

I. INTRODUCTION

This joint submission has been prepared by three coalitions, the Nepal National Coalition for UPR (NNC-UPR), National Women Coalition and Durban Review Conference Follow-up Committee (DRCFC) Nepal. The coalition comprises 440 civil society organizations (Annex 1).

II. METHODOLOGY

This report is the outcome of two national consultations, seven provincial and eight thematic consultations with 924 participants and relevant stakeholders. Participants included representatives from the National Human Rights Commission (NHRC), government, sexual minorities, Muslims, religious minorities, *Dalit* and *Madhesi* communities, indigenous peoples (IPs), journalists, lawyers, freed bounded laborers, child rights activists. This submission includes two different thematic submissions by DRCFC and the Women Coalition as annexes (Annex 2 and 3).

III. IMPLEMENTATION STATUS OF UPR 2ND CYCLE (2015) RECOMMENDATIONS AND DEVELOPMENTS SINCE THE PREVIOUS REVIEW

1. The mid-term assessment conducted by the National Coalition suggested that only eight (4%) of a total of 152 (78%) recommendations supported by Nepal were fully implemented, 121 (62%) recommendations were partially implemented and 66 (34%) recommendations were not implemented. (See: Mid-term report and Matrix in annex for details.)
2. Both Houses of Nepal's federal parliament passed 16 bills necessary to guarantee the fundamental rights mentioned in the Constitution. However, the laws remain to be effectively implemented. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, has been ratified¹.
3. The government has drafted its Fifth National Human Rights Action Plan for implementing Nepal's human rights obligations.

IV. BACKGROUND AND FRAMEWORK

A. Scope of International Obligations

4. The First and Second UPR cycles had recommended ratification of several international treaties for improving the human rights situation². Many of the recommended treaties have not been ratified.

CSO-Suggested Recommendations:

- Ratify Convention against Enforced Disappearance, Migrant Workers Convention, and all three Additional Protocols to Geneva Conventions 1949.
- Accede to the Rome Statute of ICC and ILO Convention 189.
- Ratify Optional Protocols to the ICESCR, CAT and CRC (OP III).

B. Constitutional and Legislative Framework

5. Nepal's Constitution³ commits to democratic norms and values including human rights. The Constitution is in the process of implementation under a federal governance arrangement.
6. The Constitution ensures civil and political rights as well as economic, social and cultural rights as fundamental rights.⁴ It also guarantees constitutional remedy.⁵ The Directive Principles states the objective of the state as to establish a public welfare system of governance.⁶
7. The Constitution guarantees participation of ethnic and caste groups, women, indigenous peoples, *Dalits*, Muslims, *Madhesi*, Persons with Disabilities and sexual minorities in state affairs.

Recommendations:

- Guarantee equal rights for women to acquire and transfer citizenship.
- Ensure effective implementation of the rights of women, indigenous peoples, *Dalits*, Muslims, *Madhesi* and sexual minorities as guaranteed in the Constitution.

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

8. NHRC is an independent human rights monitoring constitutional body.⁷ The Commission has been carrying out its constitutional responsibilities through monitoring, investigation and promotion of human rights.⁸ However, implementation of NHRC recommendations by the government has been poor.⁹
9. The National Women Commission, National *Dalit* Commission, the National Inclusion Commission, the Indigenous Peoples and Nationalities Commission, the *Madhesi* Commission, the *Tharu* Commission and the National Muslim Commission are also designated as constitutional bodies.¹⁰ However, members to some commissions remain to be appointed.¹¹

Recommendations:

- Ensure full independence of NHRC¹² and effectively implement its recommendations.
- Ensure inclusive representation in appointments to the NHRC.¹³
- Form ‘Disability Commission’ and ‘Children’s Commission’ with autonomy.
- Appoint commissioners and make all commissions fully staffed within 6 months.

V. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. Equality and Non-discrimination

10. **Gender Equality and Violence against Women¹⁴:** Nepal’s Constitution guarantees that no citizens shall be discriminated on the ground of race, sex, economic condition and similar other grounds.¹⁵ Article 38 safeguards a wide range of rights of women. However, gender inequality prevails, and women are discriminated in public and political forums¹⁶. Women from *Dalit*, IPs, minority and Muslim community and women with disabilities continue to face gender and identity-based discrimination.
11. Despite legal safeguards, discrimination and violence against women in families and communities continue. The patriarchal social structure has made it hard to deal with the issues of domestic violence because victims generally do not file complaints; instead seek social settlement. The interim protection measure envisioned by the Domestic Violence (Offence and Punishment) Act has not been effective.¹⁷ INSEC recorded 3,364 cases of domestic violence against women in 2019¹⁸INSEC reported 502 cases of violence against women and children during March 24-May 16, 2020 in COVID-19 related lockdown¹⁹.

