). *A study on barriers in accessing sexual and reproductive health services among adolescent girls and young women with visual impairments*. <https://prayatnanepal.org/wp-content/uploads/2022/07/SRHR-research.pdf>
- 27 National Indigenous Disabled Women Association-Nepal (NIDWAN) (2023). A scoping study on amplifying voices of Indigenous Women and Girls with disabilities the nexus of climate change and sexual and reproductive health and rights (SRHR). <https://nidwan.org.np/2025/04/21/a-scoping-study-on-amplifying-voices-of-indigenous-women-and-girls-with-disabilities-on-the-nexus-of-climate-change-and-sexual-and-reproductive-health-and-rights-srhr-2023/>

28 National Population and Housing Census 2021 National Report.

29 Amnesty International (2024). No-one cares: Descent-based Dalits in Nepal. <https://www.amnesty.org/en/documents/asa31/7980/2024/en/>

30 National Dalit Commission. Fourth Annual Report, Fiscal Year 2080-2081. https://www.ndc.gov.np/storage/listies/September2024/NDC_merged_compressed1.pdf

31 Pradhan, T. R. (June, 2022). *The caste struggle: Discrimination rife despite laws in place*. The Kathmandu Post. <https://kathmandupost.com/national/2022/06/04/the-caste-struggle-discrimination-rife-despite-laws-in-place>

32 Lamichhane, S. (n.d.). *Status of CDWD in Nepal*. The Global Forum of Communities of Discriminated on Work and Descent (GFoD). <https://globalforumcdwd.org/groundbreaking-report-sheds-light-of-cdwds-of-nepal-suggests-crucial-recommendations/>

33 Karki, S. (June, 2023). Nepali Times. <https://nepalitimes.com/here-now/dalit-lives-must-matter>

34 Barali, S. (July, 2020). Caste aside. Nepali Times. <https://nepalitimes.com/banner/caste-aside>

35 Setopati (July 2025). NHRC seeks explanation from Minister Shrestha in Rupa Sunar incident. <https://en.setopati.com/political/156318>

36 Editorial. Impure justices. The Kathmandu Post. <https://kathmandupost.com/editorial/2025/03/25/impure-justice>

37 Amnesty International (2024). No-one cares: Descent-based discrimination against Dalits in Nepal. <https://www.amnesty.org/en/documents/asa31/7980/2024/en/>

38 Paswan, B. (May 2025). A series of atrocities on Dalits women. *Kantipur*. <https://ekantipur.com/en/opinion/2025/04/22/a-series-of-atrocities-on-dalit-women-56-42.html>

39 Karnali Province Government (2023). Report of the Task Force on the development and upliftment of he Badi community of Karnali Province, 2079 (2023). <https://www.undp.org/sites/g/files/zskgke326/files/2023-08/undp-np-badi-report-eng-translation.pdf>

40 National Statistics Office (2023). *National population and housing census 2021: National report*. https://censusnepal.cbs.gov.np/results/files/result-folder/National%20Report_English.pdf

41 Guragain, G. P. (2024). Progress of diversity and inclusion in Nepal. *Damak Campus Journal*, 13(1), 1-14. <https://doi.org/10.3126/dcj.v13i1.74668>

42 Karki, D., Bhattarai, P., and Kharal, N. (2022). The state of inclusion in Nepali civic space. Center for Social Change. <https://socialchange.org.np/wp-content/uploads/2022/01/Inclusivity-of-civic-space-in-Nepal-Report.pdf>

43 Why Nepal's Other commissions matter for justice and inclusion (2022). Niti Foundation. <https://sosbaha.org/wp-content/uploads/2022/07strengthening-constitutionalism-in-nepal.pdf>

44 Endangered groups: Kusunda, Bankariay, Raute, Surel, Hayu, Raji, Kisan, Lepcha, Meche and Kusbadiya.

45 Highly marginalized groups: Majhi, Siyar, Lhomi, Thudam, Dhanuk, Chepang, Satar/Santhal, Thami, Jhangad, Bote, Danuwar, and Baram.

46 Marginalized groups: Sunuwar (Koich), Tharu, Tamang, Bhujel, Kumal, Rajbansi, Gangai, Dhimal, Bhote, Darai, Tajpuriya, Pahari, Tokpegola, Dolpo, Free, Mugal, Larke, Lhopa, Dura, Walung. See <https://nfdin.gov.np/nep/page/caste-and-ethnicity>

47 Chakrabarty, I. and Rai, D. M. (2025). *Hanging by a Thread: Indigenous Peoples Rights in Renewable Energy Transition. How Multilateral Development Banks and States Deny the Rights to Free Prior and Informed Consent in Hydropower Projects in Nepal*. Accountability Counsel and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples. <https://accountabilitycounsel.org/wp-content/uploads/final-english-version-ac-and-lahurnip-report-hanging-by-a-thread.pdf>

48 Biswakarma, J. (December, 2024), Tribal land encroachment and development. *Kantipur*. <https://ekantipur.com/en/opinion/2025/01/24/the-land-encroached-and-development-of-the-indigenous-51-59.html>

49 Amnesty International. Nepal: Indigenous Peoples the silent victims of country's conservation 'success story.' <https://www.amnesty.org/en/latest/news/2021/08/nepal-indigenous-peoples-the-silent-victims-of-countrys-conservation-success-story/>

50 Amnesty International and the Self-Community Reliance Centre (CRCS) (2021). Violations in the name of conservation. <https://www.amnesty.org/en/documents/asa31/4536/2021/en/>

51 The dark sides of Nepal's National Park. *The Record*, (May, 2017). <https://www.recordnepal.com/art-letter/books/the-dark-side-of-nepals-national-parks/>

52 Rai, I. M., Limbu, S., Ghale, D., Rai, D. M. (2022). Impact of Dhorpatan Hunting Reserve and Chitwan National Park on Indigenous Peoples in Nepal. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples. <https://www.lahurnip.org/uploads/publication/file/impact-of-dhorpatan-hunting-reserve-and-chitwan-national-park-on-indigenous-peoples-in-nepal.pdf>

53 UN Women (2018). Nepal: Making every girl and woman count. <https://data.unwomen.org/sites/default/files/documents/Publications/AR2021/Annex%20IX%20Country%20Brief%20-%20Nepal.pdf>

54 The National Adaptation Program of Action to Climate Change (2010), the Climate Change and Gender Action Plan (2012), and the Nationally Determined Contribution (NDC) (2020).

-
- ⁵⁵ ICMOD, UNEP, and UN Women, (2021). Summary for Policymakers: State of Gender Equality and Climate Change in Nepal. Accessed on June 24, 2023 from https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/12/Summary_for_Policy_Makers_GenderandCC.pdf
- ⁵⁶ UNDP Nepal (2023). Annual Report 2022. Kathmandu: UNDP. P. 46. <https://www.undp.org/nepal/publications/annual-report-2022>
- ⁵⁷ IPCC (2022). *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegria, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)]. Cambridge University Press. Cambridge University Press, Cambridge, UK and New York, NY, USA, 3056 pp., DOI: 10.1017/9781009325844.
- ⁵⁸ Swiderska, K. (February 14, 2020). Protecting indigenous culture is crucial for saving the world's biodiversity. *The Conversation*. <https://theconversation.com/protecting-indigenous-cultures-is-crucial-for-saving-the-worlds-biodiversity-123716>

Nepal Civil Society UPR Mid-Term Review Report-2023

**National Coalition for UPR-Nepal
Informal Sector Service Center (INSEC) – Secretariat
July, 2023**

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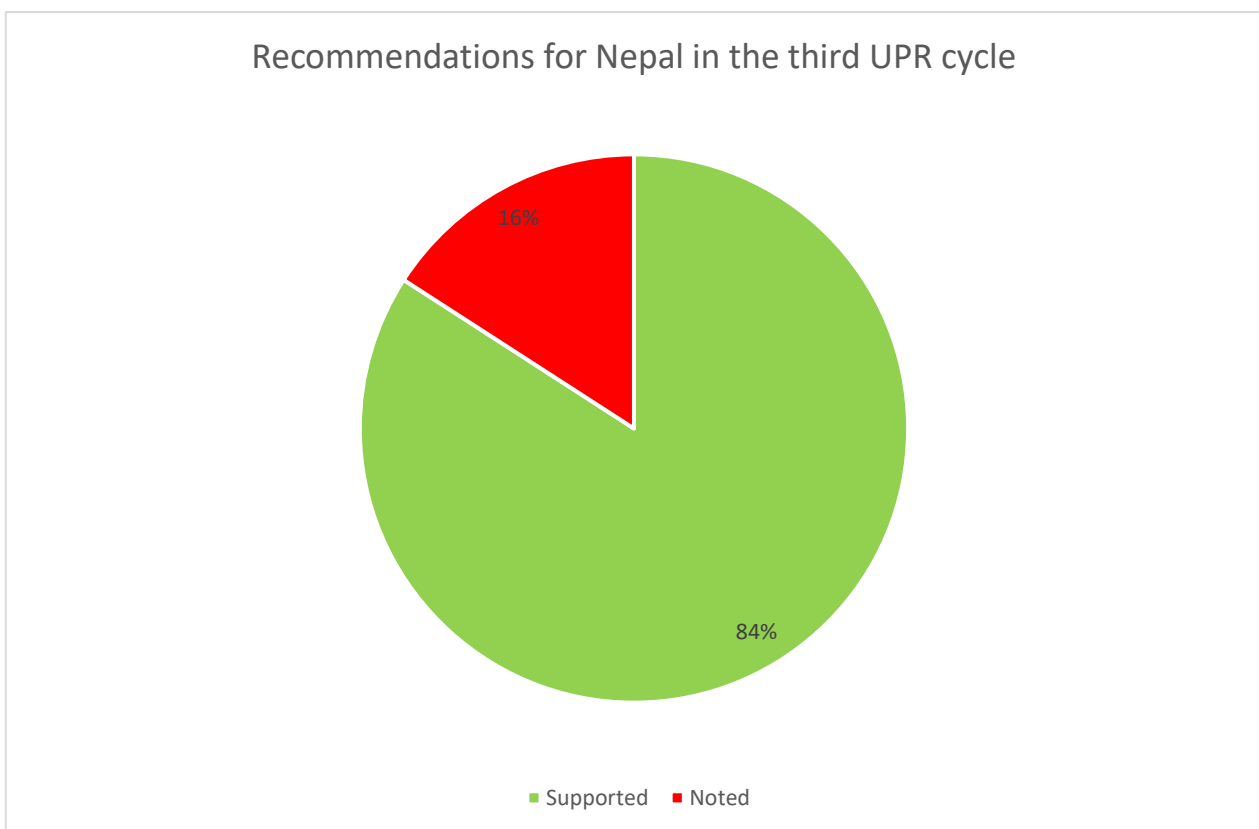
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1. Introduction

This Universal Periodic Review midterm report is prepared and submitted by the National Coalition for UPR-Nepal to the Office of the High Commissioner on Human Rights (OHCHR) on the implementation of the UPR recommendations received by Nepal in its third cycle review in January 2021. National Coalition for UPR is a team of 440 civil society organizations of Nepal engaged in preparing Nepal's civil society UPR report, follow-up, and advocacy activities for the implementation of the recommendations. Most members of the coalition are also engaged in treaty-based human rights reporting and follow-up activities as well as special procedures of the Human Rights Council.

2. Background

Nepal underwent its third UPR in January 2021 at which point the UPR Working Group reviewed the human rights situation in the country.¹ Nepal's Minister for Foreign Affairs led the delegation that presented the National Report on behalf of the Government of Nepali in the 37th Session of the Human Rights Council Working Group on Universal Periodic Review.² The delegation during its presentation reiterated that the government was committed towards upholding its international treaty obligations, that it was committed to fulfillment of constitutional guarantees in the form of political, economic, cultural, social or development rights. Delegation stated that it had progressed further in protection of human rights in the country since its 2nd cycle of review in November 2015. Nepal's third cycle of review was conducted on 18-29 January 2021. The UPR working Group report was adopted on 8th July 2021. Out of the 233 recommendations that Nepal received, it supported 196 recommendations (78%) and noted 37 recommendations (22%).³



¹ [https://www.ohchr.org/en/press-releases/2021/01/nepals-human-rights-record-be-examined-universal-periodic-review#:~:text=Related&text=GENEVA%20\(18%20January%202021\)%20%E2%80%93,that%20will%20be%20webcast%20live.](https://www.ohchr.org/en/press-releases/2021/01/nepals-human-rights-record-be-examined-universal-periodic-review#:~:text=Related&text=GENEVA%20(18%20January%202021)%20%E2%80%93,that%20will%20be%20webcast%20live.)

² <https://mofa.gov.np/press-release-on-3rd-upr/>

³ <https://www.ohchr.org/en/hr-bodies/upr/np-index>

3. Comparison between Second and third Cycle UPR Recommendations

In the second cycle, recommendations related to facilitation and carrying out federal restructuring based on inclusion. It also included recommendations on the Right to equality and non-discrimination in adherence to international obligations. These have been followed through into the third cycle as recommendations on ensuring the rights guaranteed under the constitution and international obligations. In the second cycle recommendations related to inclusion and non-discrimination based on caste, gender, ethnicity etc. were supported.

In the third cycle similar recommendations have been repeated and supported except for recommendation in relation to same sex-marriage as being noted by the government of Nepal. Recommendations calling for transitional justice to be followed through have been repeated. Along with this call for resolving issues related to enforced disappearances and torture through specific legislation were repeated. There has been no significant progression on transitional justice with Truth and Reconciliation (TRC) commission being practically non-functional and the new bill in relation to transitional justice called into question/scrutiny by stakeholders.

There were recommendations on sexual and gender violence in the second cycle. Similar recommendations have been made in the third cycle. Recommendation on eliminating statute of limitations on rape and gender-based violence has been noted by the government along with recommendation on broadening the definition of discrimination including different intersections of discrimination.

Concerns on ratification of different international conventions were reiterated in the third cycle. Nepal is yet to ratify Rome Statute, Convention against enforced disappearances (CED). Recommendations also have been made on ratifying the 1951 convention relating to the status of refugees and its 1967 protocol. The second cycle referred to adherence of non-refoulement in relation to refugees, call for ratifications of these conventions in the third cycle emphasizes the same concern. The recommendation has been noted by the government of Nepal along with recommendation on ratification of ILO conventions on domestic workers and ILO convention in relation to violence and harassment. In the second cycle, recommendation on principle of non-refoulement was supported contrary to the third cycle.

With Covid-19 and its consequences threatening or having the risk of creating a situation of non-adherence to several protections, some recommendations were made specific to these. A specific action plan for assessing the implementation of UPR recommendations has been adopted by the government of Nepal post second cycle. Both the cycles have recommendations in relation to National Human rights institutions, protection of vulnerable communities, international mechanisms, economic, social and cultural rights etc. Several other recommendations were made in the third cycle under 41 different sub-themes.

4. Methodology

This report has been prepared on the basis of legislative review, secondary materials, and consultations with civil society members, firsthand information of human rights activists, survivors and experts.

The methodology of assessing progress is underpinned by Nepal's treaty obligations, international and national commitments, enactment of legislations and policies, formulation of plan of actions, budget allocation and trainings provided to service providers. To assess, Nepal's progress on the implementation of economic, social and cultural rights, '*Indicators for monitoring economic, social and cultural rights in Nepal*', jointly prepared by the National Human Rights Commission, the Government of Nepal and the Office of the High Commissioner for Human Rights in Nepal was taken into consideration.⁴

⁴ Available at <http://nepal.ohchr.org/en/resources/publications/2011/Indicators%20for%20Monitoring%20ESCR%20in%20Nepal-%20A%20User's%20Guide.pdf>

Likewise, reference of *Monitoring Framework for the Implementation of the Right to Food in Nepal* was taken while assessing the situation of enjoyment of the right to food in Nepal.⁵

5. Assessment

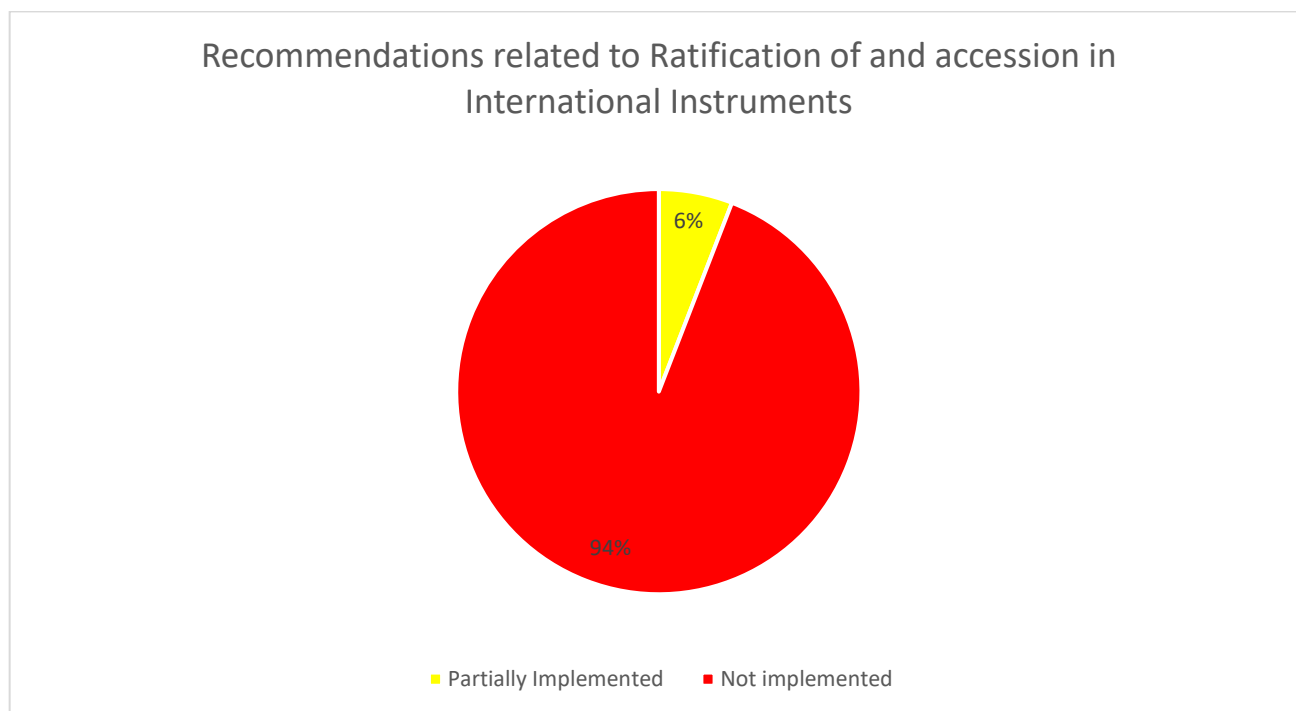
In line with the universality of the UPR, all recommendations, supported and noted, are assessed in this report. The recommendations have been grouped under 41 sub-themes in accordance with OHCHR Matrix. The subchapters below provide a brief narrative overview of each theme, before using the color-coded Traffic Light System to identify whether the authors consider a recommendation a) implemented, b) partially implemented or c) not implemented. Subchapters also provide a pie chart summarizing the results per theme.

FULLY IMPLEMENTED
PARTIALLY IMPLEMENTED
NOT IMPLEMENTED

The pie chart bellows presents a statistical overview of the implementation levels of Nepal’s 3rd cycle UPR recommendations.

5.1 Ratification of and Accession in International Instruments

Out of 17 recommendations related to Ratification of and accession in International Instruments in the third UPR cycle, Nepal supported 3 recommendations and noted 14. Assessment by the coalition considers that 1(6%) recommendation has been partially implemented and 16(94%) recommendations have not been implemented.



Nepal is a signatory to treaty on prohibition of nuclear weapons but is yet to ratify it. The ICC statute remains unratified. From 2021-23 Nepal has been serving a role as a member of United Nations Human rights council. With Nepal being a part of majority of core treaties to human rights the implementation is still challenging along with implementation of UPR recommendations.⁶ Issues and discussions are raised on ratification of remaining core treaties and their protocols both within and outside government

⁵ Available at <http://www.fao.org/right-to-food/resources/resources-detail/en/c/1037434/>

⁶ *Nepal Human Rights Yearbook 2023*, INSEC,2023, p.21

initiatives but there have been no new ratifications since the second cycle besides ratification of Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children) in 2020 . Nepal is yet to ratify International Convention of the Rights of Migrant Workers and Members of their Families, 2020) along with Convention for Protection of All Persons from Enforced Disappearances (CED).

