



General Assembly

Distr.: General
13 October 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Tenth session
Geneva, 24 January–4 February 2011

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 15 (b) of the annex to Human Rights Council
resolution 5/1**

Nepal

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	30 Jan. 1971	Yes (arts.4 and 6) understandings	Individual complaints (art. 14): No
ICESCR	14 May 1991	None	-
ICCPR	14 May 1991	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	14 May 1991	None	-
ICCPR-OP 2	4 March 1998	None	-
CEDAW	22 April 1991	None	-
OP-CEDAW	15 June 2007	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	14 May 1991	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	14 Sep. 1990	None	-
OP-CRC-AC	3 Jan. 2007	Binding declaration under article 3: 18 years	-
OP-CRC-SC	20 Jan. 2006	None	-
CRPD	7 May 2010	None	-
OP-CRPD	7 May 2010	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Nepal is not a party: OP-ICESCR³, OP-CAT, ICRMW and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	No

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Refugees and stateless persons ⁵	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes, except Convention No. 87
UNESCO Convention against Discrimination in Education	No

1. The Committee on Economic, Social and Cultural Rights (CESCR) encouraged ratification of the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸

2. The Committee against Torture (CAT) recommended that Nepal consider acceding to the Convention relating to the Status of Refugees;⁹ ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict¹⁰; making the declaration under articles 21 and 22 of the Convention; becoming party to the Optional Protocol to the Convention; becoming party to the Rome Statute of the International Criminal Court; and becoming party to 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).¹¹

3. In 2005, the Committee on the Rights of the Child (CRC) recommended ratification of the Optional Protocols to the Convention, the Convention relating to the Status of Refugees, the Convention on the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.¹²

4. In 2004, the Committee on the Elimination of All forms of Discrimination against Women (CEDAW) urged ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention.¹³

5. The United Nations Country Team (UNCT) noted that, although the Supreme Court of Nepal had issued a decision in 2007 recommending that Nepal accede to the 1951 Convention relating to the Status of Refugees, no action had been taken to date.¹⁴

B. Constitutional and legislative framework

6. Noting that Nepal was in the process of writing a new Constitution, UNCT indicated that the two-year mandate given to the Constituent Assembly had been extended by a year to May 2011.¹⁵ The United Nations High Commissioner for Human Rights emphasized that it was crucial for the Constituent Assembly to ensure that constitutional protections of fundamental rights as included in the new Constitution would be fully consistent with international human rights standards.¹⁶

7. In 2005, CAT urged Nepal to adopt legislation to ensure that acts of torture are punishable in a manner proportionate to the gravity of the crimes.¹⁷ In 2010, the High Commissioner for Human Rights noted that neither torture nor enforced disappearances had been criminalized¹⁸ and that the draft legislation on disappearances approved by the Council of Ministers in November 2009 still fell short of international standards.¹⁹

C. Institutional and human rights infrastructure

8. UNCT noted that the National Human Rights Commission (NHRC), the National Women's Commission and the National Dalit Commission had been given considerable scope to engage in the defence of human rights in principle, but in practice faced serious challenges.²⁰

9. The NHRC was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2002, which was reconfirmed in 2008.²¹ However, the NHRC was informed in March 2010 that in order to maintain that status it would need to provide the ICC Subcommittee on Accreditation with documentary evidence demonstrating continued conformity with the Paris Principles.²² The High Commissioner for Human Rights encouraged the Government to implement the recommendations of the ICC, including on the adoption of legislation in full compliance with the Paris Principles and the provision of adequate funding and financial autonomy.²³

10. The High Commissioner noted that the National Dalit Commission and the National Women's Commission had been provided with insufficient resources to effectively realize their mandate and that the National Dalit Commission suffered from the continuing absence of governing legislation, although a draft bill had been submitted to the Government in April 2009.²⁴ She also noted that the National Women's Commission had faced direct political interference in October 2009, when the Government relieved the Chairperson and all five commissioners of their posts, although this decision had been subsequently stayed through a Supreme Court order.²⁵

11. UNCT noted that legislation establishing a truth and reconciliation commission and a commission of inquiry on disappearances was in the process of being drafted.²⁶

D. Policy measures

12. The Secretary-General indicated that an Action Plan for the discharge and rehabilitation of Maoist army personnel verified as minors had been signed by the Government, the Unified Communist Party of Nepal-Maoist (UCPN-M) and the United Nations in December 2009.²⁷

13. CRC welcomed the adoption of the National Plan of Action for children (2005-2015),²⁸ and urged Nepal to allocate sufficient resources for its effective implementation.²⁹

14. UNCT indicated that the Education for All (EFA) National Plan of Action 2001-2015 highlighted the need to restructure comprehensive school education and that the Three Year Interim Plan (2007-2010) aimed to make basic education free, easily accessible and compulsory and establish the right to free education up to the secondary level.³⁰ In 2005, Nepal adopted the United Nations Plan of Action (2005-2009) for the World Programme for Human Rights Education, focusing on the national school system.³¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³²</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	March 2004		Combined seventeenth to nineteenth reports overdue since 2008
CESCR	2006	May 2007		Third report due in 2011
HR Committee	1994	Oct. 1994		Second report overdue since 1997
CEDAW	2002	Jan. 2004		Combined fourth and fifth reports overdue in 2008 submitted in 2009, scheduled to be examined in 2011
CAT	2004	Nov. 2005	July 2007	Combined third to fifth report overdue since 2008
CRC	2004	June 2005		Combined third to fifth report due in 2010
OP-CRC-AC				Initial report overdue since 2009
OP-CRC-SC				Initial report due in 2008, submitted in 2009