Recommendations:

- Implement laws and the Supreme Court decisions to make citizenship easily available based on the mother’s citizenship.
 - Ensure effective implementation of laws and policies on gender equality backed with sufficient resources.
 - End harmful cultural practices and build awareness for eliminating discrimination against women.²⁰
 - Investigate cases involving harmful traditional practices and punish those responsible, provide protection and rehabilitation to victims. Raise awareness against issues such as the dowry system, son preference and polygamy.²¹
 - Improve mechanisms to protect women against domestic violence.
12. **Discrimination against *Dalit* and *Madhesi* people:** Nepal’s Constitution provides rights against untouchability and discrimination. Despite these legal guarantees²², caste-based discrimination is still practiced in Nepali society. Discrimination has affected access to education, health care, employment, water availability and ability to enjoy an adequate standard of living for members of these communities.²³
 13. *Madhesi Dalits* endure greater exclusion, marginalization, and landlessness²⁴ and are discriminated even within the *Dalit* and *Madhesi* communities. *Dalit* women face discrimination based on region, class, caste and gender. *Badi* woman face sexual exploitation. *Dalit* people face caste-based discrimination and untouchability in schools, temples and other public and private places. They are deprived of education and face malnutrition, child labor, trafficking and sexual violence.²⁵

Recommendations:

- Provide mother tongue-based multilingual education and ensure access to schooling for children from *Dalit* and indigenous communities.²⁶
- Investigate²⁷ and prosecute cases of discrimination against *Dalits*, conduct awareness-raising campaigns, functionalize the National *Dalit* Commission and ensure access to justice on cases of discrimination.²⁸
- Adopt policies, plans, strategies, programs and budget for effective implementation of law against caste-based discrimination.
- Amend all discriminatory laws, regulations, rules, directives, policies and programs.²⁹
- Ensure protection for all inter-caste married couples.
- Ensure that all opportunities, resources and services are proportionally distributed among the hill and *Madhesi Dalits* and *Dalit* women as per the ratio of their respective populations.
- End landlessness within one year and ensure citizenship rights of *Dalits*.

14. **Discrimination against Muslim and Other Minorities:** Muslims³⁰ are one of the marginalized groups in Nepal.

15. Muslim women have lower access to health, justice and education because of cultural and language barriers. They suffer multiple forms of discrimination as women.³¹

Recommendations:

- Ensure that all religious groups have equal access to resources to preserve and protect religious and cultural heritage and to build religious infrastructures.
- Recognize and mainstream *Madrasha* education in Nepal's education system.
- Ensure proportional representation of Muslim women in all public spheres.

16. The GoN has recognized 60 groups of IPs³² and several IPs have been left out.³³ Several projects located in IPs land and territories have displaced IPs from their lands and natural resources.³⁴ The GoN endorsed and approved the National Action Plan for the implementation of ILO 169, but it is yet to be implemented.³⁵ Indigenous women face multiple discrimination. The CEDAW concluding observations made in 2018 remains to be implemented.³⁶

Recommendations³⁷

- Immediately implement the Action Plan of ILO 169 endorsed by the GoN.
- Implement CEDAW concluding observations 2018.
- Recognize and uphold the right to free, prior and informed consent of IPs as a requirement for any activities that may impact on them.
- Fully implement the constitutional provisions of inclusion and proportional representation of IPs including indigenous women.
- Collect and disaggregate data of indigenous women in forthcoming National Census.

17. **Persons with Disabilities (PWDs):** The Rights of Persons with Disabilities Act, 2017 is focused on the medical model of disability and needs amendment to address issues of psychosocial disabilities. PWDs have been struggling for inclusion and participation in all state structures. Lacking support systems and social security, persons with psychosocial and severe disabilities are often chained, incarcerated and treated in inhuman ways. Access to education and health facilities are difficult for PWDs.

Recommendations:

- Amend PWD Act and address issues of psychosocial and other under-represented disabilities.
- Incorporate survey questions to get data of all types of disabilities in the 2021 national census.

18. **Sexual and Gender Minorities:** Over a decade of Supreme Court's verdict³⁸, marriage equality is unrecognized, instead, it is legally sanctioned. The recommendation of the SC -mandated committee report is yet to be implementation.³⁹ Though the Constitution recognizes "gender and sexual minority" people among the disadvantaged groups,⁴⁰ non-recognition of marriage equality has deprived LGBTI couples of enjoying certain rights and benefits. LGBTI persons are subjected to discrimination, hate, social stigma, and harassment in their own families, schools, employment and public services.⁴¹

Recommendations:

- Fully implement the constitutional provisions to increase the participation and representation of the LGBTI community in public services and state mechanisms.
 - Revise and amend the Civil and Criminal Codes and other discriminatory laws that restrict the rights of the LGBTI community.
19. **Slavery and Former Bonded Labor:** Despite legislative provisions against slavery, historical forms of bonded labor (*Kamaiya, Kamalari, Haruwa, Charuwa, Haliya, etc.*) persist in agriculture, and forced labor in brick kilns, stone quarries, entertainment sector, domestic work, restaurant and embroidered textiles. These exploitations are complex in Nepalese context where legal enforcement is weak and impunity is high without much economic opportunities.⁴² In 2000, the government declared *Kamaiya* emancipation, including from debt.⁴³ There are around 37,000 freed *Kamaiya*.⁴⁴ However, two decades after their emancipation, they are still awaiting for proper rehabilitation. They are compelled to work for previous landlords.⁴⁵

Recommendations:

- Ensure full and effective implementation of laws against slavery, including, the *Kamaiyas* (Prohibition) Act 2002;
 - Provide employment opportunities to freed bonded labourers.
 - Mobilize local authorities to ensure that there is no slavery, servitude or slavery-like practices in communities.
 - Ensure rights to housing to all the freed bonded labours.
20. **Rights of Human Rights Defenders:** The Federation of Nepali Journalists listed 36 cases of killing, four cases of enforced disappearances of journalists⁴⁶ and 73 press freedom violations.⁴⁷ Women HRDs share equal responsibility but face a higher level of risk. WHRDs advocating against domestic violence and for sexual rights are routinely threatened.⁴⁸

Recommendations:

- Ensure recognition, support and security to HRDs and WHRDs through law, policy and programmatic interventions.
- Take immediate actions to ensure protection in the cases of threats caused by freedom of expression.⁴⁹
- Take measures to systemically investigate⁵⁰ intimidation, threat, physical harm and aggression against HRDs.

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

21. Five persons, two in Bhakatapur, two in Rupandehi, and one in Sunsari district, in 2018 and three persons, one each in Saptari, Rupandehi and Sarlahi districts in 2019, were killed in fake encounter in Nepal. INSEC has raised questions on such unlawful killings conducted by Nepal police through its reports and press statements.⁵¹

Recommendations:

- Take measures to prevent warrantless arrests, torture, extrajudicial killings and other types of state misconduct.
 - Carry out effective investigation on the allegations of extrajudicial killings and ensure justice for victims.⁵²
22. **Torture and Enforced Disappearance:** For the purpose of addressing human rights violations committed during armed conflict, the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act in 2014 was enacted.⁵³ Compensation Relating to Torture Act, 1996 has provision for compensating physical or mental torture of people or for cruel, inhuman or degrading treatment to such a person.⁵⁴
23. Criminal Code has criminalized the act of torture and enforced disappearance⁵⁵. The Legislature-Parliament on Aug 31, 2016, forwarded the Bill⁵⁶ to Control Torture, Inhuman, Brutal and Disrespectful Acts to a parliamentary committee for finalization⁵⁷but has not been passed yet.
24. Nepal has not yet signed the OP CAT.⁵⁸

Recommendations:

- Ratify the OP CAT⁵⁹
- Ensure proper mechanism for rehabilitation and reparation of torture victims.
- Ensure accountability and improve capacity of security forces for preventing torture.⁶⁰

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

25. **Right to a Fair trial:** The Constitution of Nepal 2015 guarantees a fair trial⁶¹. There is lack of effective coordination among the investigation, prosecution and adjudication agencies. As a result, some detainees face torture or inhuman treatment and are denied a fair trial.

Recommendations:

- Develop infrastructure and invest in criminal justice mechanisms to ensure fair trials.
- Establish a formal mechanism to coordinate among criminal justice institutions.
- Enact comprehensive witness protection law.
- Ensuring protection for victims and witnesses to crime, particularly *dalit*, women and minor.⁶²

26. **Access to Justice and Effective Remedy:** The judicial procedure is expensive and tiring. Legal aid hardly reaches indigent people and women due to the social and legal limitations⁶³. The Criminal Code has increased the statutory limitation for rape and sexual violence to one year but is still insufficient. Women victims of physical violence, sexual violence, and caste-based discrimination are coerced to opt for mediation rather than seeking legal remedy.

Recommendations:

- Ensure access to justice measures such as fast track court and effective continuous hearing of cases.
 - Allocate sufficient human and financial resources to the judiciary and quasi-judicial bodies.
 - Enact new Nepal Police Act with principles of democratic and human rights-friendly policing.
27. **Transitional Justice:** After 14 years of the Comprehensive Peace Accord between the government and the then rebel, victims of conflict have received only interim relief and no reparation. The modes of operation remain to be finalized even though the TJ commissions were formed in 2015⁶⁴.
28. Politically influenced appointments of commissioners – the practice to date – threaten to undermine the purpose of the commission for truth, justice, reparation and institutional reforms. Survivors of conflict-related sexual violence have not been acknowledged as conflict victims.
29. The two Commissions have not produced tangible results other than receiving complaints from victims. Investigations on the complaints have not been completed.
30. Accused and perpetrator of the conflict era crime and serious human rights violation cases are being appointed, promoted and deployed in the high-level policy making institutions, executive and security agencies.