Recommendation: Ratification of and Accession in International Instruments	Status
159.1 Take further steps towards establishing the legal and institutional foundation and capacity in order to join remaining international instruments (Georgia). Supported	Partially Implemented
159.3 Ratify the Treaty on the Prohibition of nuclear weapons (Honduras); Supported	Not Implemented
159.7 Ratify the main international treaties on human rights that have still not been ratified to ensure progress on Sustainable Development Goals 5, 11, 13 and 16 (Paraguay); Supported	Not Implemented
159.2 Accede to the Convention on Cluster Munitions (Holy See); Noted	Not Implemented
159.4 Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mongolia); Noted	Not Implemented
159.6 Ratify the Arms Trade Treaty, the Convention on Cluster Munitions, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Treaty on the Prohibition of Nuclear Weapons (Panama); Noted	Not Implemented
159.8 Ratify the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (Switzerland); Noted	Not Implemented
159.11 Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, introduce new legislation criminalizing torture, ill-treatment and enforced disappearance in all settings and ensure prompt, impartial and independent investigations into all relevant cases and bring perpetrators to justice (Czechia); Noted	Not Implemented
159.12 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Afghanistan) (Cyprus) (Denmark) (Germany) (Senegal) (Spain) (Switzerland) (Timor-Leste); Noted	Not Implemented
159.13 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol in conformity with the Sustainable Development Goal 16 (Paraguay); Noted	Not Implemented
159.14 Demonstrate commitment to further combating torture by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine); Noted	Not Implemented
159.15 Make progress in the ratification of human rights instruments, in particular the International Convention for the Protection of All Persons from Enforced Disappearance (Chile); Noted	Not Implemented
159.16 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France) (Japan); Noted	Not Implemented

159.16 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France) (Japan); Noted	Not Implemented
159.18 Ratify the Rome Statute of the International Criminal Court (France) (Switzerland); Noted	Not Implemented
159.19 Accede to the Rome Statute of the International Criminal Court (Cyprus); Accede to the Rome Statute of the International Criminal Court and incorporate its provisions into national legislation, as previously recommended (Estonia); Ratify and fully align its national legislation with all the obligations under the Rome Statute of the International Criminal Court, as previously recommended (Latvia); Consider the ratification of the Rome Statute of the International Criminal Court (Senegal); Noted	Not Implemented
159.20 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Egypt); Undertake concrete actions towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (El Salvador); Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the 1951 Convention relating to the Status of Refugees (Mexico); Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines); Noted	Not Implemented

5.2 Cooperation and Follow-up with Treaty Bodies

Out of 1 recommendation related to Cooperation and Follow-up with treaty bodies in the third UPR cycle, Nepal supported the recommendation. Assessment by the coalition considers that 1(100 %) recommendation has been partially implemented.

Nepal is a part of many United Nations treaties in addition to being a member of UN Human rights council since 2021. Regardless the reports to be submitted to concerned committees as an obligation after ratification of treaties has not been done timely.⁷ An open, merit-based process when selecting national candidates for United Nations treaty body elections is yet to be adopted.

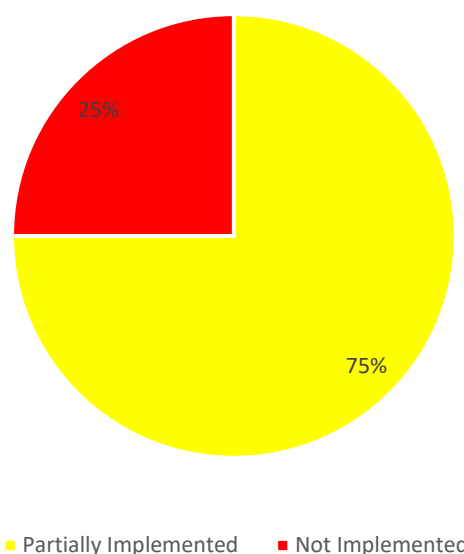
Recommendation: Cooperation and Follow-up with Treaty bodies	Status
159.9 Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); Supported	Not Implemented

5.3 Legal and Institutional reform

Out of 4 recommendations related to Constitutional and Legislative/Institutional reform in the third UPR cycle, Nepal supported 3 recommendations and noted 1. Assessment by the coalition considers that 3(75%) recommendations have been partially implemented and 1(25%) recommendation has not been implemented.

⁷ *Annual Human Rights Report 2019-20* National Human Rights Commission, Nepal, 2020 p.13

Recommendations related to Constitutional and Legislative/Institutional reform



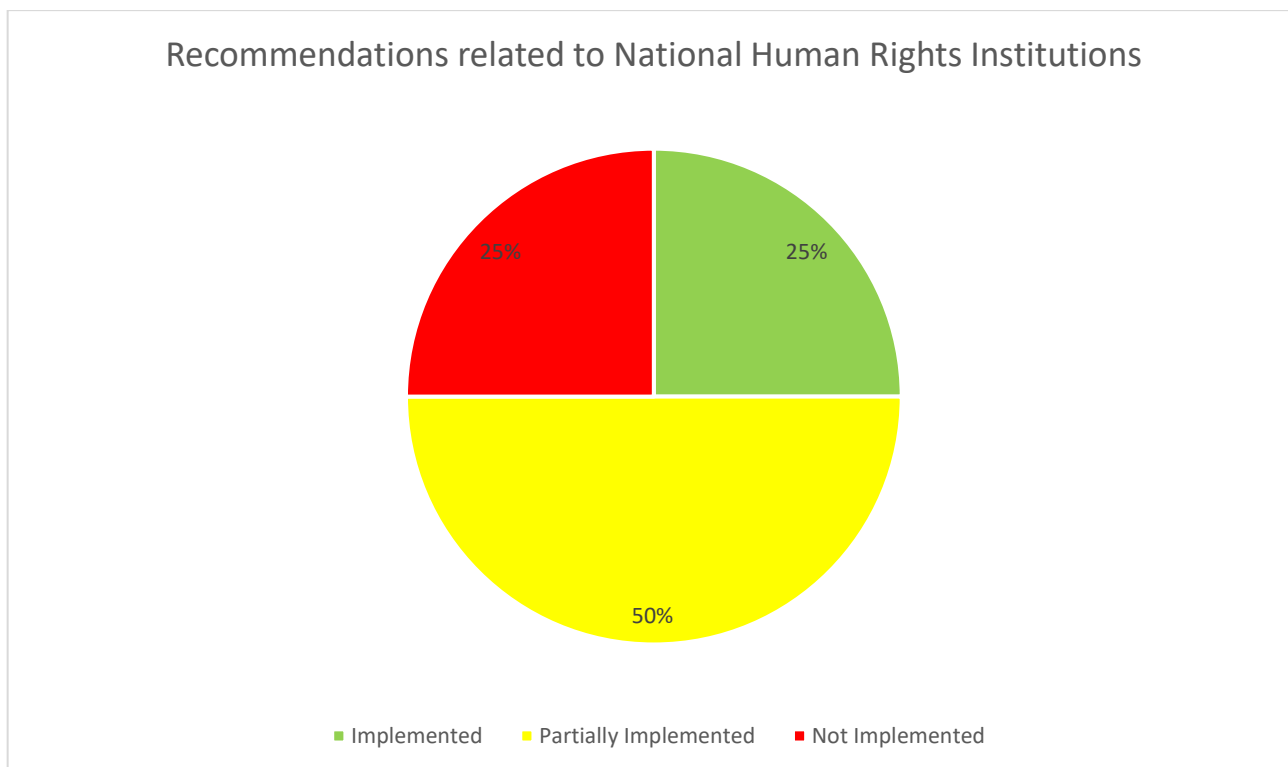
With questions being raised on the appointment of NHRC members, motivated by political influence and a litigation against the appointment, the focal institution for monitoring of human rights became a part of political controversy. Even though Nepal has supported recommendations in relation to transitional justice in all the three UPR cycles the commitment is yet to be translated into practice. Similar is the case with other commitments. Dissemination of disaggregated data through institutional means on relevant issues is still not apt although improving. The Supreme court of Nepal had to intervene in several issues including reminding government of the fact there would be no solution to Covid-19 and its consequences through unconstitutional path i.e., urging government to be more efficient in protection of human rights through institutional means.⁸ There has been progression on adoption of legislations to execute guaranteed fundamental rights, however, requisite amendments and formulation of several legislations remain to be adopted in line with International principles and jurisprudence as established by the Supreme court of Nepal.

Recommendation: Legal and Institutional Reform	Status
159.28 Continue its ongoing efforts to improve national mechanisms for the promotion and protection of human rights (Turkmenistan); Supported	Partially Implemented
159.29 Strictly comply with international human rights standards in elaborating, implementing and revising policy and legislation (Ukraine); Supported	Partially Implemented
159.30 Further enhance integration and cooperation among all sectors of society in order to continue achieving the goals of raising structural and institutional standards in the field of human rights (Oman); Supported	Partially Implemented
159.76 Repeal or amend sections 155, 156 and 158 of the Penal Code so it is consistent with the International Covenant on Civil and Political Rights (Denmark); Noted	Not Implemented

⁸ *Kesbar Jung K.C. et.al v Ministry of health and population etr.al* NKP 2077 (2020), volume 7, Decision no. 10547.

5.4 National Human Rights Institutions

Out of 4 recommendations related to National Human Rights Institutions in the third UPR cycle, Nepal supported all 4 recommendations. Assessment by the coalition considers that 1(25%) recommendation has been implemented, 1(25%) recommendation has not been implemented and 2 (50%) have been partially implemented.



A new act was promulgated in March 2019 in synchronicity with National Women Commission as envisioned in the Constitution. The role of NWC in terms of complaints is still suggestive and does not on its own draw a binding authority. An executive ordinance in December 2020 amended the Constitutional Council Act reducing the quorum requirement. Later appointments were made to several constitutional bodies without parliamentary approval, including in the NHRC. The move was criticized as derailing independence within constitutional bodies.⁹ A litigation is ongoing in relation to validity of those appointments. The National Human Rights Commission Act is yet to be amended to include values and commitments as reflected in the Paris principles. Instead of such amendment, a Bill was brought forth in 2019 under which NHRC would have to take permission from Ministry of Finance to accept additional financial resources. It also was inclusive of clauses that would make NHRC reliant on Office of Attorney General and would also derail NHRC's authorities to function in local and regional levels. Later, the amendment bill was not actualized. The Global Alliance of National Human Rights Institutions recommended Nepal's NHRC to be downgraded to B in October 2022.¹⁰

⁹ Nepal: Human Rights Commission's Integrity in Jeopardy, Human Rights Watch, 2021, available at, <https://www.hrw.org/news/2021/03/01/nepal-human-rights-commissions-integrity-jeopardy>

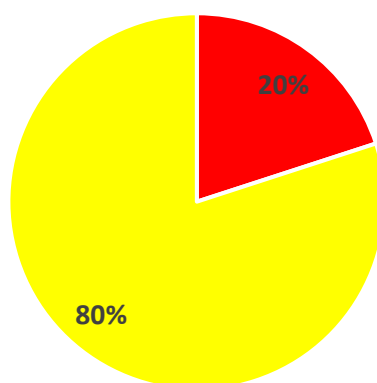
¹⁰ Accredited by the Global Alliance of National Human Rights Institutions, status as of 26 April, 2023 <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRI.pdf>

Recommendation: National Human Rights Institutions (NHRI's)	Status
159.23 Continue to take measures necessary for aligning the National Human Rights Commission Act with the elevated status of the National Human Rights Commission (Georgia); Supported	Not Implemented
159.24 Expedite the appointment of a commissioner on women's rights and provide the National Women's Commission with a complaint mechanism and the authority to issue binding rulings (Guyana); Supported	Partially Implemented
159.25 Take necessary steps to ensure the effective functioning of the National Human Rights Commission of Nepal in accordance with the Paris Principles, including through the financial autonomy of the Commission and implementation of its recommendations (Australia); Further strengthen the human rights-related institutions, including the National Human Rights Commission (India); Empower the National Human Rights Commission in full accordance with the Paris Principles (Kazakhstan); Guarantee full autonomy and jurisdiction to the National Human Rights Commission, in accordance with the Paris Principles, and ensure that the recommendations it issues are promptly implemented (Mexico); Strengthen further the National Human Rights Commission and continue to take measures for protecting women rights (Pakistan); Guarantee the financial and budgetary autonomy to ensure the effective functioning of the National Human Rights Commission so that it can carry out its mission and accomplish its objectives (Paraguay); Ensure that the National Human Rights Commission can discharge its functions fully, in accordance with the Paris Principles (Portugal); Further strengthen the National Human Rights Commission, including through the adoption of appropriate legislation (Sri Lanka); Ensure the independence of the National Human Rights Commission, in compliance with the Paris Principles (State of Palestine); Continue efforts to ensure the effective operation of the National Human Rights Commission, in keeping with the Paris Principles (Uzbekistan); Supported	Not Implemented
159.27 Expedite the appointment of a commissioner on women's rights (Timor-Leste); Supported	Fully Implemented

5.5 Equality and Non-Discrimination

Out of 18 recommendations related to Equality and Non-Discrimination in the third UPR cycle, Nepal supported 14 recommendations and noted 4. Assessment by the coalition considers that none of the recommendations have been fully implemented, 4 (20%) recommendations have not been implemented and 14 (80 %) have been partially implemented.

Recommendations related to Equality and Non-Discrimination



■ Not Implemented ■ Partially Implemented

The constitution provides guarantees relating to non-discrimination in terms of identity such as gender or caste¹¹. Development of programs and allocation of resources towards scholarship opportunities for girls, children from Dalit community, children freed from *Kamalari*, children affected by conflict etc.¹² National Criminal Code criminalizes caste-based discrimination making it a punitive offence. Despite caste and gender-based discrimination are still de facto prevalent. Such forms of discrimination are pervasive across sectors including education, health, economic opportunities etc. Social exclusion based on caste in public places and day to day interactions/engagements is still prevalent¹³. National Dalit Social Welfare Organization postulates towards the lack of comprehensive data on abuse based on discrimination and incidents of exclusion¹⁴. Health indicators and education indicators are also low in Dalits, Adivasi janajatis (indigenous groups) and other marginalized communities¹⁵ Dalit Empowerment Act was formed by Madhesh Province in 2076 (10th December 2019) and monitoring committees were formed across the province to monitor relevant issues including discrimination. An efficient implementation of the act has not been done. On May 23, 2020, killing in Rukum (west) of youths from Dalit community sparked a nation-wide debate on caste-based discrimination. Several instances of caste-based discrimination have been noted across the country. There is substantive legal basis for protection against discrimination, including caste-based discrimination, however their effective implementation is still a question. There were several amendments made in 2075 B.S. to the caste-based discrimination and untouchability act, 2068 (2011) broadening the ambit of what discrimination entailed and incorporated the role of local level in complaint procedures. The role of local level and National Dalit Commission is yet to be assessed on this count.

Although there are some programs and initiatives taken by the government to raise public awareness in terms of caste-based discrimination and discrimination of various forms they have not been efficiently able to translate into results/practices. Since covid-19 had a severe effect all communities across sectors, owing to existing vulnerabilities marginalized communities with and without the caste criterion faced compounded or more severe consequences. People with disability faced added difficulties in terms of accessing day to day services, employment, health services and information relevant to Covid-19.¹⁶

¹¹ Constitution of Nepal (2015), Art.24

¹² State of Children in Nepal 2020, National Child Right's Council, 2020, p.4.

¹³ See, <https://news.un.org/en/story/2020/05/1065102>

¹⁴ US Government, Nepal 2020: Human Rights Report, 2020, p.35.

¹⁵ Asian Development Bank, Gender Equality and Social Inclusion Diagnostic of Selected Sectors in Nepal, 2020.

¹⁶ Lekhanath Pandey, 'Coronavirus in Nepal a double threat for disabled people', *DW*, 31 August 2020, available at <https://www.dw.com/en/coronavirus-in-nepal-a-double-threat-for-disabled-people/a-54769845>, accessed on 15 July

Recommendation: Equality and Non-Discrimination	Status
159.32 Conduct public awareness campaigns to eliminate discrimination based on racial or caste-based hierarchies and ensure that educational curricula do not propagate these hierarchies (Bahamas). Supported	Partially Implemented
159.33 Investigate effectively and prosecute caste-based discrimination and violence (Croatia); Supported	Partially Implemented
159.34 Effectively apply national legislation towards the elimination of all practices based on a caste system, including in the light of the relevant human rights instruments (El Salvador); Supported	Partially Implemented
159.35 Develop effective mechanisms to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act (Germany); Supported	Partially Implemented
159.38 Pursue development of all sections of society in an inclusive manner (India); Supported	Partially Implemented
159.39 Continue the efforts to combat caste-based discrimination and segregation (Italy); Supported	Partially Implemented
159.40 Increase education and awareness-raising programmes to combat crimes of hate and racial discrimination (Jordan); Supported	Partially Implemented
159.41 Continue efforts to combat discrimination based on caste and gender (Lebanon); Supported	Partially Implemented
159.42 Take the necessary measures to advance in the fight against discrimination in all its forms, in particular racial and caste discrimination (Argentina); Supported	Partially Implemented
159.43 Consider including the issue of caste discrimination in school and university curricula (Malta); Supported	Partially Implemented
159.44 Continue to strengthen its efforts to prevent and eliminate discrimination based on caste, including through the full and effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act (Republic of Korea); Supported	Partially Implemented
159.45 Continue protecting, in law and practice, the rights of the vulnerable groups of the population, particularly women, children, persons with disabilities, older persons and ethnic minorities (Russian Federation); Supported	Partially Implemented
159.47 Conduct public awareness campaigns to eliminate caste-based hierarchies (State of Palestine); Supported	Partially Implemented
159.48 Intensify public awareness campaigns to eliminate the notion of racial or caste-based hierarchies (Sudan); Supported	Partially Implemented
159.31 Amend the legislation that generates discrimination on grounds of sexual orientation and gender identity and review the definition of marriage in the Civil Code to guarantee equal access to this right (Uruguay); Noted	Not Implemented
159.37 Adopt marriage equality legislation, extending full marriage rights to same-sex couples (Iceland); Noted	Not Implemented
159.46 Amend the Civil Code in order to recognize marriages of same-sex couples by strengthening the principles enshrined in the 2015 Constitution to protect the lesbian, gay, bisexual, transgender and intersex community (Spain); Noted	Not Implemented
159.218 Step up efforts in the fight against segregation and discrimination of indigenous peoples and ethnic and caste minorities, including Dalits and Tibetans (Czechia); Noted	Not Implemented

5.6 Human Rights and Climate Change

Out of 4 recommendations related to Human Rights and Climate change in the third UPR cycle, Nepal supported all 4 recommendations. Assessment by the coalition considers that all recommendations have been partially implemented.

In 2019 the government promulgated the Environmental Protection Act and Forest Act. This was because of judicial decision laid down in Padam Bahadur Shrestha v Prime Minister and Council of Ministers. The apex court in the decision stated that there are climate change duties which the state needs to follow to prevent climate change and reduce its effects. It provided that a new law was needed to implement Nepal's commitments under the Paris Agreement and the obligations it has as per the Constitution.¹⁷ Reconstruction post-earthquake of 2015 did include an element of inclusivity, however effective inclusivity has been questioned by various stakeholders. Although there have been attempts, full inclusivity of relevant communities is still to be realized in terms of devising climate and disaster related policies-programs. Studies suggest that participation of beneficiaries in relocation and rehabilitation in displacement situations has led to better implementation of development initiative catered towards relocation.¹⁸ The role of local government has also been emphasized for better execution of inclusive development initiatives-processes.

Recommendation: Human Rights and Climate Change	Status
159.49 Take further measures to combat climate change and natural disasters (Bangladesh); Supported	Partially Implemented
159.50 Ensure that women, children, persons with disabilities and indigenous and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction frameworks (Fiji); Supported	Partially Implemented
159.52 Apply an inclusive approach in shaping disaster prevention and mitigation policies and strategies by incorporating the views of women and vulnerable groups, including persons with disabilities and older people, indiscriminately (Indonesia); Supported	Partially Implemented
159.54 Ensure that vulnerable populations are engaged in the development and implementation of climate resilience and adaptation plans (Maldives) Supported	Partially Implemented

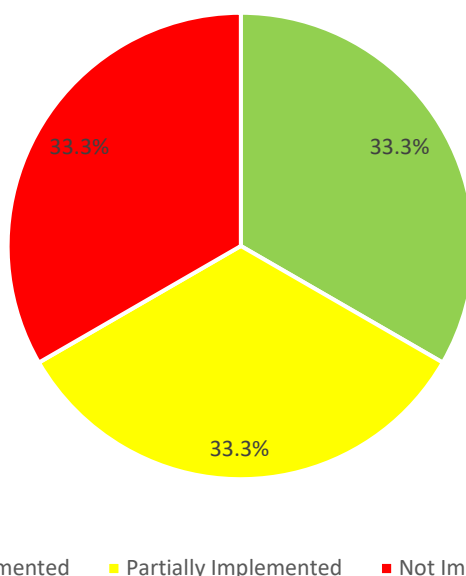
5.7 Prohibition of Torture and Ill Treatment (Including cruel, inhuman, and degrading treatment)

Out of 3 recommendations related to prohibition of torture and ill treatment (including cruel, inhuman, and degrading treatment) in the third UPR cycle, Nepal supported all 3 recommendations. Assessment by the coalition considers that 1(33.33%) recommendation has been implemented, 1(33.33%) recommendation have not been implemented and 1 (33.33 %) have been partially implemented.

