**Nepal Civil Society UPR Mid-Term Review Report-2023**

**National Coalition for UPR-Nepal**

**Informal Sector Service Center (INSEC) – Secretariat**

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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]](#footnote-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]](#footnote-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]](#footnote-3)

# **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-refoulment 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]](#footnote-4) 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]](#footnote-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.

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| --- |
| 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.

## **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]](#footnote-6) Issues and discussions are raised on ratification of remaining core treaties and their protocols both within and outside government 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).

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| **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 ofTheir 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 |

## **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]](#footnote-7) An open, merit-based process when selecting national candidates for United Nations treaty body elections is yet to be adopted.

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| **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 |

## **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.

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]](#footnote-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.

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| **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  |

## **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]](#footnote-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]](#footnote-10)

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| **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 |

## **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.

The constitution provides guarantees relating to non-discrimination in terms of identity such as gender or caste[[11]](#footnote-11). 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]](#footnote-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 prevalent[[13]](#footnote-13). National Dalit Social Welfare Organization postulates towards the lack of comprehensive data on abuse based on discrimination and incidents of exclusion[[14]](#footnote-14). Health indicators and education indicators are also low in Dalits, Adivasi janajatis (indigenous groups) and other marginalized communities[[15]](#footnote-15) 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 assessing day to day services, employment, health services and information relevant to Covid-19.[[16]](#footnote-16)

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| **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 |

## **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 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]](#footnote-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]](#footnote-18) The role of local government has also been emphasized for better execution of inclusive development initiatives-processes.

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| **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 |

## **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.

The Constitution of Nepal[[19]](#footnote-19) and the National Penal Code, 2017 are inclusive of provisions that prohibit cruel, inhumane and degrading treatment. The National penal code particularly probits torture, cruelty and inhumane treatment by authorities competent under the law.[[20]](#footnote-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]](#footnote-21) Reports also present that in normal circumstances actions were taken against authorities involved in alleged torture in custody.[[22]](#footnote-22)

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| **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 |

## **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]](#footnote-23) Despite a court order and a recommendation by NHRC the situation of inmates remained precarious through most of the crisis.[[24]](#footnote-24) In situations beyond Covid-19, with some attempts[[25]](#footnote-25) 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]](#footnote-26)

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| **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 |

## **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]](#footnote-27) Labour migrants faced the problem of accessing justice due to factors such as language barrier and inaccessibility of digital technology. [[28]](#footnote-28) There have been instances of unlawful and extrajudicial killings with most of them coming within the limit of enquiry and investigation.

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| **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 |

## **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]](#footnote-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]](#footnote-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]](#footnote-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 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.

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| **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 |

## **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.

The Constitution of Nepal[[32]](#footnote-32) along with Human Trafficking and Transportation (Control) Act, 2007 (HTTA) [[33]](#footnote-33)ensures rights against trafficking and criminalizes human trafficking and transportation. The Labour act 2017 also prohibits forced labour.[[34]](#footnote-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]](#footnote-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]](#footnote-36). Children were at the risk of trafficking, sexual, emotional abuse, and denial of rightful incentives during the Covid-19 pandemic.[[37]](#footnote-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]](#footnote-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 victims of human trafficking from 2020-2022.[[39]](#footnote-39) Another report points towards 2000-3000 children as being victims of sexual exploitation outside adult entertainment industry.[[40]](#footnote-40)

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| **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 |

## **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]](#footnote-41) Price hikes were common with doubling effects for some commodities within a single week.[[42]](#footnote-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]](#footnote-43) Reports suggest that loss livelihood, food insecurity and regression in standard of living was high in people from the lowest wealth quintile.[[44]](#footnote-44)

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| **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 |
| 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 |

## **Right to an Adequate Standard of Living**

Out of 2 recommendations related to Right to and 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 *Sudhur* *Paschim* provinces. Businesses were at risk with consequential impact on families relying on employment.[[45]](#footnote-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 pandemic[[46]](#footnote-46) 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.