15. In 2007, CESCR expressed regret that most of its previous recommendations had not been implemented.³³ In 2005, CRC regretted that some of the recommendations in its previous concluding observations had not been given sufficient follow-up.³⁴ In June 2007, Nepal provided a response³⁵ to recommendations made by CAT on some issues of concern.³⁶

2. Cooperation with special procedures

<i>Standing invitation issued</i>	<i>No</i>
Latest visits or mission reports	Working Group on Enforced or Involuntary Disappearances (Dec. 2004); Representative of the Secretary-General on the human rights of internally displaced persons (April 2005); Special Rapporteur on the question of torture (September 2005); Special Rapporteur on the situation of human rights of indigenous peoples (November/December 2008).

<i>Standing invitation issued</i>	<i>No</i>
Visits agreed upon in principle	
Visits requested and not yet agreed upon	Special Rapporteur on extrajudicial, arbitrary and summary executions (2004, 2009); Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2006, 2008); independent expert on minority issues (2006, 2010); Working Group on Enforced or Involuntary Disappearances (2006, 2009); Special Rapporteur on human rights defenders (2008); Special Rapporteur on the right to food (2008); Special Rapporteur on contemporary forms of slavery (2008); independent expert on human rights and extreme poverty (2009); Special Rapporteur on the sale of children, child prostitution and child pornography (2009).
Facilitation/cooperation during missions	
Follow-up to visits	
Responses to letters of allegations and urgent appeals	During the period under review, 53 communications were sent. The Government replied to 25 communications.
Responses to questionnaires on thematic issues	Nepal responded to two of the 21 questionnaires sent by special procedures mandate holders. ³⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

16. OHCHR indicated that its presence in Nepal, since its establishment in 2005, had been monitoring and reporting on human rights and providing training and technical assistance to State institutions and civil society. In June 2010, agreement had been reached on the extension of the mandate for another year, although offices outside Kathmandu would be closed over the coming months, on the request of the Government. In this regard, the Government had assured that OHCHR could continue to independently monitor and report on the human rights situation; have full access to places of detention throughout the country, and have access to all sectors of government.³⁸

B. Implementation of international human rights obligations

1. Equality and non-discrimination

17. UNCT stated that long-standing discrimination and social exclusion associated with gender, caste, class, ethnicity, disability and geography continued to be among the major barriers to the effective realization of economic, social and cultural rights. It added that remedying the wide disparities was crucial for a successful post-conflict transition.³⁹

18. CESCR noted that caste-based discrimination persisted with impunity. It was concerned about obstacles that victims of such discrimination reportedly faced in accessing justice.⁴⁰ CRC expressed concern about de facto discrimination against children belonging to the Dalit community, indigenous peoples and ethnic minority groups, in addition to

refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas.⁴¹

19. UNCT indicated that marginalized groups such as the “haliyas”, who had worked as bonded land tillers before being formally freed from bondage by a Government declaration in September 2008, continued to live in often deplorable conditions, with inadequate access to food, health, education and fair conditions of employment.⁴²

20. The High Commissioner for Human Rights, while welcoming efforts to address long-standing discrimination and eradicate “untouchability” and the practice of bonded labour, encouraged further legislative and practical measures.⁴³

21. CESCR expressed its continuing concern about the persistence of customary practices such as the marriage of child brides and the practice of “deuki”, by which girls are dedicated to a god or goddess.⁴⁴ UNCT noted that in one region the practice of “kamalari”, by which poor families of the indigenous Tharu people sent their girls from a very young age to work in the homes of wealthy families, remained prevalent.⁴⁵ In 2004, CEDAW had expressed concerns also in relation to more general discriminatory cultural practices and gender stereotypes.⁴⁶

22. UNCT noted that access to citizenship certificates remained elusive for marginalized communities, including impoverished and landless persons, and that although persons lacking citizenship certificates were not officially regarded as non-citizens, they were prevented from enjoying basic rights, such as opening a bank account, owning property or acquiring travel documentation.⁴⁷

23. UNCT and CEDAW were also concerned about obstacles faced by Nepali women married to a foreign husband in transferring nationality to family members.⁴⁸ UNCT was concerned that the draft citizenship provisions proposed as part of the new Constitution did not achieve gender equality by bolstering the rights of women, but rather by reducing the rights of Nepali men to convey citizenship to family members.⁴⁹ In this context, UNCT alerted to the risk that such restrictions could lead to statelessness in many cases.⁵⁰ CRC had already observed in 2005 that many groups of children were not registered or unable to obtain citizenship, including children born to foreign fathers, abandoned children, orphans, children born to single mothers, and children from the Badi community.⁵¹

24. OHCHR (Nepal) urged Nepal to expedite the implementation of a Supreme Court ruling issued three years ago that upholds equal rights in the granting of citizenship and identity documents to members of sexual minorities. It voiced concern over discrimination and stigmatization faced by members of the “third gender”.⁵²