¹⁷ Padam Bahadur Shrestha v Office of Prime Minister and Council of Ministers et.al , N.K.P 2076 (2019) , Vol.3 D.N. 10210

¹⁸ Dhurba Prasad Sharma & Jagat Basnet, *Displaced and Landless Issues in Reconstruction*, p.120-121, Vikash, Volume 1 , April 2021, National Planning Commission , Government of Nepal.

Recomemndation related to Prohibition of Torture and Ill treatment (Including, curel, inhuman, and degrading treatment)



The Constitution of Nepal¹⁹ and the National Penal Code, 2017 are inclusive of provisions that prohibit cruel, inhumane and degrading treatment. The National penal code particularly prohibits torture, cruelty and inhumane treatment by authorities competent under the law.²⁰ Regardless of the laws in place there were a few instances of alleged torture in custody by police primarily towards people from the minority community.²¹ Reports also present that in normal circumstances actions were taken against authorities involved in alleged torture in custody.²²

Recommendation: Prohibition of Torture and Ill Treatment (Including cruel, inhuman and degrading treatment)	Status
159.58 Strengthen its efforts to put an end to torture and ill-treatment of children in all settings (Montenegro);	Supported
159.59 Fight more effectively against impunity by putting in place legislation that penalizes acts of torture and investigating extrajudicial executions (France);	Supported
159.57 Revise the draft anti-torture bill to comply fully with international standards, including by removing the statute of limitations and providing for all five forms of reparation (Ireland);	Noted

5.8 Conditions of Detention

Out of 1 recommendation related to condition of detention in the third UPR cycle, Nepal supported 1. Assessment by the coalition considers that 1(100%) recommendation has been partially implemented.

Prisoners' vulnerability was aggravated during Covid-19. Prisons were over-crowded and lacking measure for physical distancing and proper WASH and medical facilities required during Covid-19.²³

¹⁹ Article 22, The Constitution of Nepal

²⁰ Section 167, National Penal Code, 2017

²¹ Custodial Deaths in Nepal: Towards a Framework for Investigation and Prevention, Advocacy Forum, July 2022, p.1

²² [Three police officers suspended over custody death of Dalit youth in Rautahat \(kathmandupost.com\)](https://www.kathmandupost.com/news/local/three-police-officers-suspended-over-custody-death-of-dalit-youth-in-rautahat)

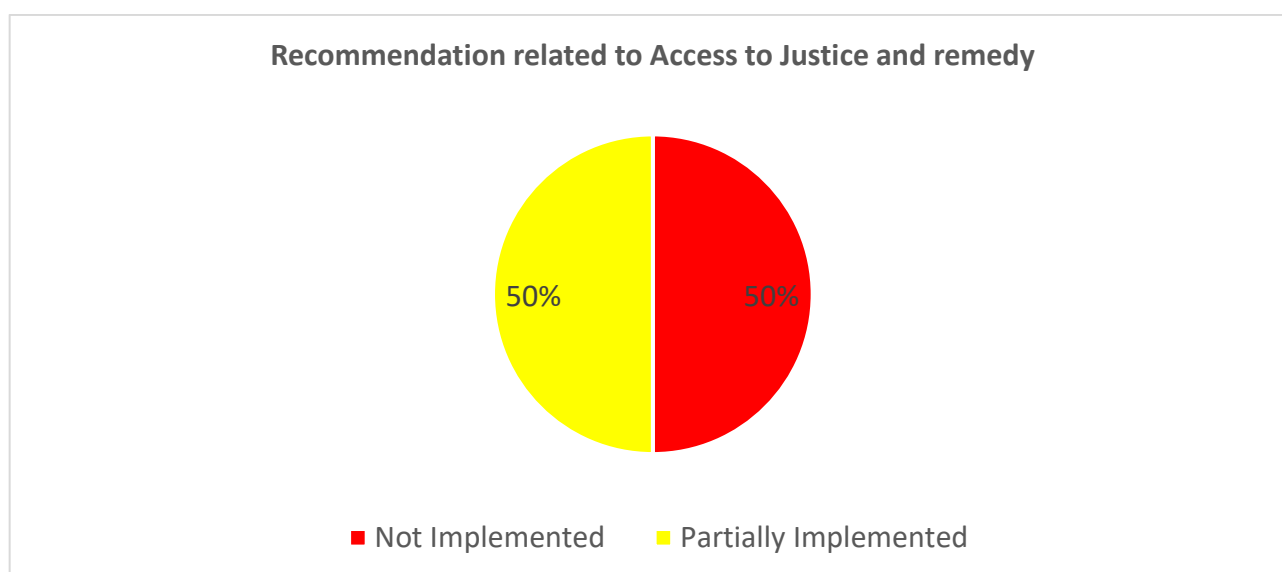
²³ Bhadra Sharma, 'Tension runs high in Nepal's overcrowded prisons after first inmate dies of Covid-19', *The Record*, 2 September 2020, Kathmandu, available at <https://www.recordnepal.com/tension-runs-high-in-nepals-overcrowded-prisons-after-first-inmate-dies-of-covid-19>.

Despite a court order and a recommendation by NHRC the situation of inmates remained precarious through most of the crisis.²⁴ In situations beyond Covid-19, with some attempts²⁵ to improve prison infrastructures the living conditions of persons deprived of liberty is still precarious with lack of proper prison management and inadequate infrastructure being the key.²⁶

Recommendation: Conditions of Detention	Status
159.55 Continue to improve the prison infrastructure and the living conditions of persons deprived of liberty (Cuba); Supported	Partially Implemented

5.9 Access to Justice and Remedy

Out of 2 recommendations related to access to justice and remedy in the third UPR cycle, Nepal supported all 2 recommendations. Assessment by the coalition considers that 1(50%) recommendation has been partially implemented, 1(50%) recommendation has not been implemented.



Vulnerable communities faced exacerbated circumstances in accessing justice during the Covid-19 period. The apex court intervening to the pressing matter of access to justice laid down a verdict stressing on the point procedural formalistic requirements of law should not be a hurdle in accessing justice in a circumstance like Covid-19 where implementation of basic facilities like transportation, right to health etc. were in jeopardy. The court considered the period of lockdown as zero hour to ensure accessibility.²⁷ Labour migrants faced the problem of accessing justice due to factors such as language barrier and inaccessibility of digital technology.²⁸ There have been instances of unlawful and extrajudicial killings with most of them coming within the limit of enquiry and investigation.

²⁴ See *Gopal Simakoti (Chintan) et.al. v Government of Nepal* NKP 2077 (2020), volume 5, Decision no. 10509.

²⁵ Available at :[Prison infrastructure construction gains pace - The Himalayan Times - Nepal's No.1 English Daily Newspaper | Nepal News, Latest Politics, Business, World, Sports, Entertainment, Travel, Life Style News](#)

²⁶ INSEC, Human Rights Yearbook 2023, p.49 Available at: [Chapter 2.2 Executive YB2023.pdf \(inseconline.org\); No one willing to fix overcrowded prisons - The Annapurna Express,](#)

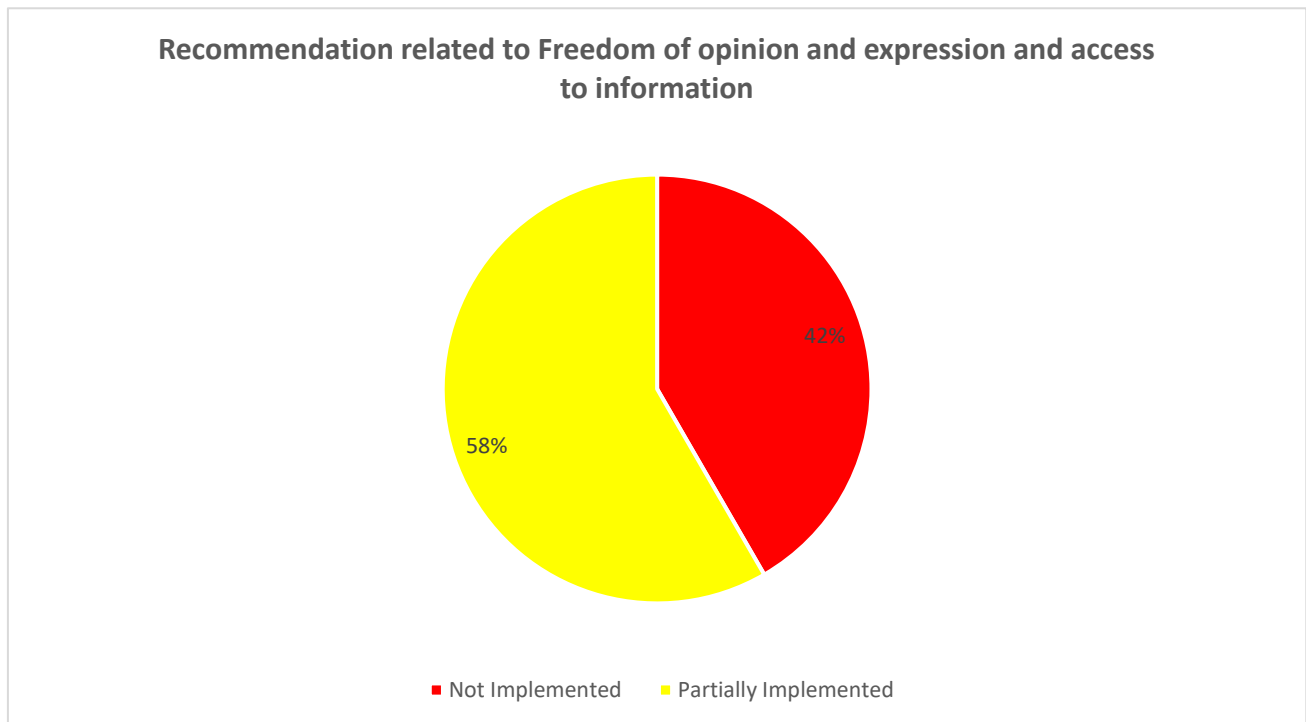
²⁷ Order of the extended full bench in the application of Maheswor Shrestha, NKP 2077 (2020), volume 2, Decision no. 10429.

²⁸ Centre for the Study of Labour and Mobility (CESLAM), Covid-19 and Nepali Labour Migrants, Center for the study of Labour and Mobility, Kathmandu, 2020, p.17 available at <https://www.ceslam.org/uploads/backup/research-paper-x-covid-19.pdf> The study has used survey data of FY 2017/18 to gauge where the majority of migrant workers from each province went to.

Recommendation: Access to Justice and Remedy	Status
159.56 Ensure prompt, impartial, independent and effective investigations into all cases of unlawful killings (Greece); Supported	Not Implemented
159.61 Continue efforts to ensure access to justice, poverty reduction and the protection of the rights of persons in vulnerable situations (Nigeria); Supported	Partially Implemented

5.10 Freedom of Opinion and Expression and Access to Information

Out of 12 recommendations related to Freedom of Opinion and Expression and Access to information in the third UPR cycle, Nepal supported 10 recommendations and noted 2. Assessment by the coalition considers that 7(58%) recommendations have been partially implemented and 5 (42 %) recommendations have been not implemented implemented.



Because of reasons like illiteracy, lack of technological competence and access to internet, language barriers and physical distance, many migrant workers faced difficulty in accessing the information provided by government agencies both from home country and country of destination, including calls to fill out the forms to return home in crisis situations.²⁹ Moreover, due to lack of the information provided to the migrant workers, they became more vulnerable and face problems and biases in accessing healthcare, relief services legal and regulatory assistance which was demonstrated during Covid-19.³⁰ During Covid-19 access to information was limited. Information dissemination was not efficiently disability friendly. In a case the court had to state that there had to be a balance between the right to privacy and the right of information in relation to Covid-19.³¹ The misunderstanding of Covid-19 drawing trauma to individuals and families but a necessity at the same time release relevant information was at the core of this. A stand-up comedian was arrested for hurting the sentiment of a community during a comedy sketch, drawing debate on the extent of freedom of opinion and

²⁹ ILO ILO, *Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers During the Health and Economic Crisis: Challenges and Way Forward*, ILO, 2020, p.6 ILO, *Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers During the Health and Economic Crisis: Challenges and Way Forward*, ILO, 2020, p.3.

³⁰ CESLAM (n 21)

³¹ *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

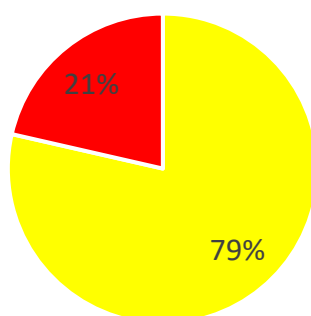
expression. The limits and extent of freedom of expression and opinion were contested in other art forms too. There were instances of human rights defenders and protesters being arrested while raising discontent over varying issues over the years, including an attempt to dissolution of parliament in 2020. Media was questioned by different sectors of society on their veracity and efficacy in drawing accurate information.

Recommendation: Freedom of Opinion and Expression and Access to Information	Status
159.73 Consider revising the local legislation on media and information technology in order to guarantee a situation of full respect of the right to freedom of opinion and expression (Brazil); Supported	Not Implemented
159.74 Ensure that legislation on cybersecurity guarantees the rights of access to information and freedom of expression (Chile); Supported	Not Implemented
159.75 Safeguard the freedom of expression and foster civil society participation; ensure that NGOs active in the field of human rights – including those receiving foreign grants – are free to operate (Czechia); Supported	Partially Implemented
159.77 Ensure the right to freedom of expression online and offline, in law and in practice, and guarantee a safe and enabling environment for journalists and human rights defenders (Estonia); Supported	Partially Implemented
159.78 Guarantee freedom of expression, information, and peaceful assembly by putting an end to the excessive use of force against demonstrators, human rights defenders and journalists, as well as by sanctioning the perpetrators of violations of their rights (France). Supported	Partially Implemented
159.79 Ensure no person is arrested for peacefully exercising their right to freedom of expression, association or assembly and that all arrests are carried out in accordance with the law and in line with international human rights standards (Greece); Supported	Partially Implemented
159.81 Protect and uphold the freedom of expression and peaceful assembly, including by respecting and supporting the free and independent media, in line with international human rights standards (Iceland); Supported	Partially Implemented
159.82 Promote and protect the right to freedom of expression and peaceful assembly of all residents of Nepal (Latvia); Supported	Partially Implemented
159.85 Introduce and implement measures to protect lawyers and human rights defenders, including investigating and prosecuting all forms of attacks against them (Netherlands); Supported	Not Implemented
159.88 Ensure the right to freedom of expression and ensure all individuals are protected against threats, intimidation and violence when engaging in public discourse (Australia); Supported	Partially Implemented
159.84 Eliminate all provisions that restrict freedom of expression, through any means, such as criminal provisions relating to slander or defamation (Mexico); Noted	Not Implemented
159.89 Reform the Electronic Transactions Act to eliminate the criminalization of speech (United States of America); Noted	Not Implemented

5.11 Human Trafficking and Contemporary Forms of Slavery

Out of 14 recommendations related to Human Trafficking and Contemporary Forms of Slavery in the third UPR cycle, Nepal supported all 14 recommendations. Assessment by the coalition considers that 11(79%) recommendations have been partially implemented and 3(21%) recommendations have been not implemented.

Recommendation related to Human Trafficking and Contemporary Forms of Slavery



■ Partially Implemented ■ Not Implemented

The Constitution of Nepal³² along with Human Trafficking and Transportation (Control) Act, 2007 (HTTA)³³ ensures rights against trafficking and criminalizes human trafficking and transportation. The Labour act 2017 also prohibits forced labour.³⁴ Nepal also ratified the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children) supplementing UN Convention against Transnational Organized Crime in 2020. Despite of this situation of human trafficking in fact remains as a violation. Along with these issues are raised with regards to amendment of Human trafficking and Transportation (Control) Act, 2007 in line with international standards-obligations.

The HTTA defines human trafficking in a narrow form by not considering concerns of forced labour. It also separately defines “human transportation” with elements of fraud, coercion, force etc. considered along with transportation and not defined explicitly in terms of trafficking. The foreign employment act, 2007 is criticized for considering human trafficking as in relation to a crime of fraud. There have been calls by the CSO’s to amend laws in line with its international obligations including as required by newly ratified Palermo protocol which is yet to be actualized.³⁵

The National Plan of Action on Human Rights (2020-2025) recognizes the aspect of social re-integration of victims of sexual exploitation. A new National action plan specific to human trafficking in relation to women and children is yet to be formulated the government needs to develop functioning policies focusing on child victims and their social re-integration.³⁶ Children were at the risk of trafficking, sexual, emotional abuse, and denial of rightful incentives during the Covid-19 pandemic.³⁷ A study revealed that emergency situations triggered rapid deinstitutionalization of children. Covid-19 pandemic and the 2015 earthquake both triggered deinstitutionalization with nearly 10% children reintegrating with their living parent or families during Covid-19 in 2020 and increasing the risk of trafficking in children.³⁸ According to a recent report by National Human Rights Commission (NHRC) there were 270 issues of human trafficking in Human Trafficking Investigation Bureau in which 392 individuals were found to be

³² Article 29(3), The Constitution of Nepal

³³ Section 2 and 3 The Human Trafficking and Transportation (Control) Act, 2007

³⁴ Section 4, The Labour Act, 2017

³⁵ [Trafficking laws incompatible with Palermo Protocol - The Himalayan Times - Nepal's No.1 English Daily Newspaper | Nepal News, Latest Politics, Business, World, Sports, Entertainment, Travel, Life Style News](#)

³⁶ National Child Rights Council. State of Children in Nepal 2020, National Child Right’s Council, 2020, p.50.

³⁷ [Martin Punaks, Samiyor Lama, Orphanage Trafficking and Child Protection in Emergencies in Nepal: A Comparative Analysis of the 2015 Earthquake and the 2020 COVID-19 Pandemic, 2020, p.27-28](#)

³⁸ Ibid

victims of human trafficking from 2020-2022.³⁹ Another report points towards 2000-3000 children as being victims of sexual exploitation outside adult entertainment industry.⁴⁰

Recommendation: Human Trafficking and Contemporary Forms of Slavery	Status
159.90 Step up efforts to combat slavery and trafficking in human beings, including by considering the possibility of adopting strategies or action plans in these spheres, as well as additional measures to identify victims of slavery and trafficking, especially among women and children, and to ensure their comprehensive protection and rehabilitation (Belarus); (Supported)	Partially Implemented
159.91 Ensure that those responsible for trafficking in persons and slavery are brought to justice (Burkina Faso); (Supported)	Partially Implemented
159.92 Intensify efforts to prevent trafficking in persons and all forms of slavery (Cyprus); (Supported)	Partially Implemented
159.93 Continue to strengthen efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour, and ensure effective implementation of standard operating procedures to address early identification of trafficking victims and provide adequate resources to rehabilitation centres for trafficking victims (Fiji); (Supported)	Partially Implemented
159.94 Intensify efforts to prevent trafficking in persons and every form of exploitation, including child labour, also through the early identification of and support to victims while bringing perpetrators to justice (Holy See); (Supported)	Partially Implemented
159.95 Continue efforts to prevent human trafficking, slavery and sexual exploitation (Iraq); (Supported)	Partially Implemented
159.96 Increase efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour, including child labour (Malaysia); (Supported)	Partially Implemented
159.97 Intensify its efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour (Montenegro); (Supported)	Partially Implemented
159.98 Revise the Human Trafficking and Transportation (Control) Act to bring the definition of human trafficking into line with international law and to include all aspects of human trafficking (Armenia); (Supported)	Not Implemented
159.99 Scale up efforts to combat human trafficking and protect the rights of victims, as well as the rights of migrants (Nigeria); (Supported)	Partially Implemented
159.100 Take further steps to end trafficking in persons and bonded labour practices, with special emphasis on children (Norway); (Supported)	Partially Implemented
159.101 Continue efforts aimed at implementing the law on combating trafficking in human beings, notably the national action plan to combat human trafficking (Saudi Arabia); (Supported)	Not Implemented
159.102 Invest additional efforts in fighting human trafficking, slavery, sexual exploitation and forced labour, as well as efficiently conduct the sanctions policy against perpetrators of these crimes (Serbia); (Supported)	Partially Implemented
159.103 Harmonize the Foreign Employment Act and the Human Trafficking and Transportation (Control) Act to ensure consistency with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Kingdom of Great Britain and Northern Ireland); (Supported)	Not Implemented

³⁹ National Report on Human Trafficking, National Human Rights Commission, Nepal, 2022, p.2TIP Report Inner compressed.pdf (nhrcnepal.org)

⁴⁰ 2022 Trafficking in Person Report - U.S. Embassy in Nepal (usembassy.gov)

5.12 Human Rights and Poverty

Out of 11 recommendations related to Human Rights and Poverty in the third UPR cycle, Nepal supported all 11 recommendations. Assessment by the coalition considers that all 11 recommendations have been partially implemented.