Recommendations:

- Respect decision of the Supreme Court⁶⁵ on handling cases of serious human rights violation.⁶⁶
 - Recognize conflict-era survivors of sexual violence as conflict victims and include them in all support programs.
 - Make medical, psycho-social, legal and livelihood immediately available to the survivors.
 - Ensure protection of survivors and witnesses in the TJ mechanisms.
 - Ensure that law and institution reform, and vetting approach is used in the TJ process.
 - Make sure that commissioners to the TJ mechanisms are appointed in fair manner based on their competency, not on the ground of political affiliation.
 - Implement Human Rights Committee recommendations relating to conflict era communications.
31. **Impunity:** Still a number of FIRs are not registered⁶⁷ and extra judicial killings are not adequately investigated⁶⁸. In some cases, suspects are not arrested because of political protection.

Recommendations:

- Design approach to check impunity, and for ensuring equality of all before law.

D. Right to Privacy, Marriage and Family Life

32. Child marriage has been criminalized but is still practiced. Lack of enforcement of existing laws remains an issue.
33. In 2016, the government adopted "National Strategy to End Child Marriage" with the vision of ending the practice by 2030. However, it had not prepared a budget to implement the strategy.⁶⁹

Recommendations:

- Ensure effective enforcement of the legal minimum age of marriage.
- Protect girls from sexual abuse and violence and ensure reproductive health.

E. Economic, Social and Cultural Rights

34. **Right to Work and Rights at Work:** A majority of the population employed in the informal economy do not have just and favourable working conditions and social security.⁷⁰ Women working in households, restaurants, dance bars, massage parlours, etc. are not adequately protected by law and mechanism. This results in abuse and stigmatization including unequal and low salaries, uncertain duty hours, job insecurity, harassment, violence and arbitrary arrests.

Recommendations:

- Protect women working in entertainment sectors by improving working conditions, ensure job security and establish complaint mechanisms.
 - Ensure domestic work as descent work and social security to the domestic workers.
35. **Right to Social Security:** The government unveiled a contribution based social security scheme on 27 November 2018.⁷¹ This scheme protects employees in formal sectors but labourers in informal sectors and unemployed may not benefit from it. The government provides allowances for senior citizens, widows, unmarried women, children, *Dalits* and endangered ethnic communities. However, many senior citizens do not receive the payments because they do not have citizenship certificates.⁷²

Recommendations:

- Guarantee social security to people working in informal sectors.
 - Provide protection allowances to all households below poverty line.
36. **Right to an Adequate Standard of Living:** Despite constitutional guarantee of the right relating to food⁷³ and the Supreme Court decision on holding state responsible to ensure easy access to food,⁷⁴ food scarcity is a problem in rural Nepal. There is little or no promotion of locally available nutritious food for mothers during pregnancy, and to children after six months of age.⁷⁵
37. The government has evicted landless squatters without providing them alternatives. There is no safeguard for women expelled from their families following domestic violence.
38. 10.8 million people in Nepal do not have access to improved sanitation, and 3.5 million do not have access to clean drinking water.⁷⁶

Recommendations:

- Ensure effective implementation of right relating to food and nutrition security.⁷⁷
- Improve food storage management system.
- Professionalize agriculture and ensure rights of affected people from development projects.
- Adopt a comprehensive human-rights-based strategy with a gender dimension to combat hunger.⁷⁸
- Effectively implement the Public Housing Project ⁷⁹ for *Dalit* and marginalized groups and expand the scheme to other indigent communities.⁸⁰
- Abide by the UN Basic Principles and Guidelines on Development-based eviction and displacement.
- Ensure effective implementation of the "Policies related to Social Justice and Inclusion" as provided by the Constitution.⁸¹
- Remove barriers to accessing the water supply to traditionally excluded groups.⁸²

- Secure right to use and develop ancestral land by IPs and also seek their free, informed consent before undertaking any development project.⁸³
39. **Right to Health:** The Constitution has guaranteed right relating to health as fundamental right.⁸⁴ Safe Motherhood and Reproductive Health Rights Act, 2018 and Public Health Service Act 2018 have been enacted. However, implementation of these laws remains to be seen.
40. Despite having new plans and policies,⁸⁵ problems such as high maternal mortality rates⁸⁶, low number of doctors⁸⁷ and access to safe abortion show that the measures have been ineffective. Fifty-six new mothers died during March 24 to May 31, 2020 in the lockdown situation⁸⁸.