2. Right to life, liberty and security of the person

25. In 2005, the Working Group on Enforced or Involuntary Disappearances was deeply concerned about the large number of disappearances at the hand of Maoist insurgents and the security forces.⁵³ CAT was similarly concerned at allegations of arrests without warrants, extrajudicial killings, deaths in custody and disappearances.⁵⁴ In October 2008, the Human Rights Committee (HR Committee) found Nepal in violation of several provisions of the Covenant in relation to an individual case of an alleged enforced disappearance. It recommended that Nepal conduct a thorough investigation into the fate of the victim, and prosecute, try and punish those responsible.⁵⁵ In December 2008, OHCHR Nepal released a report on its investigations into a series of disappearances that occurred in Nepal’s Bardiya District in 2001-2003. The fate of most of those who disappeared remained officially unknown, despite repeated requests for clarification.⁵⁶

26. In 2010, UNCT noted that allegations of extra-judicial killings continued to be reported and that, to date, no one had been held criminally responsible for such killings.⁵⁷

The High Commissioner for Human Rights urged the Government to set up a special investigative unit with sufficient independence to inquire into allegations of extra-judicial killings.⁵⁸

27. The Special Rapporteur on the question of torture, following a visit to Nepal in September 2005, concluded that torture was systematically practised by the police, armed police and Royal Nepalese Army, and that legal safeguards were routinely ignored and effectively meaningless and impunity for acts of torture was the rule. The Government of Nepal objected to these conclusions and stated that the Government did not tolerate, condone or permit torture. In this regard, the Special Rapporteur expressed the hope that security officers who practised, ordered or condoned torture would be held accountable.⁵⁹

28. CAT similarly expressed grave concern about the widespread use of torture and ill-treatment by law enforcement personnel and the prevailing climate of impunity. It was concerned at legislative shortcomings, alleged intimidation of persons reporting acts of torture and the lack of witness-protection mechanisms.⁶⁰ It recommended that Nepal take effective measures to prevent acts of torture,⁶¹ ensure that allegations of torture are promptly and impartially investigated and prosecuted, reduce pretrial detention; ensure that all arrests and detentions are systematically documented; and that detainees have access to proper medical examinations.⁶²

29. The Secretary-General indicated that, although the Action Plan for the discharge and rehabilitation of Maoist army personnel verified as minors had been completed by February 2010, the use of children for political purposes by the major political parties remained a concern.⁶³

30. The Special Representative of the Secretary-General for Children and Armed Conflict stated that many children were still involved in the youth wings of political parties. Friction between those youth wings had continued, with violent clashes in some regions. He also stated that the use of children by the UCPN-M and its sister organizations remained of great concern.⁶⁴ The Secretary-General similarly stressed the need for UCPN-M to comply with the Action Plan.⁶⁵

31. In 2008, the Working Group on Children and Armed Conflict had urged Nepal to enact a law criminalizing the abduction, recruitment and use of children; to put an end to impunity; and to ensure that the judicial system provided children affected by the conflict with adequate protective measures.⁶⁶ The Working Group had also called upon UCPN-M to assist in bringing to justice those responsible for the recruitment of children.⁶⁷

32. CRC was alarmed by the prevalence of child abuse and domestic violence. It was concerned that domestic legislation did neither provide for an effective remedy mechanism nor for designated places of safety for child victims.⁶⁸ It recommended establishing effective and child-sensitive mechanisms for the investigation of complaints and services for the recovery and social reintegration of victims.⁶⁹ Noting that the 1992 Children's Act and the 1963 Muluki Ain (Civil Code) allowed for corporal punishment of children, CRC also recommended that Nepal prohibit corporal punishment.⁷⁰

33. CRC was also concerned about the large number of children who were sexually exploited, noting that children of lower castes, and particularly the Badi caste, were disproportionately represented among sex workers.⁷¹ It drew attention to the trafficking of children for the purposes of sexual exploitation and bonded labour and recommended that Nepal develop a comprehensive legal framework to protect children from trafficking; strengthen law enforcement, and intensify efforts to raise awareness.⁷² The issue of human trafficking was also highlighted by the Special Rapporteur on violence against women,⁷³ and by CEDAW and CAT.⁷⁴ In its follow-up response to CAT, Nepal informed about measures taken to address human trafficking.⁷⁵

34. UNCT and the High Commissioner for Human Rights noted that reports of violence against women had been increasing, with a surge in cases of dowry deaths and abuse of women accused of practising witchcraft.⁷⁶ UNCT also noted that while a Domestic Violence Act had been enacted in 2009, its provisions were weak and reinforced resort to non-criminal mediation.⁷⁷ In many communities, legislative weakness and inadequate policing continued to make prosecutions for domestic and sexual violence extremely difficult.⁷⁸

35. OHCHR, noting that inadequate public security had left many human rights defenders vulnerable, encouraged the Government to put in place effective mechanisms to protect human rights defenders.⁷⁹

3. Administration of justice, including impunity, and the rule of law

36. The High Commissioner for Human Rights noted that, while Nepal had relatively independent rule of law institutions, they remained vulnerable to political pressure and manipulation and were in need of support.⁸⁰ CAT had expressed concern already in 2005 about a marked weakening of the independence and effectiveness of the judiciary and non-compliance with court orders by the security forces. It recommended that Nepal make every effort to guarantee the independence of the judiciary and ensure that security forces comply with court orders.⁸¹