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| **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 |

## **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.

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| **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 |

## **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.

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]](#footnote-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 deploring that many people fled and refused to stay in those facilities, prompting possible transmissions in communities.[[48]](#footnote-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.

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 be 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]](#footnote-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 mortal rate is in a decreasing trend through the years.[[50]](#footnote-50)

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| **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 |

## **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.

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]](#footnote-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]](#footnote-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.

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| **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 |

## **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.

The Constitution of Nepal guarantees right to education [[53]](#footnote-53) 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]](#footnote-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]](#footnote-55) Education indicators are low in marginalized communities as in other sector like health.[[56]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-59) Sexual education is a part of required curriculum but is found to be skipped by faculties in some scenarios.[[60]](#footnote-60) There are very few schools that have disability friendly infrastructure which could support in the teaching and learning of children with disabilities[[61]](#footnote-61). (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.

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| **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 provision of free quality education to all without discrimination (Holy See); Supported | 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 |

## **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]](#footnote-62)

Beyond Covid-19 Female children are vulnerable to deprivation of education and other necessities due to child labour[[63]](#footnote-63) Gender based disparity is pervasive in education as in other sectors. Female children 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]](#footnote-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]](#footnote-65) The implementation of the policy is yet to assessed in evidence.

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| **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, especially during the COVID-19 lockdown (Islamic Republic of Iran); Supported | Partially 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 |

## **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]](#footnote-66) PWD’s including children were victims of sexual violence in high number.[[67]](#footnote-67) Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.[[68]](#footnote-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]](#footnote-69) PWD’s including children were victims of sexual violence in high number.[[70]](#footnote-70) Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.[[71]](#footnote-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]](#footnote-72)

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| **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 |

## **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.

 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]](#footnote-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.

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| **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 |

## **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]](#footnote-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]](#footnote-75)

In many schools, children with disability were found to be segregated[[76]](#footnote-76). Schools have been found to reject students on several occasions due to physical or mental disabilities.[[77]](#footnote-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]](#footnote-78) However, in practice, public facilities and infrastructures still lack disability friendly infrastructures.

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| **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 |

## **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]](#footnote-79) The Constitution also recognizes the best interests of children as an aspect under the state’s policy.[[80]](#footnote-80) The Act Relating to Children, 2018, provides for the establishment of National Child Rights Council[[81]](#footnote-81), Provincial Child Rights Committees, Local Child Rights Committees[[82]](#footnote-82) and child welfare authorities in local level[[83]](#footnote-83).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]](#footnote-84)

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.

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| **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 |

## **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]](#footnote-85) The Act Relating to Children, 2018 also incorporates the right of protection against torture or ill treatments of any form under several provisions.[[86]](#footnote-86) National Child Policy 2012[[87]](#footnote-87) 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 torture[[88]](#footnote-88). The Act Relating to Children, 2018 implicitly categorizes different forms of abuse and prohibits them.[[89]](#footnote-89)Child Labour (Prohibition and Regulation) act 1992 prohibits child labour in “work”[[90]](#footnote-90) Labour act 2017 prohibits child labour in both formal and informal sectors[[91]](#footnote-91) .

Constitutional and legal arrangement in Nepal prohibits child labour and makes it a punitive offence.[[92]](#footnote-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 on 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.

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| **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 eradicate the practice of child labour, in particular regarding hazardous work (Italy); Supported | Partially 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  |

## **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]](#footnote-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.

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| **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 |

## **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 inequality is at a rise with marginalized sections of society facing disproportionate consequences of inequality.[[94]](#footnote-94)

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| **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 |

## **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]](#footnote-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]](#footnote-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]](#footnote-97) Lack of evidence on progression of sustainable goals through accurate data is challenging in terms of assessing implementation of sustainable development goals.

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| **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 |

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

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| **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 |

## **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]](#footnote-98) Along with this several International and National agencies and Civil Society organizations were active in facilitating such trainings.[[99]](#footnote-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]](#footnote-100). The appointment of commissioners of National Human Rights Commission was called into question with litigation ongoing on appointment’s legitimacy.