Recommendations:

- Create universal health insurance and make primary health service free and accessible.⁸⁹
 - Create standard surveillance of communicable diseases and make better arrangements for quarantine.
 - Ensure universal access to sexual and reproductive health care, information and services especially for socio-economically marginalized women and adolescent girls.
41. **Right to Education:** School dropout is the major concern. Government's policy of compulsory and free education⁹⁰ has not been effective. Textbooks, stationery and uniforms do not reach public schools in remote districts on time. Politicization of teachers and students and corruption⁹¹ in the sector remain as major concerns. The difference in quality of education in private and public school is immense. Gender disparity still exists, and the education system is unfriendly towards children with disabilities.

Recommendations:

- Effectively implement the free and compulsory education scheme.
 - Improve accessibility and quality of education particularly for girls, children with disability⁹², *dalits*.⁹³
 - Adopt strategies to control school dropout.
 - Ensure availability of textbooks and maintain the student-teacher ratio as per the national standard to all the rural areas.
 - Enforce plans for multi-lingual education from primary to higher level.
 - Increase access to technical and professional education for all, including children from marginalized communities.
 - Take initiatives to include defenders of human rights of persons with disabilities in the decision-making process on education policies.⁹⁴
42. **Right to Information:** There is no dedicated government agency to implement the Right to Information Act and the budget is not allocated for information dissemination.

Recommendations:

- Promote effective role of the National Information Commission (NIC).
 - Recognize the use of digital technology for storing, providing and receiving information.
 - Ensure the effective agencies in every institution to respond the concerns of rights to information.
43. **Rights of the Child:** Discrimination against children in communities and schools based on sex, caste, class, mother tongue, disability or residence still persists. Birth registration in absence of father is difficult. Child marriage is prevalent in many parts of Nepal. The criminal justice system is not effective in protecting victims and witnesses children. Children with disabilities lack access to education and adequate social protection. The government's Master Plan to eradicate child labour has not been effective. The juvenile justice system remains ineffective and juvenile courts remain to be established. Juvenile rehabilitation centres are overcrowded and lack adequate infrastructure and facilities.⁹⁵ The government has not ratified the Optional Protocol to the CRC despite requests by civil society.

Recommendations:

- Accelerate enactment of provincial and local level laws for the full protection of child rights.
- Establish independent child rights monitoring body.
- Effectively implement recommendations relating to children made by Committees on CRC, CEDAW, and CRPD.
- Take actions to ensure free and compulsory education for all children.
- Improve quality and facilities of juvenile rehabilitation centres.
- Launch family strengthening programs to end child labor.
- Endorse Comprehensive School Child Protection Standard.
- Accelerate actions as per the five-year strategic direction to address issues related to children living on the streets.
- Enforce Children's Act 2018 and make sure that institutionalization of children a last resort.