37. In January 2010, the Secretary-General observed a lack of progress in addressing impunity and holding members of the security forces accountable for human rights violations committed during or after the conflict. UCPN-M had similarly failed to cooperate with the authorities and end impunity despite assurances that those responsible for human rights abuses would be held accountable.⁸²

38. The High Commissioner for Human Rights urged the Government to take concrete measures to fulfil its repeated commitments to end impunity, including by investigating documented disappearances and prosecuting perpetrators, and by ensuring compliance with court orders by the army. At the same time, she called on UCPN-M to cooperate fully with police investigations and court orders regarding allegations of crimes committed by its members.⁸³ She noted that comprehensive reforms in the security sector institutions would enhance the protection of human rights and that the establishment of an independent special unit to undertake investigations into serious allegations against the Nepal Police and the Armed Police Force would be an important first step.⁸⁴

39. The Secretary-General and the High Commissioner noted that the current draft legislation on the establishment of a commission of inquiry on disappearances and a truth and reconciliation commission fell short of international standards.⁸⁵ The High Commissioner stressed that the establishment of effective transitional justice mechanisms should support a broader transformation in Nepal from a culture of impunity to one of accountability and respect for the rule of law.⁸⁶

40. CRC was concerned at the low minimum age of criminal responsibility, which was set as 10 years, and at the lack of an official system of age verification. It was also concerned that children were rarely separated from adults in detention, due to a lack of juvenile detention facilities.⁸⁷ CRC and CAT recommended that Nepal take steps to ensure proper functioning of a juvenile justice system in compliance with international standards.⁸⁸

4. Right to privacy, marriage and family life

41. In 2005, CRC was concerned about the widespread custom of early marriage within certain ethnic and religious communities.⁸⁹ It recommended that Nepal strengthen enforcement of existing legislation and develop sensitization programmes, involving community and religious leaders and society at large to curb the practice.⁹⁰

42. CRC was also concerned that the identity of child offenders, rape victims or children in difficult circumstances continued to be disclosed in the media and in this regard recommended that Nepal ensure respect for the right to privacy.⁹¹

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

43. UNCT indicated that the freedom of expression was impeded by threats to journalists and lack of regulation conducive to diversity of the media.⁹² The Secretary-General reported that leading editors and publishers were still subjected to intimidation.⁹³

44. The 2009 UNDP Nepal Human Development Report indicated that several castes and ethnic groups remained unrepresented in the Constituent Assembly.⁹⁴ CESCR urged Nepal to ensure that disadvantaged and marginalized groups were represented at all levels of the Constitutional process, including through participation in the Constituent Assembly.⁹⁵ In 2009, CERD, under its early warning and urgent action procedure, urged Nepal to ensure full participation of indigenous peoples in the constitution-making process.⁹⁶

45. CEDAW was concerned at the poor representation of women in political and administrative decision-making and recommended intensified efforts.⁹⁷ In 2010, UNCT stated that in spite of an initiative of the Government to achieve 33 per cent representation of women in all state bodies, meaningful participation of women was still a challenge.⁹⁸

6. Right to work and to just and favourable conditions of work

46. In 2009, the ILO Committee of Experts urged Nepal to ensure that the new labour legislation would include provisions prohibiting discrimination in employment, including in respect of recruitment, on all the grounds covered by Convention No. 111.⁹⁹ The Committee also requested information on progress made in adopting a National Employment Policy and the measure taken to ensure that it adequately addresses the situation of women, Dalits and indigenous peoples, in line with their rights and aspirations.¹⁰⁰

47. CESCR was concerned that despite the efforts of Nepal to abolish the worst forms of child labour, the prevalence of child labour, including bonded labour, remained high.¹⁰¹ The ILO Committee of Experts requested Nepal to take measures to ensure that no person under 18 years of age is authorized to perform hazardous work, in accordance with Convention No. 138.¹⁰²

7. Right to social security and to an adequate standard of living

48. The High Commissioner for Human Rights noted that widespread poverty in Nepal remained a pressing human rights concern, given its link to long-standing structural discrimination against marginalized communities.¹⁰³ CESCR was concerned that over 30 per cent of the population lived under the official poverty line.¹⁰⁴ In 2005, CRC had highlighted the high level of poverty affecting children in rural areas and among the lower castes and ethnic minorities, and those living in slums and squats.¹⁰⁵

49. UNCT and the High Commissioner stated that the effective enjoyment of the right to food remained a serious problem throughout the country.¹⁰⁶ WFP noted that three and a half million people were facing food insecurity. Basic services and markets were beyond the reach of many people in some regions.¹⁰⁷ UNCT indicated that, although food insecurity persisted throughout the country, groups such as Dalits, indigenous peoples, former bonded labourers, persons with disabilities and people living with HIV/AIDS were particularly affected.¹⁰⁸ CESCR was also concerned at information that persons belonging to the lower castes were denied access to public wells.¹⁰⁹

50. WHO indicated that the maternal mortality rate as well as under-five and infant mortality rates were still very high and that the major challenge was to ensure that all women and newborns were provided with a continuum of care by skilled birth attendants throughout pregnancy, childbirth and the postpartum period.¹¹⁰ CESCR was concerned that the inadequate number, staffing and supply of health posts as well as the cost of reproductive health services continued to place women at risk and that traditional attitudes among some castes and ethnic groups contributed to reproductive health problems of women.¹¹¹ The High Commissioner noted that free maternity care was provided to all Nepali women since 2009.¹¹²

