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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

## Nepal\*

The present report is a summary of 40 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## **I. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles**

1. The National Human Rights Commission (NHRC) was elevated to a Constitutional body by the 2007 Interim Constitution and the 2012 NHRC Act. Both are however silent on its independence and autonomy. Due to the lack of personnel management legislation, most NHRC employees are compelled to work on a temporary basis. Following the Supreme Court's (SC) verdict in favor of the autonomy and independence, the Government had accepted to enact new legislation to resolve the problem.<sup>2</sup>

2. NHRC-NWC-NDC recommended that the National Dalit Commission (NDC) and the National Women Commission (NWC) be established as independent and autonomous bodies through the new Constitution.<sup>3</sup>

3. Nepal has ratified a number of human rights treaties. Although laws, policies and plans are in place, the level of implementation appears weak. The Rome Statute and the Ottawa Protocol have not been ratified despite recommendations of NHRC and the Legislature-Parliament. NHRC-NWC-NDC recommended timely reporting to treaty bodies.<sup>4</sup>

4. Referring to participatory processes for the implementation of UPR recommendations,<sup>5</sup> NHRC-NWC-NDC recommended that Nepal be held accountable for the implementation of the Action Plan.<sup>6</sup>

5. NHRC-NWC-NDC recommended a more effective implementation of the Human Rights National Action Plan 2014-2018.<sup>7</sup>

6. Some incidents of killings during protests and custodial deaths have been reported, mainly in Terai-Madhes region. Despite a Court order and NHRC recommendations, such incidents have not been adequately investigated.<sup>8</sup>

7. Torture has not been fully criminalized. The Bill tabled in the Parliament fails to rectify deficiencies in the current legal regime including a definition and statutory limitation. NHRC-NWC-NDC recommended that the Bill be enacted in line with international standards.<sup>9</sup>

8. NHRC-NWC-NDC reported that the 2011 Caste-Based Discrimination and Untouchability Act was adopted, but few cases have been lodged at the court due to the police being focused on settling cases through mediation. Mechanisms formed to eliminate caste based discrimination are not effective.<sup>10</sup>

9. Although eight Commissions were formed to improve prison conditions, the implementation of their recommendations is not satisfactory. Detention centres/jails are overcrowded and there is a lack of food, health care, sanitation and recreation. Prisoners, those in pre-trial detention, mentally ill persons, and those with infectious diseases are kept together.<sup>11</sup>

10. The NHRC recommendation to ratify the ICRMW has not been implemented.<sup>12</sup> Reference was made to the number of victims of fraud, unsafe migration, human trafficking and smuggling. There is also a problem in obtaining birth registration and citizenship certificate for children born while in foreign employment.<sup>13</sup>

11. Though the 2011 Domestic Violence Act, Gender-Based Violence Eradication Fund Regulations, National Action Plan on Gender-Based Violence and Security Council Resolutions 1325 and 1820 have been developed, implementation is not satisfactory.

Crimes against women such as setting ablaze, rape, gender selective abortion, suicide are in increasing trend. There are age old social taboos such as child marriage, polygamy, dowry, witchcraft, Chhaupadi, Badi, Deuki, Jhuma and Kamlari. Single women, young girls and girl child are often at risk. The Bill on gender equality and violence against women is still pending in the Parliament. Similarly, the Social Reform Bill tabled in the Parliament fails to address the dowry problems.<sup>14</sup>

12. According to NHRC-NWC-NDC, effective actions are necessary to pass the Act on child rights to prevent violence against children including sexual violence and child labour.<sup>15</sup>

13. Despite repeated commitments to end impunity,<sup>16</sup> substantial improvement hasn't been made. A special taskforce has been formed to implement Court decisions. According to NHRC-NWC-NDC, it is necessary to have legal provisions that make the Office of the Attorney General mandatory to file a case upon the NHRC recommendations, in accordance with the SC's order, and to fully implement the NHRC recommendations by the institutions.<sup>17</sup>

14. NHRC reported that it has issued Human Rights Defenders Directive, 2013. The Government has also instructed the security agencies to protect the rights of human rights defenders. However, the acts of intimidation, abuse, ill-treatment, creating obstacle in their work, arson, etc. still continue. Nepal has yet to give its consent to the visit of Special Rapporteur on Human Rights Defenders.<sup>18</sup>