During Covid-19, pandemic poor people were at extended risk of vulnerability owing to their existent circumstances. Middle income people were at the risk of moving towards poverty. NRB indicated that 22.5 % of workers lost their livelihood and 35 % of businesses were running partially within the first four months of lockdown.⁴¹ Price hikes were common with doubling effects for some commodities within a single week.⁴² The socio-economic impact was not only material in nature with more than 1000 reported suicide cases during the first four months of lockdown. This was an evince to the psycho-social impact the pandemic was creating in relation to the socio-economic impact.⁴³ Reports suggest that loss livelihood, food insecurity and regression in standard of living was high in people from the lowest wealth quintile.⁴⁴

Recommendation: Human Rights and Poverty	Status
159.108 Further accelerate efforts to reduce poverty aimed at achieving an adequate living standard for all people (Democratic People’s Republic of Korea); Supported	Partially Implemented
159.109 Continue its efforts in poverty reduction by providing poor families with opportunities to access productive resources, capacity-building, income and sustainable development (Lao People’s Democratic Republic); Supported	Partially Implemented
159.111 Intensify cooperation and efforts with the support of the international community to further enlarge programmatic interventions and investment in key areas of poverty reduction (Cambodia); Supported	Partially Implemented
159.113 Continue to promote sustainable economic and social development and to further promote poverty alleviation (China); Supported	Partially Implemented
159.116 Further capitalize on the gains in poverty reduction and step up efforts for an increased per capita (Ethiopia); Supported	Partially Implemented
159.119 Continue efforts to combat and eliminate extreme poverty (Lebanon); Supported	Partially Implemented
159.120 Continue its poverty reduction measures to achieve its target of reducing from 18 to 13 per cent by 2024 through inclusive and sustainable development (Myanmar); Supported	Partially Implemented
159.123 Implement a national action plan to reduce poverty with a human rights-based approach and focused on Sustainable Development Goals 1 and 10 (Paraguay); Supported	Partially Implemented
159.124 Ensure that its efforts to address poverty are inclusive, gender-responsive and human rights-based (Philippines); Supported	Partially Implemented
159.130 Continue the measures aimed at poverty alleviation, ensuring adequate housing and providing water and sanitation to the population (Azerbaijan); Supported	Partially Implemented

⁴¹ Gopal Sharma, ‘Nearly a quarter of Nepal’s workers lose jobs due to coronavirus—central bank,’ *Reuters*, 2020 available at <https://www.reuters.com/article/health-coronavirus-nepal-idINKCN2591A8>

⁴² Krishana Prasain, ‘Vegetables become scarce and costly as transporters stay away due to virus fears,’ *The Kathmandu Post*, 28 March 2020, available at <https://kathmandupost.com/12/2020/03/28/vegetables-become-scarce-and-costly-as-transporters-stay-away-due-to-virus-fears>

⁴³ Arjun Poudel, ‘Over 1,200 people killed themselves during 74 days of lockdown’ *The Kathmandu Post*, 14 June 2020, available at <https://kathmandupost.com/health/2020/06/14/over-1-200-people-killed-themselves-during-74-days-of-lockdown>,

⁴⁴ UKAID & World Food Program, ‘The Impact of Covid-19 on Households in Nepal: Fifth round of mVAM Household Livelihoods, *Food Security and Vulnerability Survey*, 2021, Nepal., p.28

159.131 Further strengthen effective collaboration with the international community to increase investment in food, housing, poverty reduction, employment generation, health care, education, social security and the development of people-centric infrastructures (Turkmenistan); Supported	Partially Implemented
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5.13 Right to an Adequate Standard of Living

Out of 2 recommendations related to Right to an adequate Standard of Living in the third UPR cycle, Nepal supported 2 recommendations. Assessment by the coalition considers that all 2 (100%) recommendations have been partially implemented.

The situation of food insecurity because of lack of income resources was high during the covid-19 pandemic. The situation was more pressing in *Madhesh* and *Sudbur Paschim* provinces. Businesses were at risk with consequential impact on families relying on employment.⁴⁵ With more than 80 % of workers involved in informal sectors employment, they were left out of social protection and claim of contracted rights during the pandemic⁴⁶ The pandemic affected all aspects that would relate to adequate standard of living including health, food, shelter etc. Beyond the pandemic there were some indicators of improvement in standard of living, however the laws and policies devised to improve adequate standard of living are not efficiently implemented.

Recommendation: Right to an Adequate Standard of Living	Status
159.117 Continue measures to improve the country's standard of living (Kuwait); Source of Position: A/HRC/47/10/Add.1 - Para.6 (Supported)	Partially Implemented
159.127 Continue its efforts to improve the standards of living of its people through the implementation of laws and policies that have already been put in place (Sri Lanka); Source of Position: A/HRC/47/10/Add.1 - Para.6 (Supported)	Partially Implemented

5.14 Safe Drinking Water and Sanitation

Out of 2 recommendations related to Safe Drinking Water and Sanitation in the third UPR cycle, Nepal supported all 2 recommendations and noted 2. Assessment by the coalition considers that all 2(58%) recommendations have been partially implemented.

There has been improvement in relation to providing safe drinking water and sanitation facilities. The lack of efficacy has however been demonstrated during situation such as Covid-19, where the quarantine facilities lacked basic safe drinking water and sanitation facilities. The government has launched initiatives to increase awareness in relation to sanitation.

Recommendation: Safe Drinking Water and Sanitation	Status
159.110 Continue to promote access to safe drinking water and sanitation, especially in rural and hard-to-reach areas (Bangladesh); Supported	Partially Implemented
159.112 Consider taking additional steps to raise the number of people having access to upgraded water facilities nationwide (Cambodia); Supported	Partially Implemented

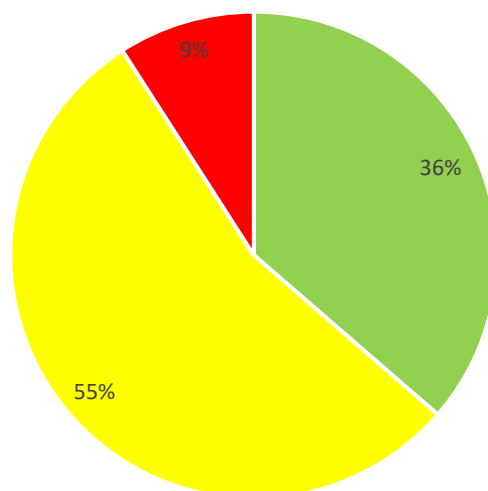
5.15 Right to Health

Out of 11 recommendations related to Right to Health in the third UPR cycle, Nepal supported all 11 recommendations. Assessment by the coalition considers that 4 (36%) recommendations have been implemented, 6 (55%) have been partially implemented and 1(9%) has not been implemented.

⁴⁵ UKAID & World Food Program, "The Impact of Covid-19 on Households in Nepal: Fifth round of mVAM Household Livelihoods, *Food Security and Vulnerability Survey*, 2021, Nepal., p.28

⁴⁶ Covid-19 Labour Market Impact in Nepal, 2020, *ILO*, Nepal, p.2.

Recommendations related to Right to Health



■ Implemented ■ Partially Implemented ■ Not Implemented

Right to health was grossly impacted during the Covid-19 pandemic. Several Covid-related health care protective measures were announced, including free health-care facilities (testing) and an insurance package. However free health care facilities and recouping insured amount were both not effective.⁴⁷ With a dilemma on legal grounds, Infectious Disease Control Act, 1964 and Public Health Act, 2018 were used as the basis for initial prevention and control. This legislation was very broad and questioned as inapt with the multidimensional implications that Covid-19 and its consequences would bring. Other guidelines such as “Corona Virus Quarantine and Management Standard 2020”, “Covid-19 case isolation management guideline” etc. were also adopted by the Government.

The guideline was in fact seen to be inefficiently applied even in minimal thresholds in many quarantines around the country. NHRC noted to this reference that conditions in the quarantine facilities were so deplorable that many people fled and refused to stay in those facilities, prompting possible transmissions in communities.⁴⁸ Covid-19 case isolation guideline designated certain hospitals specifically for Covid-19, including isolation and treatment. Patients were often denied entry into hospitals and were refused beds in lack of requisite numbers. Access to medical services was a challenge through the pandemic. Suicide rates were reportedly higher with the psychological impact of pandemic not taken duly into account in the initial stages. People with disabilities and senior citizens faced higher difficulties in accessibility issues owing to the pandemic. Owing to the efficacy in guaranteeing ensured rights, the apex court intervened in multiple situations including establishing Covid-19 services as within basic health services, requirement of extending covid-19 related services and health personnel to affected areas etc. Beyond the pandemic, although there are various attempts in policies and practices to extend guarantees of right to health they have not been efficiently implemented. Access to health facilities, lack of infrastructures, required medical personnel is still an existent fact in many parts across the country.

⁴⁷ Ibid p. 33 provides that, “free health care is provided to all Covid-19 positive persons, health spending has been increased to ensure an adequate response to health crisis. Additionally, an insurance package of NPR 2.5 MM is provided to healthcare and security personnel involved in treating Covid-19 patients”.

⁴⁸ National Human Rights Commissions, ‘Conduct operation of the quarantine as per the set standards’, *National Human Rights Commissions*, 18 May 2020), available at https://www.nhrcnepal.org/nhrc_new/doc/newsletter/Operate%20Quarantine%20in%20accordance%20with%20the%20standards.pdf,

Nepal has developed some policies and strategies to promote awareness about mental health and facilitate medical and non-medical services. National Mental Health Strategy and Action Plan 2020 (under Ministry of health and population) and Integrated action plan on psycho-social counselling services for mental health management (under Ministry of Women, Children and Senior Citizen) 2021 are examples. Mental health survey was also conducted by National Health research Council in 2020. The survey found that 10 % of adults have had mental disorders at a point of their lives and 7.2 % have had suicidal thoughts.⁴⁹ The efficacy of national actions plans and policies is yet to be assessed, the involvement of local level in both identification and formulation of future evidence-based policy in relation to mental health might be crucial. Neo-natal mortality rate is in a decreasing trend through the years.⁵⁰

Recommendation: Right to Health	Status
159.132 Maintain its commitment to implementing health plans and programmes to ensure the protection of the right to health during emergencies and pandemics (Bahrain); Supported	Partially Implemented
159.136 Develop and implement a national strategy and action plan for the prevention of suicide, in particular by establishing a reliable data collection and addressing the social stigma associated with suicide and the root causes of male and female suicide in follow-up to the recommendations (Haiti); Supported	Partially Implemented
159.138 Make efforts in furtherance of the rights to health and education (India); Supported	Partially Implemented
159.139 Ensure leprosy training within the health-care community and implement the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members (Japan); Supported	Partially Implemented
159.140 Take all necessary measures to strengthen the promotion and protection of the human rights and dignity of older persons, particularly in the current situation of extreme vulnerability they face in the context of the COVID-19 pandemic (Argentina); Supported	Partially Implemented
159.141 Take steps to reduce neonatal mortality, in line with Sustainable Development Goal 3 (Mauritius); Supported	Fully Implemented
159.142 Enhance the ongoing efforts to reduce the neonatal mortality rate (Myanmar); Supported	Fully Implemented
159.143 Continue efforts to facilitate access to health services (Saudi Arabia); Supported	Partially Implemented
159.144 Continue to expand efforts towards universal health coverage while minimizing disruption in the access to basic health-care services during the pandemic, taking into consideration the ongoing COVID-19 pandemic (Singapore); Supported	Partially Implemented
159.145 Strengthen the implementation of World Health Organization's guidelines on preparedness, prevention and control of COVID-19 in prisons and other places of detention (Thailand); Supported	Not implemented
159.146 Continue the Government's efforts to strengthen integrated networks of health services (Oman); Supported	Partially Implemented

5.16 Sexual and Reproductive Health and Rights

Out of 2 recommendations related to Sexual and Reproductive Health and Rights in the third UPR cycle, Nepal supported all 2 recommendations. Assessment by the coalition considers that all 2 (100 %) recommendations have been partially implemented.

⁴⁹ Report of National Mental Health Survey, 2020, National Health research council, Government of Nepal, p. xv

⁵⁰ [Nepal \(NPL\) - Demographics, Health & Infant Mortality - UNICEF DATA](#)

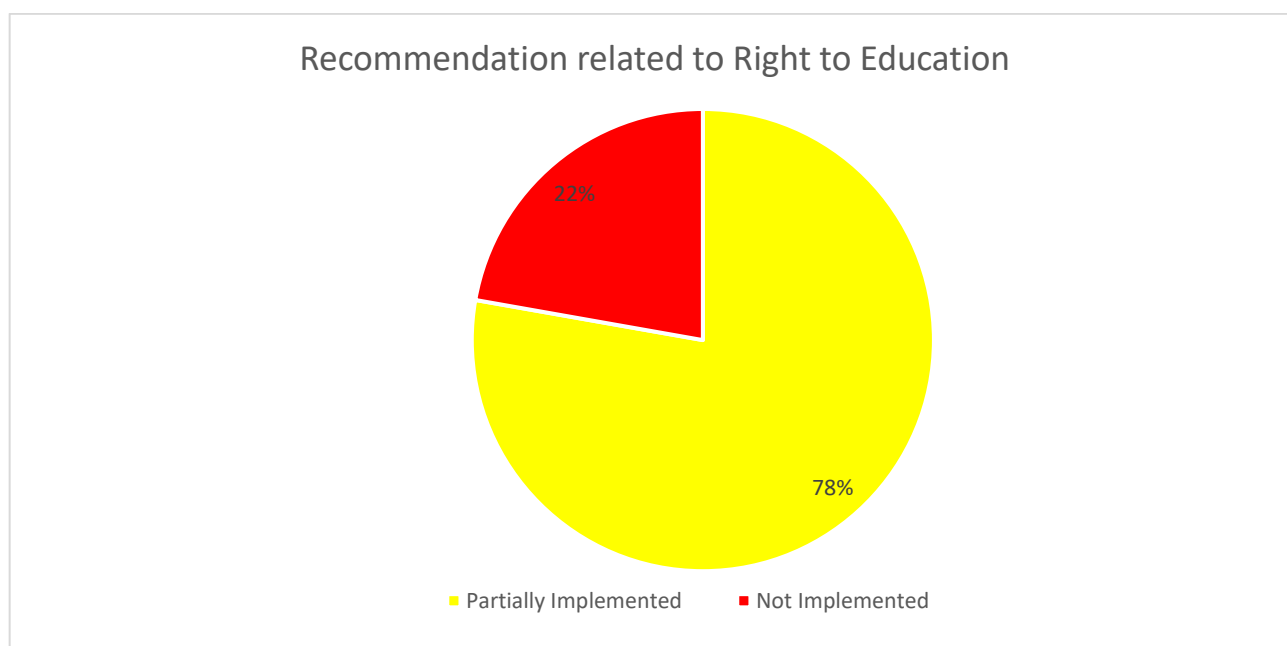
The right relating to reproductive health has been guaranteed by the constitution under Article 38(2). Several legislations and policies also recognize the right of sexual and reproductive health. Despite this guarantee, during the pandemic the apex court had to intervene and state that health services in relation to sexual and reproductive rights are fundamental and the covid-19 response should consider these health necessities.⁵¹ With this the court gave a directive to the government to continue guaranteeing sexual and reproductive rights including vaccination to children and inclusion of reproductive health related necessities in care packages.

The Right to Safe Motherhood and Reproductive Health Act was adopted in 2018, guaranteeing several reproductive rights including the right of abortion under the act.⁵² The act also guarantees to counselling and information in relation to reproductive health, right to accessing relevant health services, right to make choice of reproductive health services etc. Its regulations and guidelines were subsequently formed in 2020 and 2021. A petition has been filed in February 2022, by FWLD demanding reproductive rights in line with recommendations made by United nations and fundamental rights guaranteed through the constitution including fulfillment of commitment in relation to decriminalization of abortions.

Recommendation: Sexual and Reproductive Health and Rights	Status
159.135 Decriminalize abortion and concretely protect the rights and sexual and reproductive health of women and girls (France); Supported	Partially Implemented
159.137 Implement the commitment made at the Nairobi Summit on the twenty-fifth anniversary of the International Conference on Population and Development to ensure that marginalized groups are able to exercise their reproductive rights through universal access to quality family planning services, the upscaling of adolescent-friendly health services and the full integration of comprehensive sexuality education, consistent with the evolving capacities and needs of youth (Iceland); Supported	Partially Implemented

5.17 Right to Education

Out of 9 recommendations related to Right to Education in the third UPR cycle, Nepal supported all 9 recommendations. Assessment by the coalition considers that 7 (78%) recommendations have been partially implemented and 2 (22%) recommendations have not been implemented.



⁵¹ *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

⁵² Section 3(5)

The Constitution of Nepal guarantees right to education⁵³ as fundamental right and the Act relating to compulsory and free education 2018 provides legislative basis for its implementation. The act also provides special rights for citizens with disabilities including disability specific accessibility to education.⁵⁴ The duty of keeping data in relation to Dalits, people with disabilities, economically indigent people has been vested upon the local level. The efficacy of local in collection of such record is yet to be assessed. There has been progression in raising of awareness for education amongst Dalit community, with instances of local level government being involved in door-to-door campaigns.⁵⁵ Education indicators are low in marginalized communities as in other sector like health.⁵⁶ Gender based disparity is pervasive in education as in other sectors. Female children are vulnerable to deprivation of education and other necessities because of problems such as child labour.⁵⁷ Ministry of Education, Science and Technology has created a reporting mechanism to facilitate cases of violence experienced by students at schools. Complaint response mechanism guideline 2073 is in place which makes such reporting mechanism compulsory across schools along with appointment of a female teacher as a gender focal person. The efficiency of which is still to be studied.

Commitment to increase and implement scholarship for children from marginalized community was reiterated in the Budget speech of 2022.⁵⁸ 100 million rupees was separated in buying essential equipment in schools in each province to breach the digital divide in terms of education.⁵⁹ Sexual education is a part of required curriculum but is found to be skipped by faculties in some scenarios.⁶⁰ There are very few schools that have disability friendly infrastructure which could support in the teaching and learning of children with disabilities⁶¹. (Look for new data) Digital divide in terms of accessibility to education was clearly seen during Covid-19. Children’s curriculum is still missing out on dissemination of principle of child rights as committed by Nepal under the Child rights convention (CRC), and education is still mostly accessible only in English and Nepali language, missing out on native accessibility. Education Policy 2076 to provide professional development training to teachers, develop a national teacher competency framework and pre-service teacher education including several other plans to improve accessibility and quality of education remains to be completed.

Recommendation: Right to Education	Status
159.147 Continue its efforts to create favourable conditions for ensuring access to free and quality education, and public health for all (Democratic People’s Republic of Korea); Supported	Partially Implemented
159.148 Step up further efforts to ensure gender parity in both primary and secondary education (Bangladesh); Supported	Partially Implemented
159.149 Enhance measures to scale up school enrolment at the secondary level (Ethiopia) Supported	Partially Implemented
159.150 Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to the Dalit community, underrepresented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions (Finland); Supported	Partially Implemented
159.151 Defend and promote the fundamental right to education, ensuring the	Supported

⁵³ Article 31, Constitution of Nepal

⁵⁴ Section 33, Act relating to Compulsory and free education, 2018.

⁵⁵ [Chandrapur adopts door-to-door campaign to make Dalit children attend school \(kathmandupost.com\)](http://kathmandupost.com)

⁵⁶ Asian Development Bank, Gender Equality and Social Inclusion Diagnostic of Selected Sectors in Nepal,

⁵⁷ ILO, Nepal Child Labour Report 2021, p.30.