51. WHO stated that despite the emphasis on equity and social justice in the national health policy, there remained wide disparities in access to health services and health status, and that discriminatory practices based on ethno-caste systems or patriarchal structure affected the poor and the marginalized also in the utilization of health services.¹¹³

52. UNCT noted that an outbreak of *diarrhoea* in the western regions in 2009 had reportedly claimed 367 lives, with Dalits constituting nearly 40 per cent of the deceased.¹¹⁴

53. CRC expressed concern about the situation of street children and recommended effective measures to ensure that they are provided with adequate nutrition, clothing, housing, health care and educational opportunities.¹¹⁵

54. CESCR recommended that Nepal adopt a national housing policy by providing low-cost housing units for the rural poor and disadvantaged individuals and groups.¹¹⁶

8. Right to education

55. UNCT stated that the Education Act of 1991, as last amended in 2001, underpinned the right of every child to free primary education with the choice of learning in mother tongue.¹¹⁷ However, the efficiency of primary school education was extremely low and not all children completed primary education. Although a national literacy campaign had been launched in 2008-2009, the goal of achieving literacy for all remained a major challenge.¹¹⁸ UNESCO observed that many primary-age children from disadvantaged minorities and Dalits were still denied their right to education, as was evident from school enrolment rates in primary school.¹¹⁹

56. CESCR was concerned that primary education was not completely free in practice, due to various fees charged to parents. It further noted a great disparity in primary school enrolment between girls and boys and between the Brahmin and other castes, ethnic or indigenous groups.¹²⁰ It called upon Nepal to not only ensure that education was free, but also to make it compulsory. It further urged that human rights be introduced at all levels of education.¹²¹

57. In 2010, the Secretary-General noted that persisting protection concerns in some districts as well as strikes and protests by various groups had a negative impact on children's right to education.¹²²

58. UNCT indicated that the new Constitution was expected to enshrine the right to free education for the secondary level.¹²³

9. Minorities and indigenous peoples

59. The Special Rapporteur on the situation of human rights of indigenous peoples, following a visit to Nepal in November/December 2008, was encouraged by the expressed commitment of the Government to advance the rights of indigenous peoples, but noted that much remained to be done to transform this commitment into reality. In this regard, he recommended a comprehensive programme of law and policy reform, in consultation with indigenous peoples.¹²⁴

60. UNCT noted that Nepal had ratified the ILO Indigenous and Tribal Peoples Convention 1989 (No. 169) in 2007, as the second country to do so in the Asia and Pacific Region. However, the Government had yet to endorse the National Action Plan and allocate sufficient resources for its implementation.¹²⁵ A study commissioned by ILO indicated that the indigenous peoples of Nepal had so far been excluded from the dominant social and religious hierarchy and the political process.¹²⁶

61. The United Nations Department of Economic and Social Affairs (UNDESA) indicated that under 10 per cent of all graduates and post-graduates were from indigenous peoples, although they constituted a third of the total population.¹²⁷ The report also drew attention to a difference of 21 years in life expectancy between indigenous peoples and the non-indigenous population.¹²⁸

62. CESCR regretted the lack of clarity in the criteria used by the National Foundation for Development of Indigenous Nationalities to officially recognize indigenous nationalities.¹²⁹

10. Migrants, refugees and asylum-seekers

63. UNCT noted that Nepal had neither acceded to the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol, and that it had no domestic asylum legislation. Nevertheless, Nepal had hosted thousands of refugees for several decades.¹³⁰

64. UNCT stated that over 70,000 refugees remained in seven camps in eastern Nepal and that third-country resettlement was pursued as the only available durable solution and would continue with approximately 18,000 refugees being resettled each year.¹³¹ UNCT mentioned that there were also approximately 20,000 refugees who had arrived in Nepal before 1990 and who had been recognized as refugees and that although they had a right of legal residence and religious freedom, their enjoyment of rights was limited, also due to problems in access to documentation.¹³²

65. UNCT noted that there were approximately 300 refugees and asylum-seekers in Kathmandu who were considered illegal migrants and at risk of detention under Nepal's immigration law and that the Government did not permit UNHCR to issue refugee and asylum-seeker certificates.¹³³

66. CAT was concerned about allegations concerning cases of refoulement and recommended that Nepal enact legislation aimed at prohibiting the return of asylum-seekers without an appropriate legal procedure.¹³⁴ In its follow-up response to CAT, Nepal asserted that no person had been forcefully expelled.¹³⁵

67. CRC expressed concern at reports of discrimination and ill-treatment, including sexual abuse, in refugee camps in Nepal.¹³⁶ It was also concerned at a lack of birth registration of children borne to refugees.¹³⁷

11. Internally displaced persons

68. The Representative of the Secretary-General on the human rights of internally displaced persons (IDPs), following a mission to Nepal in April 2005, observed that Nepal faced a serious problem of conflict-induced displacement. He estimated that several hundreds of thousands of persons had been forced to leave or flee their homes in areas affected by the conflict, and while many had left the country, at least 100,000 persons were internally displaced.¹³⁸

69. In 2007, CESCR noted with concern that internally displaced persons had not always been allowed to return to their homes in safety and that in many cases, land and property had not been returned. It also noted that ambiguous criteria for identifying IDPs had resulted in a lack of protection.¹³⁹ It urged Nepal to establish a monitoring mechanism

to ensure the safe and dignified return, registration, rehabilitation and reintegration of IDPs.¹⁴⁰