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- 1 information relating to the ratification published in Nepal Gazette on May 11, 2020.
 - 2 UPR Recommendation Second Cycle Para 123.1, 123.2, 123.21
 - 3 Promulgated on 20 September 2015
 - 4 These rights include, right to equality, rights relating to poverty, right to language and culture, right to employment, right to labour, right relating to food and housing. The Constitution requires the State to enact necessary legislations for the implementation of fundamental rights within three years of commencement (Art. 47).
 - 5 Art. 46, Constitution of Nepal.
 - 6 By establishing a just system in all aspects of national life, including human rights and gender equality, among others. The Directive Principles (Article 50) also incorporate the principle of proportional participation of all sections in the system of governance on the basis of local autonomy and decentralization.
 - 7 Article 249 of the Constitution of Nepal.
 - 8 <https://reliefweb.int/report/nepal/nepal-human-rights-commission-annual-progress-report-synopsis-2015-2016-enne>
 - 9 NHRC Recommendations upon Complaints in a Decade (2000-2010).
 - 10 Part 27 of the Constitution of Nepal.
 - 11 <https://thehimalayantimes.com/kathmandu/constitutional-commissions-yet-to-get-full-shape/>
 - 12 See recommendation, " Amend its National Human Rights Commission Act in order to guarantee the independence and financial autonomy of this Commission (Portugal) (para 122.11 UPR Nepal 2015; A/HRC/3/19)"; "Enact relevant legislation to provide for necessary autonomy and independence of the National Human Rights Commission in accordance with the decision of the Supreme Court of Nepal (Uganda) (para 121.12 UPR Nepal 2015; A/HRC/3/19)";
 - 13 See recommendation. "Ensure the effective functioning of the National Human Rights Commission of Nepal, including a representative approach to appointments (Australia) (para 121.13 UPR Nepal 2015; A/HRC/3/19)"
 - 14 2nd cycle (2015) UPR Recommendation No. 122.10, 122.45
 - 15 Article 18 of the Constitution. Nevertheless, special provisions may be made for the protection, empowerment or development of the citizens including the socially or culturally backward women, *Dalit*, indigenous people, indigenous nationalities, etc.
 - 16 Special Rapporteur on Violence against Women, its Causes and Consequences, *Report on Country Visit to Nepal*, UN Doc. A/HRC/41/42/Add.2 of 19 June 2019, para. 35.
 - 17 UPR Mid-term Review Report, p. 38.
 - 18 INSEC Year Book 2020, p. 19.
 - 19 <http://inseconline.org/en/news/violation-of-women-and-childrens-rights-during-54-days-of-lockdown/>
 - 20 See recommendation. " Promote gender equality including through an awareness-raising programme to combat negative stereotyping against women (Malaysia) (para 122.34 UPR Nepal 2015; A/HRC/3/19)"
 - 21 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 40.
 - 22 Despite enactment of "Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 (CBD Act), *Dalits* are facing many forms of discrimination.
 - 23 Caste-Based Discrimination and Untouchability against *Dalit* in Nepal, Nepal's Civil Society Alternative Report to the UN Committee on the Elimination of all forms of Racial Discrimination, 2018, p. 13.
 - 24 Sustainable Development Forum, Ownership of *Dalits* in Land: A Study. Kathmandu: Sustainable Development Forum 2006.
 - 25 <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>
 - 26 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 82.
 - 27 See recommendation. "Investigate all acts of discrimination against the *Dalit* community (Argentina) (para 122.55 UPR Nepal 2015; A/HRC/3/19)"
 - 28 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 30.
 - 29 See recommendation. " Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and *Dalits*, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic) (para 122.39 UPR Nepal 2015; A/HRC/3/19)"
 - 30 Muslims make up 4.4 % of the population
 - 31 Joint Report on Muslim Women's rights in Nepal, 2018
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32673_E.pdf
 - 32 National Foundation of Indigenous Nationalities Act 2058 available at <http://www.nfdin.gov.np/uploads/ck/5df9de20bdb7.pdf>
 - 33 In 2009, the GoN formed a High-Level Taskforce for the revision of the official list of indigenous nationalities. Conducting a detailed study, the Taskforce submitted its report to the GoN and recommended to enlist 81 indigenous nationalities in the official schedule. The report of the Taskforce is yet to be approved by the GoN. National Foundation of Indigenous Nationalities Act 2058 available at <http://www.nfdin.gov.np/uploads/ck/5df9de20bdb7.pdf>
 - 34 Cases of indigenous peoples rights violation, visit at <https://www.lahurnip.org/uploads/articles/Cases%20of%20Indigenous%20Peoples.pdf>
 - 35 Government of Nepal, Office of the Prime Minister and Council: Fourth National Plan of Action on Human Rights, Fiscal Year 2014/2015 – 2018/2019, available at [file:///C:/Users/R14i5U360TS/Downloads/4thNational%20Planof%20Actions%20on%20Human%20Rights2014-2018%20\(1\).pdf](file:///C:/Users/R14i5U360TS/Downloads/4thNational%20Planof%20Actions%20on%20Human%20Rights2014-2018%20(1).pdf)

36 Para 40(a). The lack of recognition of the rights of indigenous women in the Constitution and the general lack of recognition of the right

of indigenous peoples to self-determination;" and made recommendation in para 41 (a), "(a) **Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples.**" Concluding Observations on the Six Periodic Report of Nepal on CEDAW, available at <file:///C:/Users/R14i5U360TS/Desktop/UPR%20core%20documents/CDAW%20Concluding%20Observation%202018/Concluding-comments-English.pdf>