⁵⁸ Budget Speech 2022, p.24-25 Can be accessed in [1656476715_Budget Translation 031379 cv.pdf \(mof.gov.np\)](https://mof.gov.np)

⁵⁹ Ibid

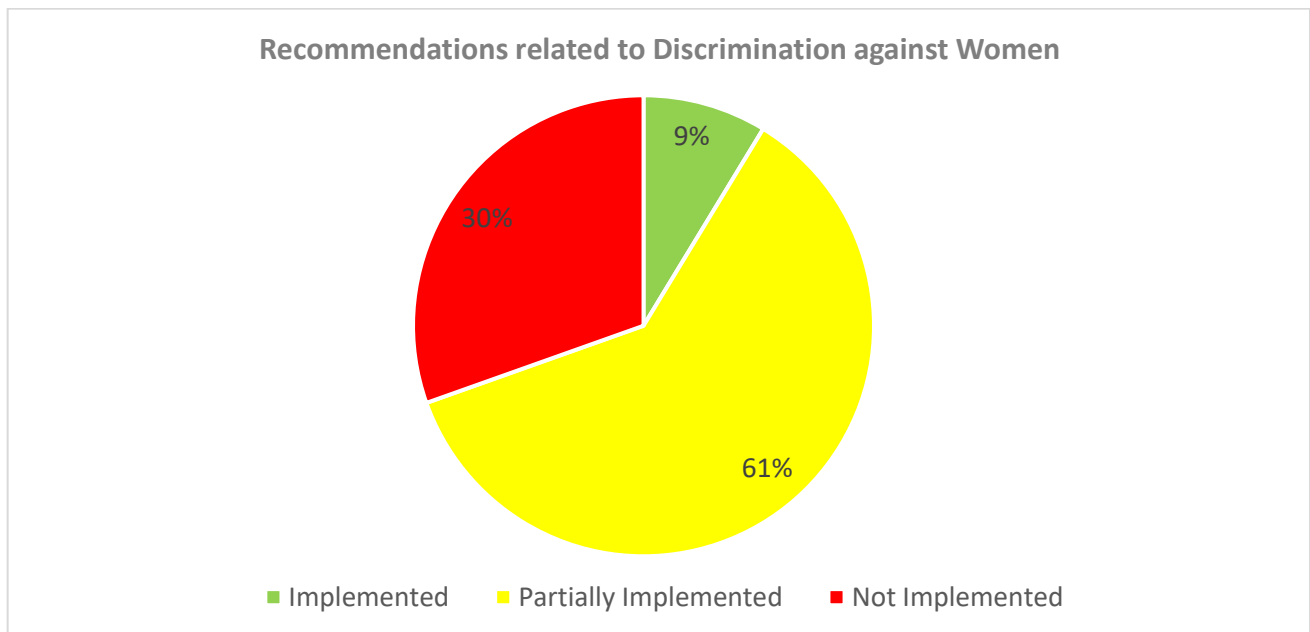
⁶⁰ Parents and teachers should be part of sex education, *Republic Nepal National Daily*, (10 March 2017) available at <https://myrepublica.nagariknetwork.com/news/parents-and-teachers-should-be-part-of-sex-education/>

⁶¹ Disability Inclusive Development in Nepal, Institute of Development Studies, 2020.

provision of free quality education to all without discrimination (Holy See); Supported	
159.152 Provide free quality education to all citizens without discrimination (Mauritius); Supported	Supported
159.153 Continue its efforts to ensure an all-inclusive education system that leaves no one behind, including children with disabilities (Norway); Supported	Partially Implemented
159.154 Expand the scope of such initiatives as the Act relating to Compulsory and Free Education of 2018 and provide more scholarships on an equal basis (Turkey); Supported	Partially Implemented
159.155 Guarantee access to compulsory and free education for all children (France); Supported	Partially Implemented

5.18 Discrimination against Women

Out of 22 recommendations related to Discrimination against women in the third UPR cycle, Nepal supported 21 recommendations and noted 1. Assessment by the coalition considers that 1(9%) recommendations have been implemented, 14(61%) recommendations have been partially implemented and 7(30%) recommendations have not been implemented.



Covid-19 and its consequences added to already unequal burden that women shared in domestic situations. With loss of income, impact in family and added burdens because of overall difficulties in a household, women’s situation was seen to be more precarious. Differential impact of Covid-19 on men and women was also recognized with exacerbated vulnerabilities of women acknowledged. An order was passed on to include women in CCMC, where initially there was no representation women. The court explicitly acknowledged the socio-historical marginalization of women and ordered for plans and policies to include differentiated and complex experiences of women during the pandemic. Recognition that men’s loss of job added to women’s vulnerability and additional stress in household affairs was also made.⁶²

Beyond Covid-19 Female children are vulnerable to deprivation of education and other necessities due to child labour⁶³ Gender based disparity is pervasive in education as in other sectors. Female children

⁶² *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

⁶³ ILO, Nepal Child Labour Report 2021, p.30.

face more repercussions because of practices such as child marriage. Forced sexual initiation, degradation of reproductive health, domestic violence, deprivation of rights such as education etc. were more prevalent in female children.⁶⁴

National Gender Equality Policy was adopted in 2020 (2077 B.S.) a, the policy highlights situations of domestic violence, continuation of harmful practices, wrongful perceptions regarding gender roles, undermining of contribution of women in economic activities etc. as problems because of which gender discrimination against women is prevailing.⁶⁵ The implementation of the policy is yet to assessed in evidence.

Recommendation: Discrimination against Women	Status
159.159 Fully enforce the law and strengthen policy measures with a view to eliminating harmful traditional practices (Bahamas); Supported	Not Implemented
159.161 Ensure the effective implementation of the criminalization of chhaupadi and wedding dowries, including by raising awareness among all stakeholders, imposing sanctions and prosecuting perpetrators (Belgium); Supported	Partially implemented
159.163 Ensure, in law and in practice, the effective combat of sexual violence and the end of discriminatory measures against women and girls, including in policies related to access to justice, attribution of nationality and prevention of trafficking in persons (Brazil); Supported	Partially implemented
159.165 Take concrete actions to eliminate all forms of inequality and structural violence against women, in particular in the new constitutional legislation of Nepal (Chile); Supported	Partially implemented
159.166 Ensure full equality between men and women with respect to conferring citizenship on their children and spouse, including by amending provisions in the Constitution and Citizenship Act amendment bill 2020 (Canada); Supported	Not Implemented
159.167 Continue to promote gender equality and better protect women's rights (China); Supported	Partially implemented
159.169 Adopt comprehensive legislation banning gender-based discrimination; take effective measures to end gender-based violence, trafficking in women and girls, and sexual exploitation; provide sufficient numbers of safe shelters and other necessary services for victims (Czechia); Supported	Partially implemented
159.172 Adopt policies to protect and provide justice for women and girls, especially those from minority communities (Estonia); Supported	Partially implemented
159.174 Ensure that the rights to acquire, transfer and retain citizenship are extended equally to all women and their children (Finland); Supported	Not Implemented
159.176 Amend the Citizenship Act to enable citizenship documentation at birth and to repeal gender discriminatory provisions (Germany); Supported	Not Implemented
159.177 Continue its efforts to eliminate forms of discrimination against women and girls, and further promote the rights of women, children and persons from other vulnerable groups (Viet Nam); Supported	Not Implemented
159.178 Take measures to further promote gender equality (India); Supported	Partially Implemented
159.179 Further strengthen measures to eliminate discrimination against women and girls, including through concrete legislative and policy interventions, as well as public awareness of the negative effects of harmful practices against women and girls (Indonesia); Supported	Partially Implemented
159.181 Step up efforts to provide equal access to online education for girls,	Partially

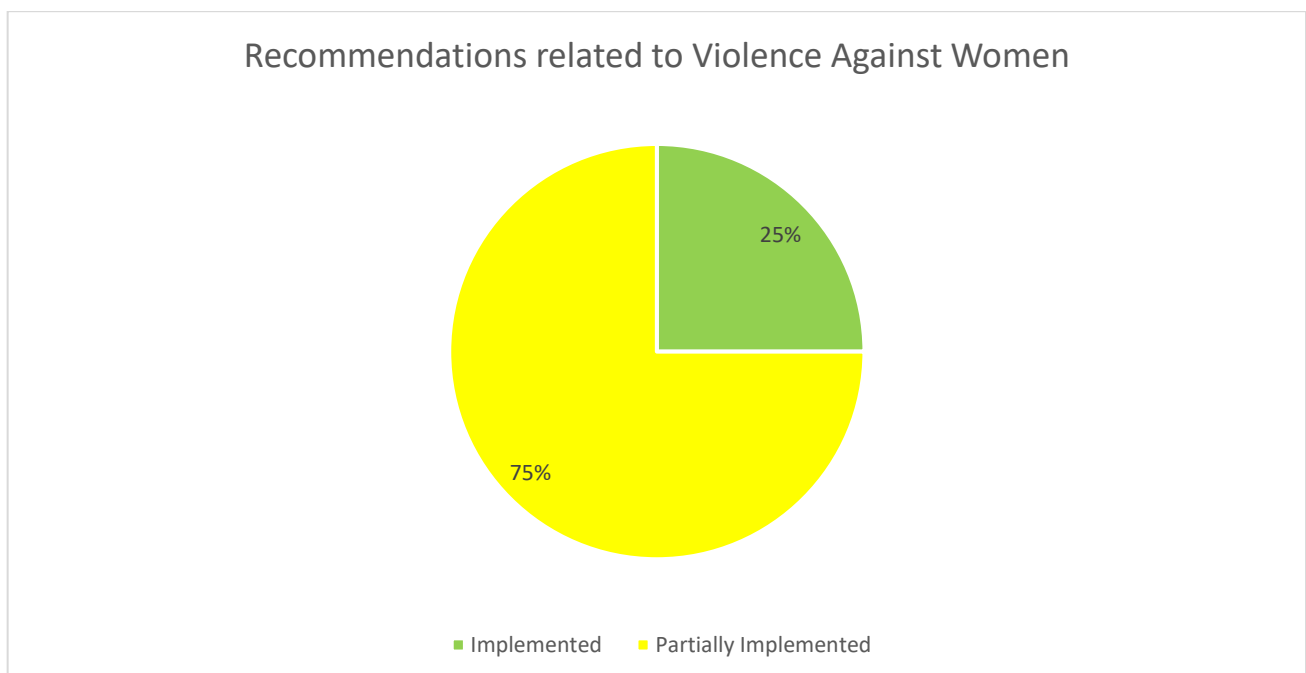
⁶⁴ UNFPA, Ending impunity for Child Marriage, 2017.

⁶⁵ National Gender Equality Policy was adopted in 2020 (2077 B.S.), p.3

especially during the COVID-19 lockdown (Islamic Republic of Iran); Supported	Implemented
159.190 Continue to further strengthen the national system in order to eliminate discrimination against women (Armenia); Supported	Partially Implemented
159.191 Continue to fully guarantee women's rights, including the right to equal lineage without gender discrimination and the right to safe motherhood (Nicaragua); Supported	Partially Implemented
159.193 Amend the provisions of its normative framework that contravene the Convention on the Elimination of All Forms of Discrimination against Women in order to guarantee a non-discriminatory approach to the granting of citizenship (Panama); Supported	Not Implemented
159.194 Promote awareness-raising campaigns and strengthen the enforcement of existing legislation and policies to eradicate harmful practices, trafficking in persons and child labour (Panama); Supported	Partially Implemented
159.196 Strengthen awareness-raising programmes on harmful traditional practices against women and, at the same time, improve investigation and prosecution of perpetrators and provide compensation to the victims (Portugal); Supported	Partially Implemented
159.198 Finalize its draft national gender equality policy expeditiously and undertake awareness-raising activities, in all levels of society, about its key measures (Singapore); Supported	Fully Implemented
159.200 Speed up the measures to put an end to all harmful traditional practices (Sudan); Supported	Partially Implemented
159.36 Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing direct and indirect discrimination and multiple and intersecting forms of discrimination (Guyana); Noted	Not Implemented

5.19 Violence against Women

Out of 4 recommendations related to Violence against Women in the third UPR cycle, Nepal supported all 4 recommendations. Assessment by the coalition considers that 1 (25%) recommendation have been implemented and 3 (75%) recommendations have been partially implemented.



Despite laws and policies in place to curb gender violence, it remains largely prevalent. There were reports of increment in rape incidents during phases of Covid-19 lockdown.⁶⁶ PWD's including children were victims of sexual violence in high number.⁶⁷ Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.⁶⁸ Despite laws and policies in place to curb gender violence, it remains largely prevalent. There were reports of increment in rape incidents during phases of Covid-19 lockdown.⁶⁹ PWD's including children were victims of sexual violence in high number.⁷⁰ Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.⁷¹

An order requiring the government to ensure efficient monitoring and measures for receiving complaints related to GBV, protecting reproductive rights etc. was given by the apex court noting a necessity to functionalize complaint mechanisms in emergency situations with more emphasis than normal situations.⁷²

Recommendation: Violence against Women	Status
159.173 Adopt legislation that prohibits all forms of violence against women and girls to ensure that all cases are investigated and perpetrators brought to justice and that victims receive compensation, as well as strengthen awareness-raising programmes on harmful practices related to women and girls, like chhaupadi , child marriage, dowries, son preference, polygamy and witchcraft (Finland); Supported	Fully Implemented
159.183 Prevent and combat all forms of violence against women and girls, including child, early and forced marriage and other harmful practices, and take further measures to fight domestic violence (Italy); Supported	Partially Implemented
159.199 Take additional measures to tackle the increase of violence against women and girls in order to fight against the increase of these cases registered over the last years, including domestic violence, and to continue to prohibit harmful practices with no legal sanction – the law on violence using acid is a good example (Spain); Supported	Partially Implemented
159.203 Continue to empower women economically and socially, and effectively implement the laws to prevent all forms of gender-based violence (Turkey); Supported	Partially Implemented

5.20 Persons with Disabilities: Definition, General Principles

Out of 4 recommendations related to Person with Disabilities: Definition, General Principles in the third UPR cycle, Nepal supported all 4 recommendations. Assessment by the coalition considers that all 4 (100%) recommendations have been partially implemented.

During Covid-19 people with disability were particularly vulnerable as an already difficult access in preexisting situation was further increased. There have been efforts to include people with disabilities in social-protection schemes, the implementation of which still needs to be factually assessed. Act relating to the right of persons with disabilities 2017 is unclear on defining denial of 'reasonable accommodation as discrimination'. The Act Relating to Persons with Disabilities, 2017, does include mental and intellectual disabilities with its definition. The act while defining 'person with disabilities and 'accessibility' does however focus more on physical disabilities (visible) and functional impairment.

⁶⁶ National Human Rights Commission of Nepal, Annual Report 2020, pp.37-38.

⁶⁷ Disability Inclusive Development Nepal: Situational Analysis, Institute of Development Studies, 2020, p.17

⁶⁸ Ibid

⁶⁹ National Human Rights Commission of Nepal, Annual Report 2020, pp.37-38.

⁷⁰ Disability Inclusive Development Nepal: Situational Analysis, Institute of Development Studies, 2020, p.17

⁷¹ Ibid

⁷² *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

The Act relating to Persons with Disabilities, 2017 has a provision for providing disability identity card and it makes local level responsible for collection of data, requiring and update every year. A study revealed that, lack of knowledge about identity card, its benefits amongst person with disability, tedious application process, proximity with responsible authority, poor financial situation, and lack of support from family members are some of the reasons for persons with disabilities not receiving disability identity card.⁷³ There is a lack of accurate disaggregated data in relation to persons with disabilities. Problems such as these persisting devising, assessing, and implementing social protection programs might be challenging.

Recommendation: Person with Disabilities; Definition, General Principles	Status
159.223 Continue to work to improve the living standards for persons with disabilities (Egypt); Supported	Partially Implemented
159.224 Take further steps to protect the rights of persons with disabilities, in particular to provide them with equal job opportunities, as well as access to educational and health facilities (Islamic Republic of Iran); Supported	Partially Implemented
159.225 Continue measures to guarantee the access of persons with disabilities to rehabilitation services and social protection programmes (Jordan); Supported	Partially Implemented
159.226 Increase measures to ensure that persons with disabilities have access to community-based rehabilitation services and adequate social protection programmes (Malaysia); Supported	Partially Implemented

5.21 Persons with Disabilities: Independence, Inclusion

Out of 2 recommendations related to Person with Disabilities: Independence, Inclusion in the third UPR cycle, Nepal supported all 2 recommendations. Assessment by the coalition considers that all 2 (100%) recommendations have been partially implemented.

The constitution requires inclusion of person with disabilities in state machinery, including the local government. Representation through these means has been seen as functional at the local level. There is minimal representation of persons with disability in the new parliament.⁷⁴ This has however not been reflected in all public sectors or private institutions. By virtue of this lack of inclusion in private and public sectors, the creation and implementation of inclusive development projects although improving has not been fully effective. Lack of inclusive teaching methods, socio-economic situation, and harassment, infrastructural barriers, undermining behaviors of peers, family, and teachers and of effective identification and screening of disabilities were major barriers to children with disabilities in accessing education.⁷⁵

In many schools, children with disability were found to be segregated⁷⁶. Schools have been found to reject students on several occasions due to physical or mental disabilities.⁷⁷ Accessible physical Structure and communication Service Directive for Person with Disabilities, 2069 provides for provisions to arrange for disability friendly infrastructure in public buildings. The Constitution guarantees citizens with disabilities the right to have equal access to public services and facilities.⁷⁸ However, in practice, public facilities and infrastructures still lack disability friendly infrastructures.

⁷³ Hemanta Dangal et.al, Constraints on Applying Disability Identity Card: A Study from Roshi Rural Municipality, *Journal of Social Protection*, Social Protection Civil Society Network, 2020; 54% of PWD from Roshi rural municipality had no knowledge about various benefits of the ID card.

⁷⁴ [Representation of disabled persons minimal in newly-elected parliament - myRepublica - The New York Times Partner. Latest news of Nepal in English, Latest News Articles \(nagariknetwork.com\)](#)

⁷⁵ Disability Inclusive Development: Nepal Situational Analysis, Institute of Development Studies, 2020.

⁷⁶ Ibid

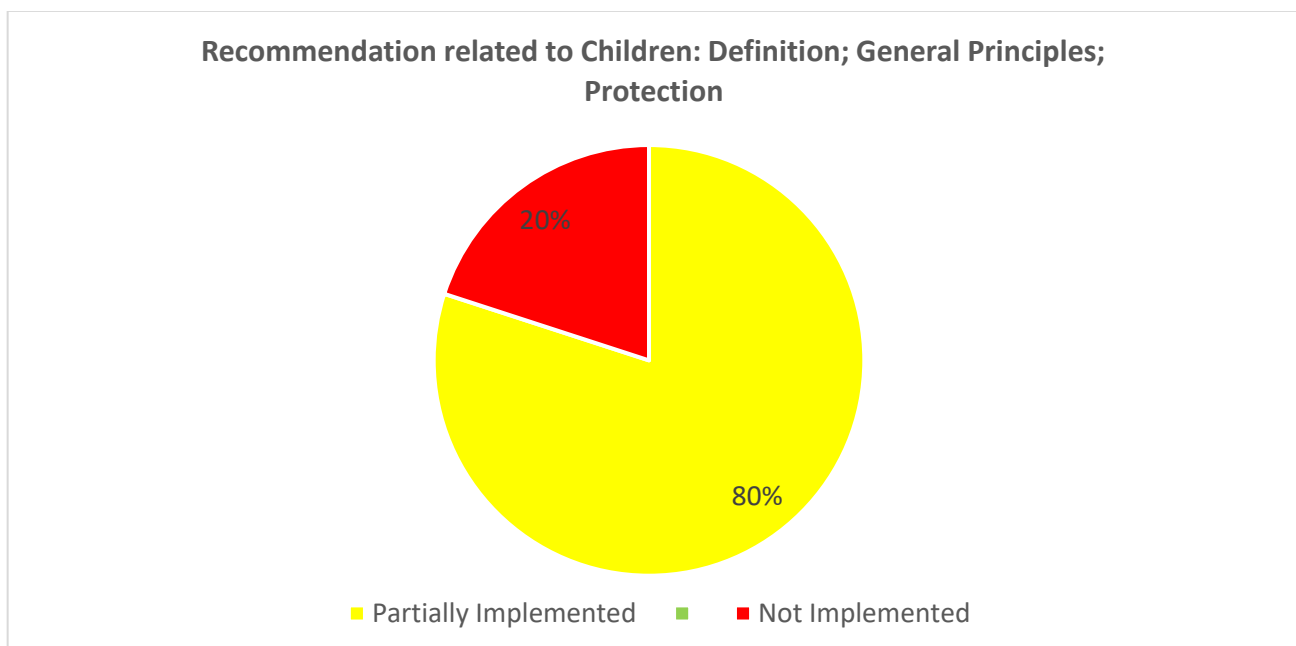
⁷⁷ Ibid

⁷⁸ Constitution of Nepal, Art. 42(3)

Recommendation: Person with Disabilities: Independence, Inclusion	Status
159.222 Ensure the meaningful and empowered inclusion of persons with disabilities and their representative organizations in implementing disability-inclusive development projects and in achieving the Sustainable Development Goals (Bulgaria); Supported	Partially Implemented
159.227 Continue the implementation of various measures aimed at empowering persons with disabilities and ensuring their participation in the policymaking and development process (Qatar); Supported	Partially Implemented

5.22 Children: Definition; General Principles; Protection

Out of 5 recommendations related Children: Definition; General Principles; Protection in the third UPR cycle, Nepal supported 4 recommendations and 1 was noted. Assessment by the coalition considers that 3 (80%) recommendations were partially implemented and 1(20%) was not implemented.



The constitution exclusively recognizes the Rights of Children as a fundamental right. It encompasses a broad spectrum of guarantees including that to identity, birth registration, overall development, education, participation, and protection from torture, hazardous work, trafficking kidnapping etc.⁷⁹ The Constitution also recognizes the best interests of children as an aspect under the state's policy.⁸⁰ The Act Relating to Children, 2018, provides for the establishment of National Child Rights Council⁸¹, Provincial Child Rights Committees, Local Child Rights Committees⁸² and child welfare authorities in local level⁸³. Some Local Level Committees have been formed and others are in the process of formulation. Out of 753 only 222 local levels have formed such committee, with 308 having formulated relevant directives for promotion of rights of children.⁸⁴

⁷⁹ Constitution of Nepal, Art.39

⁸⁰ Constitution of Nepal, Art.51

⁸¹ Act Relating to Children, 2018, Section 59; The child rights welfare board has been established by the 1992 Children's act has been transformed into National Child Rights Council, State of Children in Nepal 2020, National Child Right's Council, 2020, p.5.