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| **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 |

## **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 is 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]](#footnote-101) Despite multiple verdicts by Supreme Court of Nepal in ascertaining right of victims to remedy and invalidation of provision for compromise and amnesties the situation remains the same.[[102]](#footnote-102) Convention for the Protection of All Persons from Enforced Disappearances (CED) is yet to be ratified.

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| **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 |

## **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]](#footnote-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]](#footnote-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]](#footnote-105) There were reports of increment in rape incidents during phases of Covid-19 lockdown.[[106]](#footnote-106) PWD’s including children were victims of sexual violence in high number.[[107]](#footnote-107) Instances of sexual harassment and sexual violence inside schools were also reported, with staffs of school alleged as perpetrators.[[108]](#footnote-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]](#footnote-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 compulsory across schools along with appointment of a female teacher as a gender focal person. The efficiency of which is yet to be assessed.

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| **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 gender-based violence in order to bring legislation into line with international standards (Denmark); Noted | Not Implemented |
| 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 |

## **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]](#footnote-110) Questions have been raised on implementation of ensured fundamental right in practice with right to free speech considered curtailed in various instances.[[111]](#footnote-111) Limits of freedom in artistic expressions were also brought into light with controversies and petitions surrounding certain works of art.[[112]](#footnote-112)

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| **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 |

## **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 [[113]](#footnote-113)and assembly without arms has been guaranteed by the constitution of Nepal.[[114]](#footnote-114) There have been reports of violence and use of force against human rights defenders in different scenarios.[[115]](#footnote-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]](#footnote-116)

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| **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 |

## **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]](#footnote-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]](#footnote-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.

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| **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 |

## **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]](#footnote-119) There were reports of basic WASH facilities not being available in government sanctioned quarantine facilities.[[120]](#footnote-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]](#footnote-121) Studies also suggest towards “inequality of service coverage amongst eco-regions” with basic water supply increasing regardless of quality.[[122]](#footnote-122) Literacy rate has increased to 76.2 % with literacy gap between male and female still prevalent.[[123]](#footnote-123)

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| **Recommendation: Economic, Social, and Cultural Rights - General Measures of Implementation** | **Status** |
| 159.115 Continue to consolidate the successful social policies for the benefits of its people in the areas of food, health and education (Bolivarian Republic of Venezuela); Supported | Partially 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 |

## **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]](#footnote-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]](#footnote-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]](#footnote-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.

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| **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 |

## **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 vulnerability[[127]](#footnote-127) Even from the formal sector 59.2 % are reported to be working without any formal contracts.[[128]](#footnote-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]](#footnote-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 migrants[[130]](#footnote-130) 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]](#footnote-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).

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| **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 |

## **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]](#footnote-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.[[133]](#footnote-133)With 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]](#footnote-134)

Although progressing in various regions only 11.8 % women in families owning property in *Sudhurpaschim*. 45 % of Cottage and small industries are run by women and there are concessions on land registration that belong to women.[[135]](#footnote-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.

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| **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 |

## **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]](#footnote-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]](#footnote-137) However, in practice, public facilities and infrastructures still lack disability friendly infrastructures.

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| **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  |

## **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.

The constitution recognizes making of special provisions for protection of rights to minorities as one of the policies of state.[[138]](#footnote-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]](#footnote-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 prevalent[[140]](#footnote-140). There were a few instances of alleged torture in custody by police allegedly in majority towards people from the minority community.[[141]](#footnote-141)

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| **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 |

## **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]](#footnote-142) Several development projects have been called into concern on negatively affecting rights of indigenous people.[[143]](#footnote-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]](#footnote-144) They also burnt two huts of these people.[[145]](#footnote-145)

Similar report on Nepal’s indigenous people’s human rights and land rights violation has been published by Amnesty International.[[146]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-149)

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| **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 |

## **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]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-154)Nepal is yet to ratify International Convention of the Rights of Migrant Workers and Members of their Families (ICRMW).

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| **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 |

## **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.

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| **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 |

# **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.
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13. See, https://news.un.org/en/story/2020/05/1065102 [↑](#footnote-ref-13)
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