- 37 In line with the previous UPR recommendations (A/HRC/31/9, para 121.9, Mexico and A/HRC/31/9, para – 122.37, Uganda)
- 38 Suman Panta v. Ministry of Home Affairs et. al. Case No. 073-WO-1054 on a Writ Petition for an Order of Mandamus and Certiorari
- 39 In 2015, the GoN formed a committee to study the possibility of legalizing same-sex marriage as per the SC's decision and have submitted an 85-page report to the Prime Minister's Office. The report has recommended that the government should legalize same-sex marriage. <https://kathmandupost.com/life--style/2019/05/03/nepals-indecision-on-same-sex-marriage-leaves-couples-in-limbo>
- 40 Article 12 (related to citizenship) of the Constitution of Nepal 2015
- 41 Global Press Journal. See at <https://globalpressjournal.com/asia/nepal/wanted-male-female-transgender-people-nepal-suffer-hiring-bias-despite-law/>
- 42 <https://www.spotlightnepal.com/2017/09/24/trapped-modern-slavery-case-nepal/>
- 43 The social movement of bonded labor forced the government to declare the emancipation of thousands of *Kamaiyas* and *Kamlaris* (bonded labor form indigenous *Tharu* community) in western Nepal, on 17 July 2000. Similarly, in September 2008, the Government announced that it had abolished the *Haliya* system and cancelled the debts of *Haliya* bonded laborers from Dalit community.
- 44 The Kathmandu Post, July 17, 2017, available at <https://kathmandupost.com/miscellaneous/2017/07/17/many-freed-kamaiyas-yet-to-be-rehabilitated>
- 45 http://inseconline.org/en/wp-content/uploads/2020/YB2020/Chapter_3.3_YB2020.pdf
- 46 http://www.fnjnepal.org/uploads/freedoms/freedom_1502098548.pdf
- 47 Annual Press Freedom Violation Data from May 4, 2016 to May 3, 2017, available at http://www.fnjnepal.org/uploads/freedoms/freedom_1502095635.pdf
- 48 Nepal Human Rights Yearbook (Nepali edition), pg. 246, Informal Sector Service Centre (INSEC), Kathmandu.
- 49 See recommendation." Ensure the right to freedom of expression online/offline in law and in practice, including by decriminalizing defamation, and to investigate all cases of threats and attacks against journalists and human rights defenders (Estonia) (para 122.72 UPR Nepal 2015; A/HRC/3/19)"
- 50 See recommendation." Investigate all case of threat and attacks against human rights defenders (Botswana) (para 122.60 UPR Nepal 2015; A/HRC/3/19)"
- 51 http://inseconline.org/en/wp-content/uploads/2020/YB2020/Chapter_1_Executive_summary_YB2020.pdf
- 52 See recommendation." Investigate allegations of extrajudicial killings and deaths in custody as well as of trafficking in human organs (Sierra Leone) (para 121.27 UPR Nepal 2015; A/HRC/3/19)"; "Promptly investigate all allegations of torture, arbitrary detention, extra-judicial and summary executions and punish perpetrators (New Zealand) (para 121.26 UPR Nepal 2015; A/HRC/3/19)"
- 53 Pursuant to the Act, two Commissions of Inquiry (COIs) were established in February 2015: the Truth and Reconciliation Commission (TRC), which has a mandate to investigate cases of serious human rights violations including unlawful killings, sexual violence, torture and a range of other serious crimes committed during the conflict; and the Commission on Investigation of Enforced Disappeared Persons (CIEDP), which has a mandate specific to investigate the cases about the conflict related disappeared persons
- 54 Preamble, Torture Compensation Act, 1996
- 55 Persons inflicting torture may get imprisonment up to five years or Rs. 50,000 as fine or both depending on the gravity of offence.
- 56 Anti- Torture Draft Bill ("Torture and Cruel, Inhuman or Degrading Treatment (Control) Bill") remains to be approved by parliament. The bill proposes criminalizing torture, providing a mechanism for the investigation and prosecution of torture complaints, and compensation to victims. The Bill presented to parliament is a substantial improvement on the current legal framework and contains many positive provisions which would, if implemented, go a long way towards fulfilling Nepal's obligations under the United Nations Convention Against Torture (CAT) and other international treaties on human rights.
- 57 <http://kathmandupost.ekantipur.com/printedition/news/2016-08-31/anti-torture-bill-moves.html>
- 58 https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9-b&chapter=4&clang=_en
- 59 See recommendation. "Study the possibility of accepting the competence of the Committee against Torture (Panama) (para 123.1 UPR Nepal 2015; A/HRC/3/19)"; ".Accede to the Optional Protocol to the Convention against Torture (New Zealand) (Czech Republic) (para 123.3 UPR Nepal 2015; A/HRC/3/19)"; "Ratify the Optional Protocol to the Convention against Torture (Montenegro) (Denmark) (Uruguay) (Ghana) (Germany) (para 123.4 UPR Nepal 2015; A/HRC/3/19)";
- 60 See recommendation." Train the public force on human rights principles, in particular on prevention of torture and ill treatment (Djibouti) (para 122.25 UPR Nepal 2015; A/HRC/3/19)"
- 61 Article 20, Constitution of Nepal.
- 62 See Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 52.
- 63 Inadequate protection mechanism in Domestic Violence (Offence and Punishment) Act, 2066 (2009).
- 64 See: <http://trc.gov.np/> and <https://ciedp.gov.np/en/home/>
- 65 The decision to void amnesty and forced reconciliation should be respected.
- 66 See recommendation." Implement the Supreme Court rulings of 2013 and 2015 on the Truth, Reconciliation and Disappearance Act so that investigation into human rights violations committed during the civil war, compensation for victims and reconciliation efforts are undertaken in accordance with international standards on transitional justice (Czech Republic) (para 122.63 UPR Nepal 2015; A/HRC/3/19)"
- 67 <https://myrepublica.nagariknetwork.com/news/police-refuse-to-register-fir-against-ex-minister-basnet-ex-igp-khanal-ruling-party-lawmaker-shrestha-for-the-alleged-abduction-of-opposition-lawmaker/>
- 68 <https://kathmandupost.com/national/2019/11/06/nepal-police-appears-unwilling-to-take-action-against-officials-involved-in-extrajudicial-killing>
- 69 UPR Mid-term Review Report, p. 23
- 70 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/ NPL/2, para 67.
- 71 <https://thehimalayantimes.com/nepal/government-unveils-social-security-scheme/>
- 72 The age in citizenship certificates are mistakenly lowered
- 73 Article 36 provisions for right to food as a fundamental right whereby every citizen shall have the right to be safe, without endangering life because of food scarcity. It also ensures the right to food sovereignty in accordance with law.
- 74 *Prakash Mani Sharma and Others*, NKP, 2065(2008), p.149.
- 75 UPR Mid-term Review Report, p. 24