15. Following the passage of the Truth and Reconciliation Commission (TRC) and the Commission on the Enforced Disappearance of Persons (CIDP) Acts, both Commissions were established in 2015. The SC however nullified the Act's provisions that allow amnesty for perpetrators of serious violations of human rights, and without the consent of the victims. NHRC-NWC-NDC recommended that perpetrators of serious human rights violations be prosecuted and reparation be provided to the victims in line with international standards.<sup>19</sup>

16. Most people displaced during armed conflict have returned to their homes, but the confiscated properties have not been returned to the rightful owners. It is necessary to provide them appropriate reparation through TRC.<sup>20</sup>

17. NHRC informed that during the reporting period, a total of 592 incidents against freedom of expression occurred. Incidents of ill-treatment, beatings, vandalism and arsons took place specifically during strikes and protest programs. It informed that NHRC set up a mechanism for the safety of journalists and human rights defenders. NHRC-NWC-NDC recommended that Nepal works further for the security of journalists and human rights defenders.<sup>21</sup>

18. Although poverty has declined, the poverty rate of Dalit, marginalized groups, as well as the people living in Karnali, Mid/Far-Western Region and Southern districts remains high.<sup>22</sup>

19. Despite a SC decision, the social inclusion policy has not incorporated Muslims. Musahar, Santhal, Chepang, Pahari, Haliya, Haruwa-Charuwa, Kamaiya, Kamlahari, Majhi, Thami, Jhangad, Bote, Danuwar, Chamar, Dom, Dusadh, Kusunda, Bankariya, Raute, Hayu, Raji, Meche, Koche and Kusbadiya are also deprived of basic human rights. Nepal should make arrangements for inclusion, protection and promotion of human rights of such communities.<sup>23</sup>

20. The rate of human trafficking in foreign employment is increasing. Despite suggestions of the NHRC, the Palermo Protocol has not been ratified. It is necessary to raise awareness, review laws and effectively implement them.<sup>24</sup>

21. NHRC-NWC-NDC indicated that Nepal should ensure a dignified life for persons with disabilities.<sup>25</sup>
22. Following a SC verdict, sexual and gender minorities have been receiving citizenship certificates and passports on the basis of identity. The Same-Sex Marriage Study Committee formed in accordance with the SC order has submitted its report recommending to recognize same-sex marriage, which has been taken positively by the government. NHRC-NWC-NDC indicated that the discriminatory provisions in laws and regulations against this community should be amended and the recommendation made by the Committee implemented.<sup>26</sup>
23. A National Action Plan for the meaningful participation of indigenous peoples in decision making process has been developed, in line with ILO Convention No.169. Nepal should enhance their inclusion and empowerment.<sup>27</sup>
24. The 2007 SC instructions to enact law on refugees and to ratify the Refugee Convention have not been implemented. Although Nepal has recognized Tibetans who entered Nepal before 1990 as refugees, later arrivals not and their children cannot receive identity cards and birth registration. Nepal should protect the rights of refugees by promulgating laws and ratifying the 1951 Refugee Convention.<sup>28</sup>
25. NHRC reported that it has made recommendations for the amendment and effective implementation of the Senior Citizens Act.<sup>29</sup>
26. NHRC has made recommendations to provide adequate relief and rehabilitation to people displaced by natural disasters.<sup>30</sup>

## **II. Information provided by other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations<sup>31</sup>**

27. A number of organizations, including FIAN Nepal,<sup>32</sup> JS14,<sup>33</sup> JS17,<sup>34</sup> International Commission of Jurists (ICJ),<sup>35</sup> JS16,<sup>36</sup> JS15,<sup>37</sup> JS5,<sup>38</sup> JS2,<sup>39</sup> JS18,<sup>40</sup> Swatantrata Abhiyan Nepal (SAN),<sup>41</sup> JS20<sup>42</sup> and AI<sup>43</sup>, recommended that Nepal ratify and implement the following international human rights treaties: OP-ICESCR; OP-CAT; Optional Protocol to the CRC on a communications procedure; Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption; ICRMW; ILO Convention No. 97 concerning Migration for Employment; ILO Convention No. 143 concerning Migrant Workers; ILO Convention No. 181 concerning private Employment Agencies; 2014 Protocol to ILO Convention No. 29 concerning Forced or Compulsory Labour; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.
28. JS15 further recommended Nepal to enforce provisions of CEDAW and its General Recommendation 26; as well as ICESCR to protect labour rights.<sup>44</sup>
29. TRIAL,<sup>45</sup> ICJ,<sup>46</sup> JS17,<sup>47</sup> JS2<sup>48</sup> Human Rights Watch (HRW),<sup>49</sup> and AI<sup>50</sup> recommended ratifying the ICPPED, recognizing the competence of the Committee to consider communications.
30. JS5<sup>51</sup>, JS15<sup>52</sup> and SAN<sup>53</sup> recommended ratifying ILO Convention No. 189 concerning Decent Work for Domestic Workers and reviewing agreements with receiving countries on minimum wage and basic work standards.