12. Human rights and counter-terrorism

70. In 2005, CAT expressed concern at the lack of protection of rights of persons deprived of liberty under the Terrorist and Disruptive (Control and Punishment) Ordinance 2005.¹⁴¹ It was also concerned about the number of detainees in prolonged detention without trial under the Public Security Act and the Terrorist and Disruptive Ordinance (TADO) of 2004. In its follow-up response to CAT, Nepal stated that the latter Ordinance had been repealed.¹⁴²

III. Achievements, best practices, challenges and constraints

71. In 2007, CESCR welcomed progress towards achieving peace and stability, but noted that efforts to comply with obligations under the Covenant were impeded by the consequences of that conflict.¹⁴³

72. In 2010, the High Commissioner on Human Rights noted that Nepal's peace process, which had begun with a peace agreement formally ending a 10-year internal armed conflict, had delivered improvements in the human rights situation since 2006. However, it had lost considerable momentum over the past year, giving rise to increasing concerns about long-term peace and stability, and that despite many challenges, the peace process continued to hold promise, provided all parties recommitted themselves to the human rights principles at the centre of the peace agreement.¹⁴⁴

73. The High Commissioner noted that the broad representation of historically marginalized groups in the Constituent Assembly, including women, indigenous peoples and Dalits, was a commendable achievement.¹⁴⁵ However, discrimination against marginalized groups and a deeply entrenched culture of impunity continued to pose significant challenges to long-term peace and stability.¹⁴⁶ By conferring a central place to human rights, the 2006 Comprehensive Peace Agreement had affirmed that respect for human rights must be a bedrock principle of the peace process.¹⁴⁷

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

N/A

B. Specific recommendations for follow-up

74. Recommendations for follow-up have been included under different headings above.

V. Capacity-building and technical assistance

75. UNCT indicated that it was supporting the Constitution writing process, including through technical assistance to the Constituent Assembly; technical advice on drafting; advocacy to incorporate United Nations standards; and efforts to enhance public information and the participation of a wide range of society in the process, including marginalized communities.¹⁴⁸

76. CRC recommended that Nepal seek technical assistance from different United Nations agencies, funds and programmes with regard to the protection and promotion of child rights.¹⁴⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/NPL/CO/2), para. 52.
- ⁹ Concluding observations of the Committee against Torture (CAT/C/NPL/CO/2), para.17.
- ¹⁰ Ibid., para.33.
- ¹¹ Ibid., para.34.
- ¹² Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.261), paras. 13, 80, 82, 54 and 96.
- ¹³ CEDAW, *Official Records of the General Assembly, Fifty-Ninth Session, Supplement No.38* (A/59/38) para 222.
- ¹⁴ UNCT submission to the UPR on Nepal, para. 2.
- ¹⁵ Ibid., para. 4.
- ¹⁶ Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal, (A/HRC/13/73), paras. 53 and 81.
- ¹⁷ CAT/C/NPL/CO/2, paras. 12 and 21.
- ¹⁸ A/HRC/13/73, para. 32.
- ¹⁹ Ibid., para.33.
- ²⁰ UNCT submission to the UPR on Nepal, para. 6.
- ²¹ For a list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ²² A/65/340, annex. See also A/HRC/10/53, paragraph 69.
- ²³ A/HRC/10/53, para. 69; A/HRC/13/73, paras. 55 and 58.
- ²⁴ A/HRC/13/73, para. 59.
- ²⁵ Ibid., para. 60.
- ²⁶ UNCT submission to the UPR on Nepal, para. 5.
- ²⁷ Report of the Secretary-General on children and armed conflict in Nepal (S/2010/183), para. 4. See also A/HRC/13/73, paragraph 10 and S/2010/214, paragraphs 18 and 19.
- ²⁸ CRC/C/15/Add.261, para.5.
- ²⁹ Ibid., para.21.
- ³⁰ UNCT submission to the UPR on Nepal, para. 15.
- ³¹ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> and the response of the National Human Rights Commission of Nepal to the questionnaire of the Human Rights Council Advisory Committee on the issue of the draft United Nations declaration on human rights education and training, dated 29 December 2008, available at http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee/HR_education_training.htm .
- ³² The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child. |
- ³³ E/C.12/NPL/CO/2, para. 11.
- ³⁴ CRC/C/15/Add.261, para.14.