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- 76 <https://www.unicef.org/nepal/water-and-sanitation-wash>
- 77 See recommendation. "Consider adopting a comprehensive national strategy to ensure food and nutrition security for its people (Malaysia) (para 122.86 UPR Nepal 2015; A/HRC/3/19)"; "Adopt a comprehensive national strategy to ensure food and nutrition security for all in line with international standards (Ireland) (para 122.88 UPR Nepal 2015; A/HRC/3/19)
- 78 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/NPL/2, para 77.
- 79 The government declared *Janata Awas Yojana* (Public Housing Project) in the budget of FY 2009/10 to provide housing for *Dalits*, poor and Muslim families
- 80 See recommendation. "Pursue its efforts with a view to facilitating access to housing for marginalized and low-income groups (Morocco) (para 122.89 UPR Nepal 2015; A/HRC/3/19)"
- 81 Under article 51(j) of the Constitution of Nepal 2015, it has been envisioned to identify the freed bonded labours, *Kamlari*, *Harawa*, *Charawa*, tillers, landless, squatters and provide them with a housing plot and cultivable land or employment for their livelihoods.
- 82 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/NPL/2, para 76.
- 83 Compilation prepared by OHCHR, 2015, A/HRC/WG.6/23/NPL/2, para 89.
- 84 According to article 35 of the Constitution of Nepal 2015, every citizen shall have the right to free basic health services from the State, and also have equal access to health services. Furthermore, women shall have special opportunity in education, health, employment and social security, on the basis of positive discrimination (article 38(5)). Children have been guaranteed the right to health, among others, as per article 39 of the Constitution. The right to safe motherhood and reproductive health have been secured as fundamental right under article 38(2). Similarly, Rights of Persons with Disabilities Act 2074, sec 19(2) mentions the duty of Nepal government, to secure the protection of health and reproductive right of women with disabilities.
- 85 The Government of Nepal has formulated its 20-year Second Long-Term Health Plan, 2054- 74 (1997-2017), Nepal Health Sector Plans and more recently, New National Health Policy 2014.
- 86 MMR at 229 and IMR at 46 per thousand live births
- 87 Out of 561 doctors required to be working in rural areas there were only 314.
- 88 <https://english.onlinekhabar.com/56-new-mothers-died-during-lockdown-60000-pregnant-women-got-deprived-of-healthcare.html>
- 89 See recommendation. "Continue to implement policy measures to ensure that quality healthcare is accessible to all, particularly women and children (Singapore) (para 122.90 UPR Nepal 2015; A/HRC/3/19)"; Improve access to affordable healthcare for all through the effective implementation of its policies and directives (Thailand) (para 122.92 UPR Nepal 2015; A/HRC/3/19)"; "Continue to implement measures to ensure all women and girls have equal access to quality sexual and reproductive healthcare (New Zealand) (para 122.95 UPR Nepal 2015; A/HRC/3/19)"
- 90 Ensuring Free and Compulsory Basic Education for Disadvantaged Groups in the Context of Education for All, Research Centre for Educational Innovation and Development (CERID), 2009
- 91 In eight *Tarai* districts, there are 600 fake schools that misused NPR 1 billion annually on paper projects concerning schools, <http://www.tinopal.org/?p=10032>
- 92 See recommendation." Continue to increase spending on education in order to improve coverage and quality of education with the special attention to the right to education of the vulnerable groups, including poor students, girls and children with disabilities (China) (para 122.98 UPR Nepal 2015; A/HRC/3/19)"; " Amend current education policies to ensure an inclusive education system and implement concrete measures to increase the participation of children with disability (Norway) (para 122.107 UPR Nepal 2015; A/HRC/3/19)"
- 93 See recommendation." Take measures to facilitate access to education for all children, particularly the poor and disadvantaged (Brazil) (para 122.48 UPR Nepal 2015; A/HRC/3/19)"
- 94 See recommendation." Include defenders of human rights of persons with disabilities in the decision-making process on education policies (Spain); (para 122.110 UPR Nepal 2015; A/HRC/3/19)"
- 95 Findings from the field visit by the researcher / author.