⁸² Act Relating to Children, 2018, Section 60

⁸³ Act Relating to Children, 2018, Section 61(1)

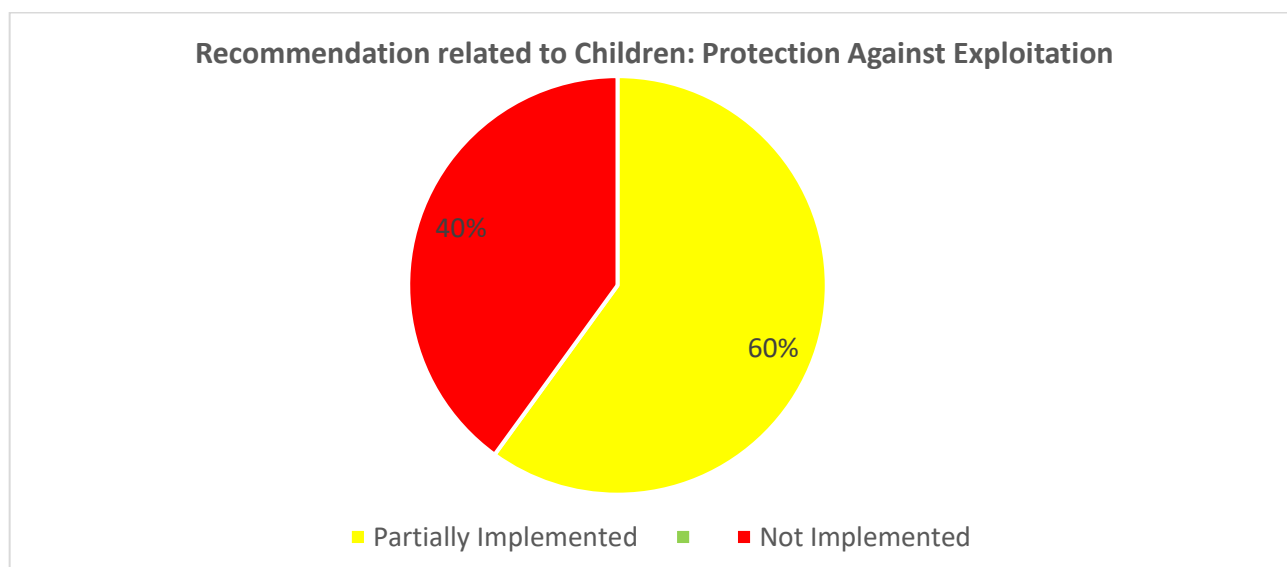
⁸⁴ State of Children in Nepal 2022, National Child Rights council, p. xi

A plan dedicated to reintegrating victims of child marriage into socio-economic channels is missing. Emergency situations such as Covid-19 and post disaster situation triggered deinstitutionalization of children. A social protection program for children with specific focus on protection during and after emergencies and disaster situations is not intact. Incidents of rape and violence against women and female children increased during the Covid-19 pandemic. Female children continue to face consequences of child marriage including forced initiation into sex, degradation of reproductive health, child labor and deprivation of basic rights such as education and prospects of employability. The Act Relating to Children, 2018 provides for several provisions which implicitly and explicitly recognize the right of children to access information. There is no provision specific to accessibility of such information in native language.

Recommendation: Children Definition; General Principles; Protection	Status
159.204 Operationalize its strategy to end child marriage by 2030 (Burkina Faso); Supported	Partially Implemented
159.206 End definitively the practice of child marriage (Holy See); Supported	Partially Implemented
159.207 Move forward in fully implementing a national action plan to end child marriage, with the goal of ending all child marriage by 2030 in line with the Sustainable Development Goals (Kazakhstan); Supported	Partially Implemented
159.208 Strengthen its efforts to put an end to torture and ill-treatment of children in all settings, including by ensuring that children are detained as a measure of last resort only (Liechtenstein); Supported	Partially Implemented
159.205 Establish a special mechanism responsible for independent child rights monitoring (Estonia); Noted	Not Implemented

5.23 Children: Protection against Exploitation

Out of 10 recommendations related to Children: Protection against Exploitation in the third UPR cycle, Nepal supported all 10 recommendations. Assessment by the coalition considers that 6(60%) recommendations were partially implemented and 4(40%) were not implemented.



The Constitution of Nepal recognizes right of children to be protected from physical, mental or any form of torture in all relevant situation as a fundamental right.⁸⁵ The Act Relating to Children, 2018 also incorporates the right of protection against torture or ill treatments of any form under several

⁸⁵ Constitution of Nepal, Article 39(7).

provisions.⁸⁶ National Child Policy 2012⁸⁷ and the Fifteenth National (2076/77-2080/81) Plan includes objectives to end all of kinds of violence, discrimination, negligence and exploitation. The fact that 8 of 10 children suffer from violence in the name of disciplining including physical and psychological punishment is evincing to a gap between legislative intent and practical realization in ending all forms of violence and torture⁸⁸. The Act Relating to Children, 2018 implicitly categorizes different forms of abuse and prohibits them.⁸⁹ Child Labour (Prohibition and Regulation) act 1992 prohibits child labour in “work”⁹⁰ Labour act 2017 prohibits child labour in both formal and informal sectors⁹¹.

Constitutional and legal arrangement in Nepal prohibits child labour and makes it a punitive offence.⁹² Child Labour (Prohibition and Regulation) Act 1992, Act Relating to Children 2018 both prohibit child labour. MOLESS has approved a National Master plan on Elimination of Child Labour (2018-2028). It aims towards the formulation of policies and programs based on data related to child labour. However, Nepal does not have an updated disaggregated data on child labour and a national database accessible to stakeholders is missing. The last comprehensive data on child labour was collected in 2008, reported in National Child Labour Report 2011. Despite the laws, regulation is still weak and limited to the formal sector.

Nepal does not have an updated disaggregated data on child labour or a national database readily accessible to stakeholders. The last comprehensive collection of data on child labour was collected in 2008. Regulation and monitoring of child labour is largely limited to the formal sector and does not cover the informal sector. Children are still highly involved in harmful conditions of work. A lower level of education and net income of a family are found to be catalytic to prevalence of child labour. Children are still not kept separately in custody or prison despite multiple orders by Supreme court of Nepal and other legal requirements.

Child correctional centers and separate cells for juveniles in detention facilities across all districts are still missing. Prohibition of handcuffing, maintenance of confidentiality, hearing in a separate juvenile bench etc. is guaranteed by legal arrangements. In practice However, juvenile benches in courts are operated in an ad-hoc basis mostly exclusive of psychologist and/or social worker. The functional implementation of a juvenile justice system distinct from adult criminal justice system is yet to be actualized. An effective rehabilitative and reintegrating policy for children in conflict with law needs to be formulated and assessed for implementation.

Recommendation: Children: Protection against Exploitation	Status
159.134 Ensure the inclusion of vulnerable children and families in policy responses to the COVID-19 pandemic in order to minimize the risk of children getting involved in child labour (Croatia); Supported	Not implemented
159.209 Ensure that child labour in the informal sector is incorporated into the Child Labour (Prohibition and Regulation) Act (Belgium); Supported	Not implemented
159.210 Develop safe and inclusive mechanisms for all children to express their views and find solutions for the worst forms of child labour (Croatia); Supported	Not implemented
159.211 Strengthen the enforcement of existing legislation and policies to	Partially

⁸⁶ The Act Relating to Children, 2018 Section 7(5), Section 66, Section 72

⁸⁷ National Child Policy, 2012 states the objective of protecting children from all type of physical or mental violence, damage, mistreatment, sexual harassment etc. in all settings.

⁸⁸ Information available at: <https://www.unicef.org/nepal/press-releases/eight-out-10-children-nepal-experience-violent-discipline-unicef>

⁸⁹ The Act Relating to Children, 2018, Section 66(2)

⁹⁰ Child Labour (Prohibition and regulation) act 1992, Section 3

⁹¹ Labour Act, Section 5

⁹² Constitution of Nepal, Art. 29 and 39, Child Labour (Prohibition and regulation) Act, 2000, Act Relating to Child, 2018, Child Labour Act 1992 strictly prohibits employing children below 14 and makes it a punitive offence. Act Relating to Children 2018 prevents children below 14 from working in hazardous sectors and provisions prevention from child labour as a responsibility of guardian.

eradicate the practice of child labour, in particular regarding hazardous work (Italy); Supported	Implemented
159.212 Expand legislation and regulations on child labour to include the informal sector (Kazakhstan); Supported	Partially Implemented
159.213 Take effective steps to combat all forms of child labour and extend the Child Labour (Prohibition and Regulation) Act to all areas of work (Liechtenstein); Supported	Partially Implemented
159.214 Ensure that existing legislation prohibiting child labour is fully implemented and its enforcement monitored (Marshall Islands); Supported	Partially Implemented
159.215 Continue paying special attention to the implementation of measures to eradicate all forms of child labour, including the prevention of child labour in the informal sector (Russian Federation); Supported	Partially Implemented
159.216 Strengthen the implementation and enforcement of existing legislation and regulations on child labour, including the expansion of the number of labour-inspector positions and the filling of all vacant positions with experts who are in possession of strong qualifications in the area of child labour (Slovenia); Supported	Partially Implemented
159.217 Adopt complementary measures to strengthen the national action plan for eradicating the worst forms of child labour before 2028, prioritizing the eradication of the most dangerous conditions of labour for children (Spain); Supported	Supported

5.24 Cooperation with Human Rights Mechanisms and Request for Technical Assistance

Out of 1 recommendation related Cooperation with Human Rights Mechanisms and Request for Technical Assistance in the third UPR cycle, Nepal supported 1 recommendation. Assessment by the coalition considers that 1(100%) recommendation is partially implemented.

Nepal is a part of and has ratified many core human rights treaties. Despite of this reports to be submitted to concerned committees as an obligation after ratification of treaties has not been done timely.⁹³ This shows a level of ineffective coordination shown in terms of its own review of international obligations. Nepal is currently a member of UN Human rights council which should make human rights obligation, accountability, and responsibility of their fulfillment more sensitive.

Recommendation: Cooperation with Human Rights Mechanisms and Request for Technical Assistance	Status
159.5 Continue to participate constructively in international human rights mechanisms (Nicaragua); Supported	Partially Implemented

5.25 Cooperation and Follow-up with Special Procedures

Out of 1 recommendation related Cooperation and Follow-up with Special Procedures in the third UPR cycle, Nepal supported 1 recommendation. Assessment by the coalition considers that 1(100%) recommendation is partially implemented.

Nepal currently has not extended standing invitation to special procedure mandate holders. Special rapporteur on extreme poverty and human rights Olivier De Schutter did visit Nepal from 29th November to 9th December 2021. The report based on the visit presents that social protection mechanisms in Nepal still lack inclusive coverage, socio-economic rights guaranteed through constitution and legislative means are not fully reflective in practice. It further postulated that wealth

⁹³ NHRC Annual Human rights report 2019-2020, p.13

inequality is at a rise with marginalized sections of society facing disproportionate consequences of inequality.⁹⁴

Recommendation: Cooperation and Follow-up with Special Procedures	Status
159.10 Consider extending a standing invitation to all special procedure mandate holders of the Human Rights Council, as previously recommended (Latvia); Intensify efforts to promote cooperation with the United Nations human rights system and consider issuing a standing invitation to special procedure mandate holders (Republic of Korea); Proactively engage with United Nations special procedures whose requests for a country visit are pending and consider issuing a standing invitation to all of them (Ukraine); Supported	Partially Implemented

5.26 2030 Agenda and Other Voluntary Commitments

Out of 2 recommendations related to 2030 Agenda and other Voluntary Commitments in the third UPR cycle, Nepal supported all 2 recommendations. Assessment by the coalition considers that 2(100%) recommendation were partially implemented.

A study on socio-economic assessment of Nepal in relation to Covid-19 postulated that balancing economic, social, environmental, political concerns is crucial for building an sustainability centered post-covid society.⁹⁵ The National Human Development Report 2020 also put forth the notion that the consequences of Covid-19 and the changes it brought to everyday reality would persist in a post-Covid-19 Nepali Society.⁹⁶ The situation of war between Russia-Ukraine and its economic consequences through the global market has added to the challenge of transition to a sustainable socio-economics structure ,post Covid-19. There are several initiatives being taken by the taken to order to tackle economic regression like controlling imports and investing in sectors that support socio-economic stability.⁹⁷ Lack of evidence on progression of sustainable goals through accurate data is challenging in terms of assessing implementation of sustainable development goals.

Recommendation: 2030 Agenda and other Voluntary Commitments	Status
159.51 Continue to strengthen its efforts in implementing the Sustainable Development Goals for the better enjoyment of human rights of its people (Viet Nam); Supported	Partially Implemented
159.53 Strengthen cooperation with international partners to reverse the economic impact of the COVID-19 pandemic, including through capacity-building to achieve national development targets and meet the 2030 Sustainable Development Goals (Indonesia); Supported	Partially Implemented

5.27 National Human rights Actions Plan (or specific areas) / Implementation Plans

Out of 2 recommendations related to National Human rights Action Plan (or specific areas)/ Implementation Plans in the third UPR cycle, Nepal supported all 2 recommendations. Assessment by the coalition considers that 2(100%) recommendation were partially implemented.

Nepal has adopted its fifth National Human rights action plan (2020-2025) and UPR recommendation implementation plan 2021. There are guarantees of many political, economic, social, cultural and development related rights ensured through the constitution, reflected in the National Human rights

⁹⁴ A/HRC/50/38/Add.2, Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, 13th May,2022

⁹⁵ UNDP, *Rapid Assessment of Socio-economic Impact of Covid-19 in Nepal*, UNDP, 2020 pp.44-50;

⁹⁶ ‘Nepal Human Development Report 2020: Beyond Graduation: Productive Transformation and Prosperity’, *National Planning Commission*, 2020, Nepal, p.110.

⁹⁷ [Monetary-policy-in-English-2022_23-Full-text.pdf \(nrb.org.np\)](https://nrb.org.np/monetary-policy-in-english-2022-23-full-text.pdf)

action plan along with obligations as derived from international treaties. The full implementation of the national human rights action plan is still being assessed.

Recommendation: National Human Rights Actions Plan (or specific areas) / Implementation Plans	Status
159.22 Continue to develop and implement its National Human Rights Action Plan (China); Supported	Partially Implemented
159.26 Continue with steps towards implementation of the fifth National Human Rights Action Plan (Sri Lanka); Supported	Partially Implemented

5.28 Rule of Law and Impunity

Out of 1 recommendation related to Rule of Law and Impunity in the third UPR cycle, Nepal supported 1 recommendation. Assessment by the coalition considers that 1(100%) recommendation was implemented.

The law enforcement agency itself is seen running various programs that would explicitly and implicitly support proper implementation of national penal code and Criminal Procedure Code.⁹⁸ Along with this several International and National agencies and Civil Society organizations were active in facilitating such trainings.⁹⁹ Questions on rule of law were raised on multiple occasions with issues of transitional justice still left unanswered through government machineries 16 years since peace accord. There were reports of people in power including former Prime Ministers breaking election code of conduct with election commission failing to take legal actions.¹⁰⁰ The appointment of commissioners of National Human Rights Commission was called into question with litigation ongoing on appointment's legitimacy.

Recommendation: Rule of Law and Impunity	Status
159.60 Continue to provide the necessary training to law enforcement agencies on the implementation of the national Penal Code and Criminal Procedure Code (Maldives); Supported	Partially Implemented

5.29 Transitional Justice

Out of 12 recommendations related to Transitional Justice in the third UPR cycle, Nepal supported all 12 recommendations. Assessment by the coalition considers that none of the recommendations have been implemented.

TRC is not currently functional. A bill for the amendment of Investigation of enforced disappeared persons, truth, and reconciliation act (2014) was presented in the parliament on March 19, 2023. The amendment bill includes provision which narrows down what “serious violations of human rights” would stand out in contrast to international law and jurisprudence as established by the Supreme Court of Nepal. The ambit for amnesty, however, seems to have been extended, again in contradiction to established principles. Additionally, the amendment bill does not have any specific provisions regarding the identification of sexual violence victims, confidentiality, security, treatment, or rehabilitation of the victims. There is provision to provide relief to CRSV victims, but there is no special unit dealing with sexual violence victims and taking their statements and seeking justice as well.

With situation of impunity and lack of functional mechanism to resolve crimes perpetrated during insurgency, the SC in a decision stated that comprising accessibility to justice is not acceptable. Political influence upon the commission and attempts to give immunity to perpetrators by political actors was prevalent as a fact.¹⁰¹ Despite multiple verdicts by Supreme Court of Nepal in ascertaining right of

⁹⁸ [Police Training Centers \(nepalpolice.gov.np\)](https://nepalpolice.gov.np)

⁹⁹ [Nepal: ICITAP Mentors National Police to Strengthen Criminal Investigative Capacity | CRIMINAL-ICITAP | Department of Justice](#) ,

¹⁰⁰ [Poll authority appears afraid to take action for code violations \(kathmandupost.com\)](#)

¹⁰¹ Available at: <https://www.amnesty.org/en/latest/news/2020/01/nepal-recent-steps-undermine-transitional-justice/>

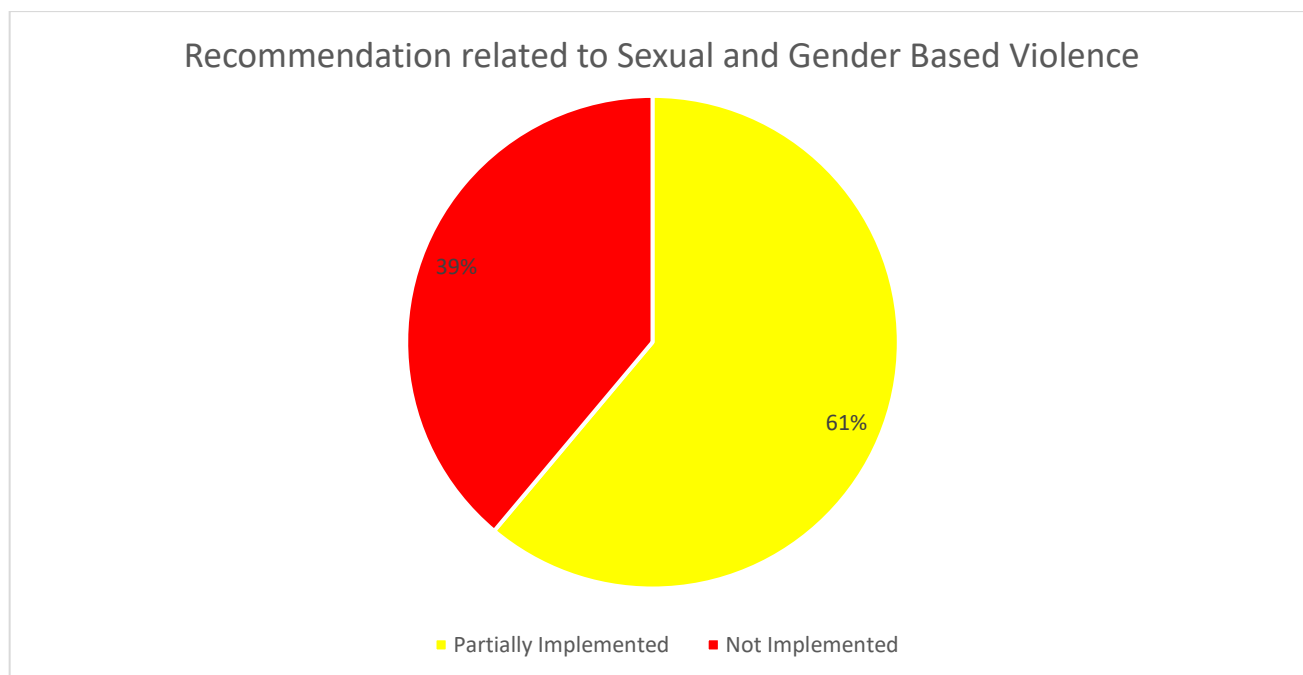
victims to remedy and invalidation of provision for compromise and amnesties the situation remains the same.¹⁰² Convention for the Protection of All Persons from Enforced Disappearances (CED) is yet to be ratified.