- ³⁵ CAT/C/NPL/CO/2/Add.1.
- ³⁶ CAT/C/NPL/CO/2, para.38, referring to paragraphs 13, 14, 21(b), 21(c), 21(e), 25, 27 and 29.
- ³⁷ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ³⁸ HC/OHCHR press release, 9 June 2010.
- ³⁹ UNCT submission to the UPR on Nepal, para. 7. See also A/HRC/13/73, paragraph 40; A/HRC/10/53; A/HRC/7/68; A/HRC/4/97; A/HRC/4/97/Add.1; E/CN.4/2006/107; A/HRC/7/68.
- ⁴⁰ E/C.12/NPL/CO/2, paras.13, 32 and 36. See also CAT/C/NPL/CO/2, paragraph 26; CRC/C/15/Add.261, paras. 67-68; and concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5), paragraph 12.
- ⁴¹ CRC/C/15/Add.261, paras. 35-37.
- ⁴² UNCT submission to the UPR on Nepal, para. 8. See also A/HRC/13/73, paragraph 41.
- ⁴³ A/HRC/10/53, para. 74; A/HRC/13/73, para. 82.
- ⁴⁴ E/C.12/NPL/CO/2, paras. 15 and 34. See also CRC/C/15/Add.261, paragraphs. 65- 68.
- ⁴⁵ UNCT submission to the UPR on Nepal, para. 8. See also A/HRC/13/73, paragraph 41.
- ⁴⁶ A/59/38, paras. 206-208.
- ⁴⁷ UNCT submission to the UPR on Nepal, para. 29.
- ⁴⁸ UNCT submission to the UPR on Nepal, paras. 30 and 31; A/59/38, para 198.
- ⁴⁹ UNCT submission to the UPR on Nepal, para. 30
- ⁵⁰ *Ibid.*, para. 31.
- ⁵¹ CRC/C/15/Add.261, paras. 41-44.
- ⁵² Press Statement of 16 September 2010, available at: http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/Year%202010/September/2010_09_16_PR_BDS_Citizenship_mod_E.pdf.
- ⁵³ E/CN.4/2005/65/Add.1, para. 56.
- ⁵⁴ CAT/C/NPL/CO/2, paras. 13, 20, 25, 27, 28 and 31.
- ⁵⁵ Views of the Human Rights Committee (CCPR/C/94/D/1469/2006). For follow-up status, see CCPR, *Official Records of the General Assembly Sixty-Fourth Session, Supplement No 40 (A/64/40)*, Vol. I, para. 219
- ⁵⁶ A/HRC/10/53, para. 24, and report "Conflict-related disappearances in Bardiya district", available at <http://nepal.ohchr.org/en/index.html>.
- ⁵⁷ UNCT submission to the UPR on Nepal, para. 25.
- ⁵⁸ A/HRC/13/73, para. 38.
- ⁵⁹ E/CN.4/2006/6/Add.5, paras. 31 and 32
- ⁶⁰ CAT/C/NPL/CO/2, paras. 13, 20, 25, 27, 28 and 31.
- ⁶¹ CAT/C/NPL/CO/2, para.13
- ⁶² CAT/C/NPL/CO/2, paras.22-25, 27, 28 and31; For the response by Nepal, see CAT/C/NPL/CO/2/Add.1.
- ⁶³ S/2010/183, para. 4. See also A/HRC/13/73, paragraph 10, and S/2010/214 paragraphs 18-19.
- ⁶⁴ OSRSG-CAAC submission to the UPR on Nepal, para. 2.
- ⁶⁵ S/2010/183, para. 14.
- ⁶⁶ S/AC.51/2008/12, para. 16(c)(i) and (ii). See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010NPL182, first paragraph.
- ⁶⁷ S/AC.51/2008/12, para. 16(d)(iii).
- ⁶⁸ CRC/C/15/Add.261, paras. 55 and 56.

- ⁶⁹ Ibid., para. 57.
- ⁷⁰ Ibid., paras. 47 and 48.
- ⁷¹ CRC/C/15/Add.261, paras. 87 and 88. See also CERD/C/64/CO/5, para.16, and E/C.12/NPL/CO/2, para.15.
- ⁷² CRC/C/15/Add.261, paras.95 and 96.
- ⁷³ E/CN.4/2001/73/Add.2.
- ⁷⁴ CRC/C/15/Add.261, para. 95. See also CAT/C/NPL/CO/2, paragraph 32, and A/59/38, paragraphs 210 and 211.
- ⁷⁵ CAT/C/NPL/CO/2/Add.1, paras.29-30.
- ⁷⁶ UNCT submission to the UPR on Nepal, para. 13; A/HRC/13/73, para. 48.
- ⁷⁷ UNCT submission to the UPR on Nepal, para. 38.
- ⁷⁸ A/HRC/13/73, para. 48. See also E/C.12/NPL/CO/2, para.35.
- ⁷⁹ A/HRC/13/73, paras. 61 and 83. See also A/HRC/10/53, paragraph 70.
- ⁸⁰ A/HRC/13/73, para. 27.
- ⁸¹ CAT/C/NPL/CO/2, para.16
- ⁸² Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17), paras. 27 and 30.
- ⁸³ A/HRC/13/73, paras. 76-78.
- ⁸⁴ Ibid., para. 79.
- ⁸⁵ S/2010/17, para. 31; A/HRC/13/73, para. 33. See also A/HRC/10/53, paragraph 22.
- ⁸⁶ A/HRC/13/73, para. 11.
- ⁸⁷ CRC/C/15/Add.261, para. 97.
- ⁸⁸ Ibid., para. 99; CAT/C/NPL/CO/2, para.21.
- ⁸⁹ CRC/C/15/Add.261, para. 65.
- ⁹⁰ Ibid., para. 66.
- ⁹¹ Ibid., paras. 45-46.
- ⁹² UNCT submission to the UPR on Nepal, para. 27.
- ⁹³ S/2010/214, para. 22.
- ⁹⁴ UNDP, Nepal Human Development Report, 2009, available at <http://www.undp.org.np/publication/html/nhdr2009/Chapter6.pdf> , p. 105.
- ⁹⁵ E/C.12/NPL/CO/2, para.30.
- ⁹⁶ Letter dated 28 September 2009, available at: <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>; See also report of the Permanent Forum on Indigenous Issues (E/2008/43-E/C.19/2008/13), para 142.
- ⁹⁷ A/59/38 , paras. 214-215.
- ⁹⁸ UNCT submission to the UPR on Nepal, para. 40.
- ⁹⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observations concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009NPL111, first paragraph, and ILO Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 062009NPL100, first paragraph.
- ¹⁰⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009NPL111, second paragraph (i) and (ii).
- ¹⁰¹ E/C.12/NPL/CO/2, paras.19 and 38. See also CRC/C/15/Add.261, paras. 90-94.
- ¹⁰² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Minimum Age Convention, 1973 (No. 138), 2010, Geneva, doc. No. (ILOLEX) 092010NPL138, third and fourth paragraphs.
- ¹⁰³ A/HRC/13/73, para. 9.
- ¹⁰⁴ E/C.12/NPL/CO/2, paras.21 and 40.
- ¹⁰⁵ CRC/C/15/Add.261, paras. 71 and 72.
- ¹⁰⁶ UNCT submission to the UPR on Nepal, para. 11.
- ¹⁰⁷ WFP, Nepal Overview, available at <http://www.wfp.org/countries/nepal> . See also S/2010/214, paragraph 42.
- ¹⁰⁸ UNCT submission to the UPR on Nepal, para. 12; A/HRC/13/73, paras. 45-46. See also E/C.12/NPL/CO/2, paragraphs. 22 and 42.