Recommendation: Transitional Justice	Status
159.21 Ensure the independence of the transitional justice commissions, providing them with resources to fulfil their mandates (Uruguay); Supported	Not Implemented
159.62 Bring the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act into compliance with international norms, particularly with regard to the definition of amnesty, witness protection and the delays in processing complaints (Belgium); Supported	Not Implemented
159.63 Bring the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in line with the Supreme Court's ruling of 26 February 2015 to deliver meaningful results on truth, justice and reconciliation (Canada); Supported	Not Implemented
159.64 Bring the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act into compliance with the Supreme Court's ruling and international standards and, in particular, include survivors of sexual violence and their families in the transitional justice process and all related government schemes (Germany); Supported	Not Implemented
159.65 Ensure that the transitional justice process takes a gender-sensitive approach and upholds international standards, with the transparent and timely conclusion of cases by commissions of inquiry, ensuring the rights of all victims to truth, justice and reparation (Ireland); Supported	Not Implemented
159.66 Take appropriate measures to effectively address the cases related to violations of human rights and international humanitarian law that occurred during the conflict and provide justice to the victims (Italy); Supported	Not Implemented
159.67 Pass a bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in order to ensure the effective functioning of the Commission (Norway); Supported	Not Implemented
159.68 Take necessary measures to guarantee the independence of the Truth and Reconciliation Commission and to ensure that perpetrators of human rights violations are brought to justice (Republic of Korea); Supported	Not Implemented
159.69 Advance a credible and victim-centric transitional justice process that is consistent with the judgments of the Supreme Court of Nepal and international law (Australia); Supported	Not Implemented
159.70 Continue to address cases related to violations of human rights that occurred during the conflict (State of Palestine); Supported	Not Implemented
159.71 Adopt, on the basis of transparent and inclusive consultations, a holistic transitional justice strategy, combining fact-finding, justice, reparations and guarantees of non-repetition, as well as institutional reforms (Switzerland); Supported	Not Implemented
159.72 Amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, thereby addressing the demands of victim groups, to ensure victims of conflict-era violations and abuses are meaningfully engaged in the transitional justice process (United Kingdom of Great Britain and Northern Ireland); Supported	Not Implemented

¹⁰² In the case of *Madhav Kumar Basnet v. Nepal government*, NKP 2070(2014) and *Suman Adhikari v. Nepal Government*, NKP 2071(2015), the court ascertained the right of victim to remedy and reparation and invalidated the provision of permitting amnesties according to the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act, 2014.

5.30 Sexual and Gender Based Violence

Out of 18 recommendations related to Sexual and Gender Violence, Nepal supported 14 recommendations and noted 4. Assessment by the coalition considers that 11 (61%) recommendations have been partially implemented and 7(39%) have not been implemented.



Gender and Sexual violence reportedly increased during the pandemic.¹⁰³ There were also reports of gender-based violence in quarantine facilities. Additionally, an order requiring the government to ensure efficient monitoring and measures for receiving complaints related to GBV, protecting reproductive rights etc. was given. With a special emphasis the court also observed that the pandemic management and planning need to be women friendly and needs a “feminist response”.¹⁰⁴ During the pandemic there were of violence in quarantine facilities raising the question of security of women and protection against violence.

Despite laws and policies in place to curb gender violence, it remains largely prevalent and is in increasing trend with 17000 registered complaints of domestic violence from August 2021 to July 2022.¹⁰⁵ There were reports of increment in rape incidents during phases of Covid-19 lockdown.¹⁰⁶ PWD’s including children were victims of sexual violence in high number.¹⁰⁷ Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.¹⁰⁸

There is an added risk of domestic violence in situations of emergency or natural disasters and violence against women is in an increasing trend.¹⁰⁹ Gender stereotypes in law enforcement agencies and relevant stakeholders in service delivery are still intact. The Ministry of Education, Science and Technology has created a reporting mechanism to facilitate cases of violence experienced by students at schools. Complaint response mechanism guideline 2073 is in place which makes such reporting mechanism

¹⁰³ [Covid-19 Violence Dashboard Shows Nepal’s “Shadow” Pandemic - The Asia Foundation](#)

¹⁰⁴ *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

¹⁰⁵ Annual Fact Sheet on Gender-Based Violence, Nepal Police, p.1 [fy-2078-79-annual-infographics-en.pdf \(nepalpolice.gov.np\)](#)

¹⁰⁶ National Human Rights Commission of Nepal, Annual Report 2020, pp.37-38.

¹⁰⁷ Disability Inclusive Development Nepal: Situational Analysis, Institute of Development Studies, 2020, p.17

¹⁰⁸ Ibid

¹⁰⁹ [Acting together to end gender-based violence \(kathmandupost.com\)](#)

compulsory across schools along with appointment of a female teacher as a gender focal person. The efficiency of which is yet to be assessed.

Recommendation: Sexual and Gender-based Violence	Status
159.72 Amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, thereby addressing the demands of victim groups, to ensure victims of conflict-era violations and abuses are meaningfully engaged in the transitional justice process (United Kingdom of Great Britain and Northern Ireland); Supported	Not Implemented
159.164 Step up efforts to eliminate all forms of gender-based violence within the framework of the relevant presidential programme (Uzbekistan); Supported	Partially Implemented
159.171 Continue efforts to combat discrimination against women and eliminate all forms of sexual violence, as well as child marriage and child labour (Egypt); Supported	Partially Implemented
159.184 Ensure effective access to gender-based violence response services and justice (Japan); Supported	Partially Implemented
159.185 Enable a safe environment for women and girls to report cases of sexual and gender-based violence and ensure that all reports are fully and adequately investigated (Latvia); Supported	Partially Implemented
159.186 Take effective steps to eliminate all forms of sexual and gender-based violence, including by broadening the definition of family and domestic violence to cover all forms of gender-based violence against women, as well as by ensuring effective access to gender-based violence response services, and to provide justice to survivors (Liechtenstein); Supported	Partially Implemented
159.187 Ensure sustainable funding for a sufficient number of safe shelters for victims of gender-based violence (Malaysia); Source of Position: A/HRC/47/10/Add.1 - Para.6 (Supported)	Not Implemented
159.188 Continue working to ensure that the police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence, and that such complaints are recorded and investigated and those responsible are brought to justice (Malta); (Supported)	Partially Implemented
159.189 Allocate sufficient funds and facilities for shelters and one-stop crisis management centres for victims and survivors of all forms of gender-based violence and trafficking in persons (Myanmar); (Supported)	Not Implemented
159.192 Fully commit to end sexual and gender-based harassment and violence at all levels of society, including against lesbian, gay, bisexual, transgender and intersex persons (Norway); (Supported)	Partially Implemented
159.195 Strengthen implementation of legislation against gender-based violence and certain traditional practices that are considered harmful to women and girls (Philippines); (Supported)	Partially Implemented
159.197 Step up efforts to end gender-based violence and caste-based discrimination and ensure access to justice for survivors, including by bringing rape laws in line with international standards (Australia); (Supported)	Partially Implemented
159.201 Strengthen the efforts aiming at protecting victims of gender-based violence and ensuring gender equality (Azerbaijan); (Supported)	Partially Implemented
159.202 Redouble its efforts to end gender-based violence and ensure effective access to gender-based violence response services (Thailand); (Supported)	Partially Implemented
159.157 Eliminate the current statute of limitations on reporting cases of rape and sexual violence, even in the context of conflicts (Uruguay); Noted	Not Implemented
159.158 Remove the one-year statute of limitations for rape and sexual violence to ensure that cases are brought to justice (Bahamas); Noted	Not Implemented
159.170 Eliminate the statute of limitations for rape and other sexual and	Not Implemented

gender-based violence in order to bring legislation into line with international standards (Denmark); Noted	
159.175 Abolish the statute of limitations for rape, bring existing legislation on rape into accordance with international standards, and enforce legislation on domestic violence and harmful practices (Germany); Noted	Not Implemented

5.31 Freedom of Thought, Conscience, and Religion

Out of 3 recommendations related to Freedom of Thought, Conscience, Religion, Nepal supported 1 recommendation and noted 2. Assessment by the coalition considers that 1(39%) recommendation has been partially implemented and 2(61%) have not been implemented.

Freedom of thought, conscience and religion has been ensured by the Constitution of Nepal ¹¹⁰ Questions have been raised on implementation of ensured fundamental right in practice with right to free speech considered curtailed in various instances.¹¹¹ Limits of freedom in artistic expressions were also brought into light with controversies and petitions surrounding certain works of art.¹¹²

Recommendation: Freedom of Thought, Conscience and Religion	Status
159.80 Take all necessary measures, in particular at the legislative level, in order to protect the rights of persons from religious minorities and in order to guarantee freedom of religion or belief in law and in practice, in accordance with international human rights law (Haiti); Supported	Partially Implemented
159.86 Amend article 26 of the Constitution to include the right to choose or change one's religion or belief, in accordance with article 18 of the International Covenant on Civil and Political Rights (Netherlands); Noted	Not Implemented
159.87 Remove restrictions on the right to freedom of religion or belief in the Criminal Code (Norway); Noted	Not Implemented

5.32 Freedom of Association

Out of 1 recommendation related to Freedom of Association Nepal supported 1 recommendation. Assessment by the coalition considers that 1 (100%) recommendation has been partially implemented.

Freedom of association ¹¹³and assembly without arms has been guaranteed by the constitution of Nepal.¹¹⁴ There have been reports of violence and use of force against human rights defenders in different scenarios.¹¹⁵ Freedom of association in different forms including in the form of unions in protected under the law and in practice it was seen as generally ensured.¹¹⁶

Recommendation: Freedom of Association	Status
159.83 Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, especially women human rights defenders, free from persecution, intimidation and harassment, and to relax the requirements for registering NGOs (Latvia); Supported	Partially Implemented

¹¹⁰ Article 26 (Right to Freedom of Religion), Article 17 (a) (Freedom of Opinion and Expression)

¹¹¹ [Nepali state's commitment to free speech in doubt \(kathmandupost.com\)](https://www.kathmandupost.com/news/nepali-state-commitment-to-free-speech-in-doubt)

¹¹² [How free is freedom of artistic expression in Nepal? - Nepal Live Today Nepal Live Today](https://www.nepal-live.com/news/how-free-is-freedom-of-artistic-expression-in-nepal/)

¹¹³ Article 17 (d), Constitution of Nepal

¹¹⁴ Article 17 (b) , Constitution of Nepal

¹¹⁵ [Nepal: Police Allegedly Use Excessive Force on Protesters, Target Activists | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2022/05/12/nepal-police-allegedly-use-excessive-force-on-protesters-target-activists)

¹¹⁶ 2022 Country Reports on Human Rights Practices: Nepal, United States BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2022,p.35

5.33 Private Life and Privacy

Out of 1 recommendation related to Freedom of Association Nepal supported 1 recommendation. Assessment by the coalition considers that 1 (100%) recommendation has been partially implemented.

Right to privacy in term of residence, documentation, correspondence, data, and personhood is guaranteed by the constitution of Nepal. On 18th September 2018 the Privacy Act was Promulgated extending legislative intent and interpretation on implementing right to privacy as ensured by the constitution. The National Penal Code 2017 under ‘Prohibition of committing libel’ provides for some situations where opinion or expression is regulated to protect privacy.¹¹⁷ During Covid-19 the Supreme court owing to the necessity of protecting both the public through information on infection and protection of privacy of infected people laid down that balancing of both communities’ necessity of information and privacy was important. For this the court emphasized that individual’s permission would be necessary before publicizing relevant information.¹¹⁸ With digital data and its protection being emphasized in present scenario the present rights regime in Nepal could better future protection of privacy by incorporating the intersections of privacy, security and digital space in law and its implementation in a more nuanced way.

Recommendation: Private Life and Privacy	Status
159.104 Uphold respect for freedom of expression and the right to privacy, including in draft legislation regulating information technology, media and mass communications (Canada); Supported	Partially Implemented

5.34 Economic, Social, and Cultural Rights- General Measures of Implementation

Out of 6 recommendations related to Economic, Social and Cultural Rights- General Measures of Implementation Nepal has supported all 6 recommendations. Assessment by the coalition considers that all 6 (100%) recommendations have been partially implemented.

Situations of emergency such as Covid-19 demonstrated the extent of socio-economic vulnerability that could be triggered in Nepal out of an emergency. The health system was overloaded and inefficient in health service delivery with class-divide visible as the marginalized faced more difficulty in accessing basic facilities including health services.¹¹⁹ There were reports of basic WASH facilities not being available in government sanctioned quarantine facilities.¹²⁰ The Supreme Court had to intervene in multiple circumstances to ensure basic economic and social rights of citizens with inefficacious government measures. Food insecurity was seen high in population belonging to the lowest wealth quintile. Studies suggest that 10.8 million people in Nepal do not have access to effective sanitation facilities with 3.5 million people not having access to safe drinking water.¹²¹ Studies also suggest towards “inequality of service coverage amongst eco-regions” with basic water supply increasing regardless of quality.¹²² Literacy rate has increased to 76.2 % with literacy gap between male and female still prevalent.¹²³

Recommendation: Economic, Social, and Cultural Rights - General Measures of Implementation	Status
159.115 Continue to consolidate the successful social policies for the benefits	Partially

¹¹⁷ The National Penal Code 2017, Section 306

¹¹⁸ *Adv. Roshani Poudel v OPMCM NKP 2077 (2020)*, volume 6, Decision no. 10526.

¹¹⁹ Prem Lama, ‘Kathmandu’s private hospitals fleece Covid-19 patients, multiplying crisis’, *Onlinekhabar*, 8 May 2021, available at, <https://english.onlinekhabar.com/kathmandus-private-hospitals-fleece-covid-19-patients-multiplying-crisis.html>

¹²⁰ National Human Rights Commission, Annual Report 2020, *National Human Rights Commissions*, Nepal, 2020

¹²¹ [Water and Sanitation \(WASH\) | UNICEF Nepal](#)

¹²² S. Sharma et. Al , Drinking water status in Nepal: an overview in the context of climate change, *Journal of Water, Sanitation and Hygiene for Development IWA Publishing*, Vol 11 No 6 p.6 [untitled \(climatenepal.org.np\)](#)

¹²³ [Education | National Population and and Housing Census 2021 Results \(cbs.gov.np\)](#)

of its people in the areas of food, health and education (Bolivarian Republic of Venezuela); Supported	Implemented
159.121 Pursue the good management of policies related to the basic needs of citizens such as the rights to food, adequate housing, drinking water, education, and work (Nicaragua). Supported	Partially Implemented
159.122 Take further steps for socioeconomic development (Pakistan); Supported	Partially Implemented
159.126 Intensify efforts to ensure the socioeconomic rights of its citizens (Russian Federation); Supported	Partially Implemented
159.129 Step up efforts to fight poverty and hunger, as well as to ensure access to safe drinking water and sanitation (Sudan); Supported	Partially Implemented
159.133 Make progress in social economic recovery with a human rights perspective to face the effects of the COVID-19 pandemic, taking into consideration the special needs of vulnerable groups in society (Chile);	Partially Implemented

5.35 Right to Food

Out of 4 recommendations related to Right to Food, Nepal has supported all 4 recommendations. Assessment by the coalition considers that all 4 (100%) recommendations have been partially implemented.

The Fifteenth Periodic Plan has set quantitative objective to reduce underweight children below five years from 27% to 15 % by 2023/2024. There is a new Multi-sectoral Nutrition Plan (2018-2022) in implementation. The Nutrition Report 2021 published by UNICEF suggests that food shortages and income losses during Covid-19 contributed to decline in nutritious intake of food for children.¹²⁴ Fifteenth Periodic Plan sets a target to reduce population under poverty line from 18.7 % to 9.5% and increase population with basic food security from 48.2% to 80% till 2023/2024. There are no specific monitoring mechanisms prioritizing its impact on the rights of children contrary to a recommendation made by the committee. Reports suggest that 55% of population suffered income losses and 28% population suffered food shortages during Covid-19 pandemic in 2020.¹²⁵ Nutrition related plans and policies miss out on coverage of children who are vulnerable because of urban poverty. In *Bishnu Luitel v. Office of Prime Minister and Council of Ministers et.al*¹²⁶ : The petitioners demanded that day to day workers, marginalized communities and manual laborers should immediately be supported with food necessities during lockdown period. The court observed that the right to food of people should not be harmed through the lockdown period. The court also observed that rather than the concerned people by their volition made to be in contact, the state machinery should identify such people and protect their fundamental right related to food.

Recommendation: Right to Food	Status
159.114 Maintain and expand government programmes aimed at guaranteeing the right to food and addressing food insecurity, particularly among the most vulnerable populations (Cuba); Supported	Partially Implemented
159.118 Collaborate with specialized United Nations agencies to develop the agricultural sector (Kuwait); Supported	Partially Implemented
159.125 Continue the efforts to achieve remarkable progress in indicators related to hunger, nutrition and food security (Qatar); Supported	Partially Implemented
159.128 Consider adopting a more coordinated approach to address hunger and malnutrition (State of Palestine); Supported	Partially Implemented

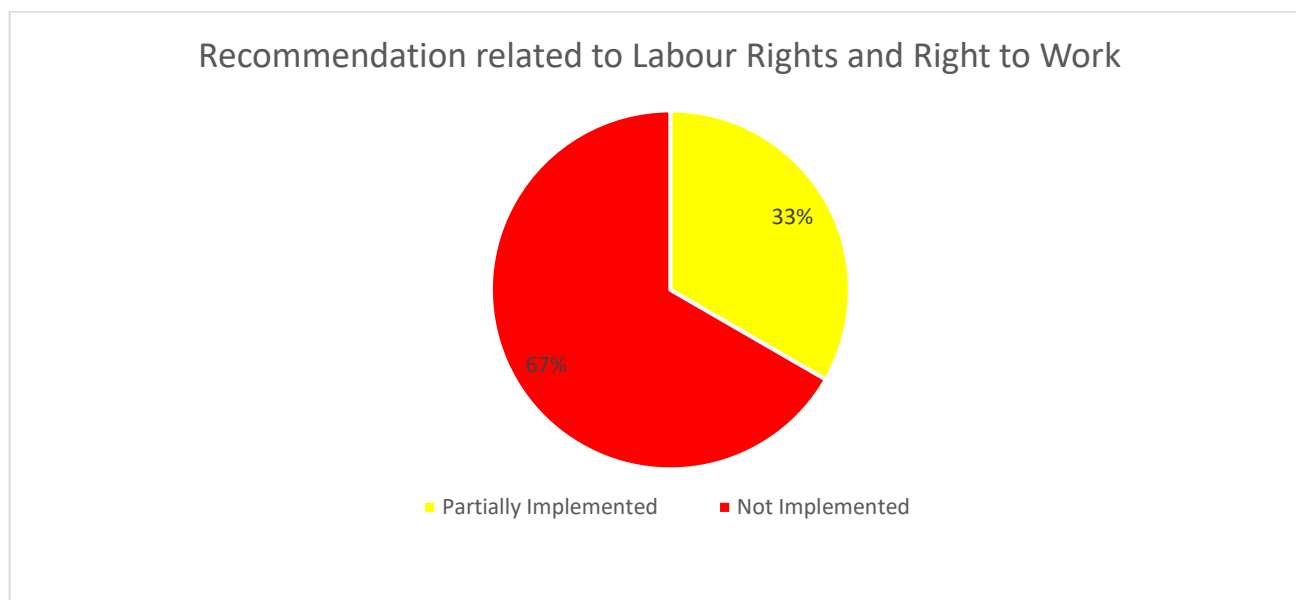
¹²⁴ UNICEF, Nutrition Report, 2021, p.27.

¹²⁵ UNICEF Nutrition Report, 2021, p.30.

¹²⁶ *Bishnu Luitel v Office of Prime Minister and Council of Ministers et.al (need to find year)*, Supreme Court of Nepal, unpublished, Case no. 076-WO-0933

5.36 Labour Rights and Right to Work

Out of 3 recommendations related to Labour Rights and Right to Work, Nepal has supported 1 recommendation and noted 2. Assessment by the coalition considers that all 1(33%) recommendation has been partially implemented and 2 (67%) recommendations which were noted have not been implemented.



With more than 80 % of workers involved in informal sectors employment protection of those through social protection measures and legal enforcement is difficult in Nepal. During the situation of Covid-19 they were left out of social protection and claim of contracted rights which further exacerbated their situation of vulnerability¹²⁷ Even from the formal sector 59.2 % are reported to be working without any formal contracts.¹²⁸

A study done by ILO in Nepal suggests that beyond a market shock the Covid-9 crisis had a much larger implication on social protection, courtesy lack of effective social protection base in pre-existing scenario.¹²⁹ Thus, increasing the risk in future crisis and emergency situations. Right to social security has been guaranteed by the constitution of Nepal, with legislative protection ensured by Social Security Act, 2018 and Contribution based Social Security act, 2018. The Ministry of Labour, Employment and Social Security adopted two guidelines to increase the coverage of Social Security Fund to migrants¹³⁰ and workers from informal sector. With social protection schemes in place in factual scenario according to a study, 30 % people would still require financial assistance for maintaining living conditions/expenses.¹³¹

Though bonded labour is prohibited by the law, various forms of bonded labour is still prevalent in Nepal. Forced labour does not come within the definition of human trafficking despite ratification of UN Trafficking Protocol (Palermo Protocol).

¹²⁷ Covid-19 Labour Market Impact in Nepal, 2020, ILO, Nepal, p.2. “ILO estimates that the first month of crisis has resulted in decline in earnings of informal workers of 60% globally.... the ILO estimates that Nepal share of workers below 50 % of the median could increase by more than 50 percentage points.”

¹²⁸ UNDP, *Rapid Assessment of Socio-economic Impact of Covid-19 in Nepal*, UNDP, 2020 p.46.

¹²⁹ International Labour Organization, ‘Impact of Covid-19 on Nepali Migrant Workers during the Health and Economic Crisis: Challenges and Way Forward’, *International Labour Organization*, 2020p.17.

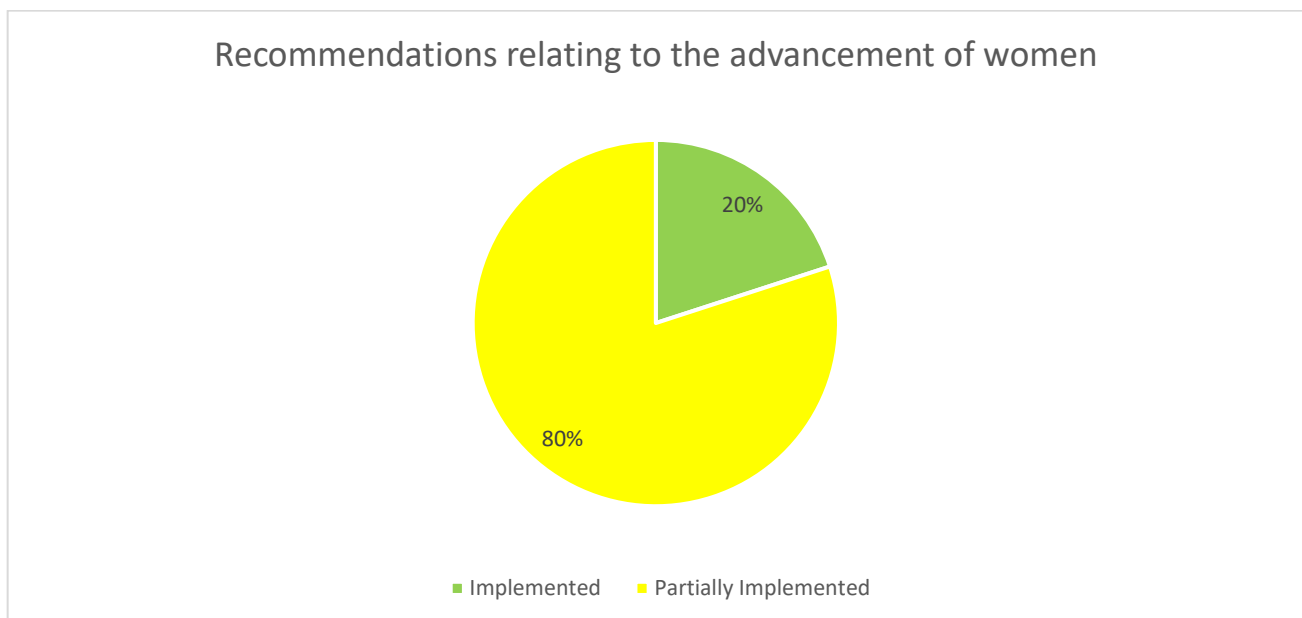
¹³⁰ सामाजिक सुरक्षा कोष (ssf.gov.np)

¹³¹ United Nations Children’s Fund, Child and Family Tracker (CFT), UNICEF, Kathmandu, Nepal, April 2022. Can be assessed at : [PowerPoint Presentation \(unicef.org\)](#)

Recommendation: Labour Rights and Right to Work	Status
159.105 Continue to take measures to further strengthen implementation of the Right to Employment Act and the contributory social security system and, in particular, implement targeted interventions for vulnerable groups. (Bhutan) Supported	Partially Implemented
159.106 Ratify the ILO Violence and Harassment Convention, 2019 (No. 190) (Namibia); Noted	Not Implemented
159.107 Ratify the ILO Domestic Workers Convention, 2011 (No. 189) (Namibia); Noted	Not Implemented

5.37 Advancement of Women

Out of 5 recommendations related to Advancement of Women, Nepal has supported all 5 recommendations. Assessment by the coalition considers that all 1(20%) recommendation has been implemented and 4 (80%) recommendations have been partially implemented.



Nepal has adopted several programs specific towards women advancement and empowerment. A recent example of this is a four-year program “Empowered Women, Prosperous Nepal”, a joint program launched by the government along with EU and UN.¹³² There is also a National gender equality policy ,2018 in place along with reference to the Judiciary the National Judicial Academy (NJA) has formulated a Gender Equality and Social Inclusion Strategy for the Judiciary (2021/22-2025/26) with an aim of making judicial service “gender friendly” and socially inclusive.¹³³With these initiatives efforts have been started to include gender inclusive policies in judiciary and other branches of governance. There is a yearly work plan against gender-based violence along with programs such as “President Women upliftment program” capable of facilitating women empowerment in practice.¹³⁴

¹³² [https://reliefweb.int/attachments/d6a750a7-6cd6-4dc1-b6f9-07d442eb1816/Press%20release%20-%20National %20 Gender%20 Equality%20Programme%20Launched.pdf](https://reliefweb.int/attachments/d6a750a7-6cd6-4dc1-b6f9-07d442eb1816/Press%20release%20-%20National%20Gender%20Equality%20Programme%20Launched.pdf)

¹³³ Gender Equality and Social Inclusion Strategy for Judiciary (2021/22-2025/26), National Judicial Academy, 2022. [Microsoft Word - GESI Strategy Cover Page 16 Jan 2022 \(njanepal.org.np\)](#)

¹³⁴ A Progressive Journey to Gender Equality and Women’s Empowerment, Ministry of Women, Children and Senior Citizen, 2021, p.15. [0Cz7iCOxqikIdQNpREjhO2pbqXilaQlz4BhM5scc-1625557539.pdf \(mowcsc.gov.np\)](#)

Although progressing in various regions only 11.8 % women in families owning property in *Sudburbaschim*. 45 % of Cottage and small industries are run by women and there are concessions on land registration that belong to women.¹³⁵ With gradual progress in some socio-economic and political indicators gender discrimination remains pervasive in all sectors and full implementation of constitutional guarantees remain to be realized.

Recommendation: Advancement of Women	Status
159.156 Further enhance the empowerment of women through education, awareness-raising, training for skills development and employment (Lao People's Democratic Republic); Supported	Partially Implemented
159.160 Continue efforts to promote women's empowerment (Bahrain); Supported	Partially Implemented
159.168 Expedite the adoption of a national action plan on gender empowerment and include measures to combat gender-based violence (Cyprus); Supported	Fully Implemented
159.180 Continue its efforts to promote the rights of women and girls, also with a view to empowering them in society (Islamic Republic of Iran); Supported	Partially Implemented
159.182 Increase efforts to achieve effective equality between women and men, especially in the judiciary, the law enforcement institutions and the diplomatic corps (Iraq); Supported	Partially Implemented

5.38 Persons with Disabilities: Accessibility, Mobility

Out of 1 recommendation related to Persons with Disabilities: Accessibility, Mobility, Nepal has supported all 1 recommendation. Assessment by the coalition considers that all 1(100%) recommendation have been partially implemented.

Constitution of Nepal, Act Relating to Person with Disabilities, 2017 and Regulation Relating to Person with Disabilities 2020 has guaranteed special protection and facilities inclusive of educational needs for people with disabilities. The Act Relating to Children 2018 specifically protects the same for children. Lack of inclusive teaching methods, socio-economic situation, and harassment, infrastructural barriers, undermining behaviors of peers, family, and teachers and of effective identification and screening of disabilities were major barriers to children with disabilities in accessing education.¹³⁶ There is no comprehensive and reliable data on the number of children benefited by free health care and early detection of disability. Accessible physical Structure and communication Service Directive for Person with Disabilities, 2069 does provide for provisions to arrange for disability friendly infrastructure in public buildings. The Constitution guarantees citizens with disabilities the right to have equal access to public services and facilities.¹³⁷ However, in practice, public facilities and infrastructures still lack disability friendly infrastructures.

Recommendation: Persons with Disabilities: Accessibility, Mobility	Status
159.221 Increase its efforts to achieve inclusive education by ensuring access for all persons with disabilities at all levels of education (Bulgaria); Supported	Partially Implemented

5.39 Members of Minorities

Out of 1 recommendation related to members of minorities, Nepal has supported 1 recommendation. Assessment by the coalition considers that all 1(100%) recommendation have been partially implemented.

¹³⁵ [New census shows women having more say in family, business \(risingnepaldaily.com\)](https://www.risingnepaldaily.com)

¹³⁶ Disability Inclusive Development: Nepal Situational Analysis, Institute of Development Studies, 2020.

¹³⁷ Constitution of Nepal, Art. 42(3)

The constitution recognizes making of special provisions for protection of rights to minorities as one of the policies of state.¹³⁸ Rights to caste minorities and ethnic minorities has also been highlighted in multiple clauses, envisioning inclusion in social, economic, cultural, and political spheres.¹³⁹ National Criminal Code criminalizes caste-based discrimination making it a punitive offence. Despite caste and gender-based discrimination are still de facto prevalent. Such forms of discrimination are pervasive across sectors including education, health, economic opportunities etc. Social exclusion based on caste in public places and day to day interactions/engagements is still prevalent¹⁴⁰. There were a few instances of alleged torture in custody by police allegedly in majority towards people from the minority community.¹⁴¹

Recommendation	Status
159.220 Take the necessary measures to protect ethnic and caste minorities, namely from excessive use of force by the police and alleged torture in custody, and punish perpetrators (Portugal); Supported	Partially Implemented

5.40 Indigenous People

Out of 1 recommendation related to Indigenous People, Nepal has supported 1 recommendation. Assessment by the coalition considers that all 1(100%) recommendation have not been implemented.

There has been so subsequent change with legislation in relation to the use of land by indigenous communities. It is now being reported that due to climate change indigenous communities are being dispossessed of their land in different areas of Nepal.¹⁴² Several development projects have been called into concern on negatively affecting rights of indigenous people.¹⁴³

On 18 July, 2020, staffs of *Bagai* sector of *Chitwan* National Park and Nepal Army personnel deployed for the protection of the Park with their seven elephants destroyed some huts and crops of indigenous *Chepang* community residing in *Kusum Khola*, Madi Municipality ward number 9, in Chitwan district.¹⁴⁴ They also burnt two huts of these people.¹⁴⁵

Similar report on Nepal's indigenous people's human rights and land rights violation has been published by Amnesty International.¹⁴⁶ The report provides saddening picture of indigenous people living near *Chitwan* National Park, and *BaraBardiya*, *Magaradi*, and *Geruwa* of *Bardiya* National Park. The report also provides dismal picture of arbitrary arrest and detention, torture and other ill-treatment, and use of force against indigenous people residing in buffer zones and near the national parks.¹⁴⁷ Some of these stories include the case of Rajkumar Chepang and Shikaram Chaudhary. Rajkumar was ill-treated and tortured resulting to death simply in the charge of entering into the national park to collect *ghongi* (a species of snail eaten as a delicacy) in the river in July 2020.¹⁴⁸ Likewise, Shikaram was tortured that resulting to death in suspicion of hiding rhino horn which was never recovered from him or from his home.¹⁴⁹

¹³⁸ Article 51(j) , The Constitution of Nepal

¹³⁹ Article 176 (6) and Article 215 (4) are example of how inclusion is ascertained for minority communities in political sphere.

¹⁴⁰ [39 cases of caste-based discrimination - The Himalayan Times - Nepal's No.1 English Daily Newspaper | Nepal News, Latest Politics, Business, World, Sports, Entertainment, Travel, Life Style News](#)

¹⁴¹ Custodial Deaths in Nepal : Towards a Framework for Investigation and Prevention, Advocacy Forum, July 2022, p.1

¹⁴² [Glacial Melt is Dispossessing Nepal's Indigenous Communities – The Diplomat](#)

¹⁴³ [Multipurpose Development Projects Threaten to Submerge Majhi Indigenous Peoples in Nepal | Cultural Survival](#)

¹⁴⁴ Informal Sector Service Center, Field Report, 2020.

¹⁴⁵ Ibid.

¹⁴⁶ Amnesty International, Violations in the Name of Conservation: “What Crime Had I Committed By Putting My Feet on the Land That I Own?”, 2021.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid. p. 28.

¹⁴⁹ Ibid. p. 30.

Recommendation	Status
159.219 Ensure that the rights of indigenous communities regarding the use of their land are upheld through the revision of the legislation on this matter (Marshall Islands); Supported	Not Implemented

5.41 Migrants

Out of 1 recommendation related to Migrants, Nepal has supported 1 recommendation. Assessment by the coalition considers that 1(100%) recommendation has been partially implemented.

The true vulnerability of migrant workers and their families was exposed during the Covid-19 pandemic. With language and digital divide migrant workers could not access relevant information in their country of destination.¹⁵⁰ Along with this they faced several barriers in protection of their rights due to inefficacy of Nepal government to protect their rights in their country of destination and the failure to bring them back to Nepal. The Supreme Court issued an interim order on April 16, 2020, to make arrangements for the repatriation of Nepalis at high risk abroad.¹⁵¹ Additionally, ruling on a case against the government's policy, the Supreme Court issued an interim order to the Government of Nepal on June 15 to formulate a procedure to strike a balance between the legal expectation of the migrant workers contributing to the Foreign Employment Welfare Fund and the equitable use of the fund, even after that, the work of paying the expenses was continued to the workers who lost their jobs or did not get the salary for months and the employers did not pay for the air tickets.¹⁵² Despite the order the problem persisted.

Migrant workers and their families faced problems with salaries not being ensured in time and difficulties litigating cases on infringement of their rights. Along with other corridors of migration, migrant workers also face issues of protection in India. A report published by the ILO estimates migrant workers residing in India to be 587,646. It further suggests that 86% of these migrant workers are engaged in informal sectors and seasonal work. Because of this they lack formal employment contracts. As of result workers in a contractual way are not protected, guaranteed or provided with food, health care, accommodation and other benefits as their contractual right.¹⁵³ The Ministry of Labour , Employment and Social Security admits to th fact that the government is yet to accurately ascertain situation of returnees as a result of Covid-19 and acknowledges the challenge towards formulation of evidence based policy.¹⁵⁴ Nepal is yet to ratify International Convention of the Rights of Migrant Workers and Members of their Families (ICRMW).

Recommendation: Migrants	Status
159.228 Undertake further measures to prevent the exploitation and abuse of Nepalese migrant workers, including by implementing the 2018 recommendations of the Special Rapporteur on the human rights of migrants (Canada); Supported	Partially Implemented

5.42 Refugees and asylum seekers

Out of 5 recommendations related to Refugees and asylum seekers, Nepal did not support any recommendations and all 5 recommendations have been noted. There has been no significant progression on protection of refugees and asylum seekers although all the recommendations were noted by Nepal.

¹⁵⁰ Centre for the Study of Labour and Mobility (CESLAM), Covid-19 and Nepali Labour Migrants, Center for the study of Labour and Mobility, Kathmandu, 2020, p24-25

¹⁵¹ *Advocate Som Prasad Luitel et.al. v. PM and Council of Ministers*, Writ No. 076-WO-0940

¹⁵² *Advocate Som Prasad Luitel et.al. v. PM and Council of Ministers*, Writ No. 076-FN-0558

¹⁵³ ILO, *Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers During the Health and Economic Crisis: Challenges and Way Forward*, ILO, 2020, p.3.

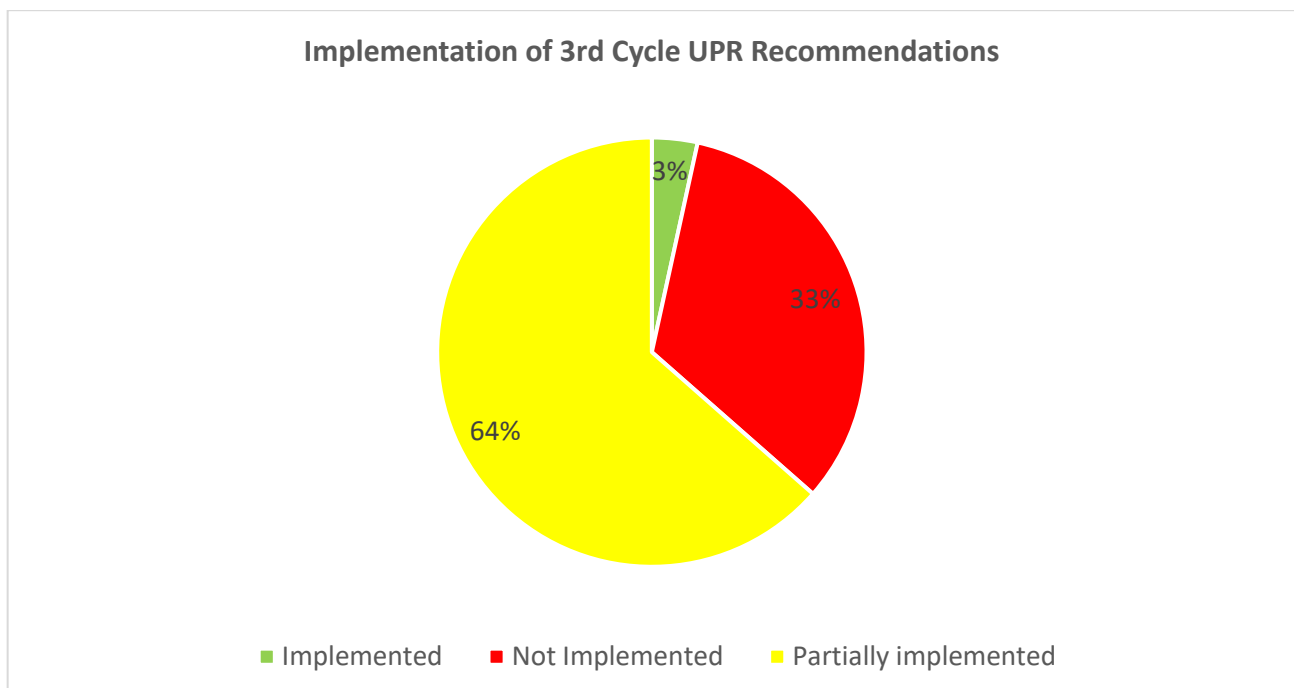
¹⁵⁴ Nepal Labour Migration Report 2022, Ministry of Labour , Employment and Social Security, p.94 [Nepal Labour Migration Report 2022.pdf \(moless.gov.np\)](https://moless.gov.np)

Recommendation: Refugees and Asylum Seekers	Status
159.229 Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, developing a formal recognition system and complying with the principle of non-refoulement (Holy See); Noted	Not Implemented
159.229 Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, developing a formal recognition system and complying with the principle of non-refoulement (Holy See); Noted	Not Implemented
159.231 Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Namibia); Noted	Not Implemented
159.232 Register and verify all Tibetan, Bhutanese and other refugees followed by issuance of identity documents with the formal right to work and access services (United States of America); Noted	Not Implemented
159.233 Resume implementation of the gentleman's agreement, provide access and safe passage through its territory for Tibetan new arrivals and implement any legal agreements with China consistent with the principle of non-refoulement (United States of America). Noted	Not Implemented

6 Conclusion and Recommendation

Nepal Supported 196 recommendations out of 233 recommendations in the third cycle. Out of the supported recommendations. Out of all recommendations including the noted ones, only 8(3%) recommendations have been fully implemented, 148 (64%) recommendations have been partially implemented and 77(33%) have not been implemented. Recommendations on transitional justice, ratification of international treaties, equality, and non-discrimination, sexual and gender-based violence, discrimination against women etc. are areas where non implementation were more.

Recommendations on the area of refugee and asylum seekers were all noted and not implemented. Similar was the case with ratification of different international conventions including recommendation to ratify 1951 convention relating to the status pf refugees and its1967 protocol. Domestic execution of international obligations was recommended on several occasions, from independence of National Human Rights institutions based on Paris Principles, adherence to WHO guidelines in relation to Covid-19, transitional justice through a victim-oriented perspective etc.



Recommendations:

To Government of Nepal:

1. Ensure rights and protections under international obligations, principles established by the Supreme Court of Nepal and constitutional-legal framework in practice.
2. Ensure adequate budget allocation and logistical necessities required for implementation of guaranteed rights.
3. Extend international coordination and cooperation where needed in protection of rights in necessity of domestic conditions and requirements.
4. Ratify recommended international conventions and implement obligations of already ratified conventions through appropriate amendments or formulation of relevant legislation.
5. Extend inclusion of beneficiaries in implementing relevant recommendations and associate rights/protections.

To recommending states:

1. Extending recommendations where plausible considering action-oriented necessities in protection of rights rather than abstract recommendations.