- ¹⁰⁹ E/C.12/NPL/CO/2, paras.24 and 43.
- ¹¹⁰ WHO, Country Cooperation Strategy at a glance, available at http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_npl_en.pdf.
- ¹¹¹ E/C.12/NPL/CO/2, paras.26 and 46. See also CRC/C/15/Add.261, paragraph 62, and A/59/38, paragraphs 212 and 213.
- ¹¹² A/HRC/13/73, para. 44.
- ¹¹³ WHO, Country Cooperation Strategy (2006-2011), available at http://www.who.int/countryfocus/cooperation_strategy/ccs_npl_en.pdf. See also E/C.12/NPL/CO/2, paragraphs 25 and 45.
- ¹¹⁴ UNCT submission to the UPR on Nepal, para. 10.
- ¹¹⁵ CRC/C/15/Add.261, paras. 85 and 86.
- ¹¹⁶ E/C.12/NPL/CO/2, para.44.
- ¹¹⁷ UNCT submission to the UPR on Nepal, para. 15.
- ¹¹⁸ *Ibid.*, para. 16.
- ¹¹⁹ E/C.12/NPL/CO/2, para.27.
- ¹²⁰ E/C.12/NPL/CO/2, para.27.
- ¹²¹ E/C.12/NPL/CO/2, para.47. See also CRC/C/15/Add.261, paragraphs 75-76, and A/59/38, paragraphs 204 and 205.
- ¹²² S/2010/183, paras. 6 and 16.
- ¹²³ UNCT submission to the UPR on Nepal, para. 15.
- ¹²⁴ A/HRC/12/34/Add.3, paras. 77 and 78.
- ¹²⁵ UNCT submission to the UPR on Nepal, para. 45.
- ¹²⁶ ILO, Inclusion of Indigenous Peoples' Rights in the New Constitution of Nepal (by Roy and Henriksen), February 2010, available at http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS_123847/index.htm, p. 4.
- ¹²⁷ UNDESA, State of the World's Indigenous Peoples, New York, 2009, available at http://www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf, pp. 22 and 137.
- ¹²⁸ *Ibid.*, p. 159.
- ¹²⁹ E/C.12/NPL/CO/2, para.28.
- ¹³⁰ UNCT submission to the UPR on Nepal, para. 2.
- ¹³¹ *Ibid.*, para. 33.
- ¹³² *Ibid.*, para. 34.
- ¹³³ *Ibid.*, para. 35.
- ¹³⁴ CAT/C/NPL/CO/2, para.17.
- ¹³⁵ CAT/C/NPL/CO/2/Add.1, para.6.
- ¹³⁶ CRC/C/15/Add.261, para. 78 (a).
- ¹³⁷ *Ibid.*, para. 42.
- ¹³⁸ E/CN.4/2006/71/Add. 2, para. 65.
- ¹³⁹ E/C.12/NPL/CO/2, para.14.
- ¹⁴⁰ *Ibid.*, para.33.
- ¹⁴¹ CAT/C/NPL/CO/2, para.14. See also CRC/C/15/Add.261, paragraphs. 98-100.
- ¹⁴² CAT/C/NPL/CO/2/Add.1, para.3.
- ¹⁴³ E/C.12/NPL/CO/2, paras. 4 and 10.
- ¹⁴⁴ A/HRC/13/73, summary, p.1.
- ¹⁴⁵ A/HRC/10/53, para. 73.
- ¹⁴⁶ A/HRC/13/73, para. 7
- ¹⁴⁷ *Ibid.*
- ¹⁴⁸ UNCT submission to the UPR on Nepal, para. 53.
- ¹⁴⁹ CRC/C/15/Add.261, paras. 56 (f), 59 (e), 62 (g), 64 (d), 76 (l), 80 (e), 82 (h), 86 (d), 86 (h), 89 (f), 96 (h) and 99 (g).
-