31. ICJ<sup>54</sup>, JS9,<sup>55</sup> JS11,<sup>56</sup> JS17<sup>57</sup> and HRW recommended ratifying the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and adopting implementing legislation.<sup>58</sup>

32. AI,<sup>59</sup> ICJ,<sup>60</sup> JS17,<sup>61</sup> JS2<sup>62</sup> and HRW,<sup>63</sup> recommended ratifying the Rome Statute of the International Criminal Court.

## 2. Constitutional and legislative framework

33. JS11 indicated that Nepal should reform the 2007 Interim Constitution to ensure that all human rights are guaranteed to all people, including legal residents, refugees and asylum seekers who do not hold the Nepali citizenship.<sup>64</sup> JS21, JS20<sup>65</sup> and JS3<sup>66</sup> indicated that the 2007 Interim Constitution only guarantees the right to religious freedom to Nepali citizens.<sup>67</sup>

34. Christian Solidarity Worldwide (CSW)<sup>68</sup> and AI indicated that the new Constitution should protect human rights in a manner fully consistent with international human rights law and standards.<sup>69</sup> Several organizations, including ADF International,<sup>70</sup> JS19,<sup>71</sup> JS16,<sup>72</sup> JS9,<sup>73</sup> Center for Global Non-killing,<sup>74</sup> JS14<sup>75</sup> and JS21<sup>76</sup> indicated that that the new Constitution should guarantee equality before the law and equal protection of the law, children's rights, the rights of the Dalit community, the right to a nationality without discrimination, the right to adequate housing, the right to food, the right to peace and the rights of all faiths, particularly minority religions.

35. JS16 called on Nepal expedite the revision of the Children's Act, laws and policies to ensure compliance with child rights standards.<sup>77</sup>

36. JS6 recommended establishing a special mechanism in the Constituent Assembly for meaningful participation of indigenous peoples on matters that directly affect them.<sup>78</sup>

## 3. Institutional and human rights infrastructure and policy measures

37. AI indicated that Nepal should ensure the functioning of the NHRC in accordance with the Paris Principles, in particular by including guarantees in the appointments process for the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights.<sup>79</sup> JS19 noted that the NHRC lacks Dalit representation.<sup>80</sup> JS2 noted that the 2012 NHRC Act curtails powers and jurisdiction of the NHRC initially set.<sup>81</sup>

38. JS3 indicated that several national and international bodies proposed the inclusion of a special mechanism for the protection of the journalists and human rights defenders within the framework of the 2012 NHRC Act, which remained unrealized.<sup>82</sup> CSW recommended Nepal to amend the 2012 NHRC Act to allow cases prior to 2011 to be investigated<sup>83</sup> and JS16 to establish a Child Rights Commissioner within the NHRC.<sup>84</sup>

39. JS20,<sup>85</sup> JS18<sup>86</sup> and JS14<sup>87</sup> recommended adopting a statutory framework for the National Dalit Commission (NDC), National Women Commission (NWC) and the National Muslim Commission (NMC) to enhance their independence, credibility and effectiveness.<sup>88</sup>

40. Referring to CAT findings and the lack of an independent detention monitoring system, JS2 recommended establishing an independent and effective National Preventive Mechanism in line with OP-CAT.<sup>89</sup>

41. JS16 noted the lack of an effective child protection system and data collection system.<sup>90</sup>

42. JS8<sup>91</sup>, JS18<sup>92</sup> and JS6<sup>93</sup> recommended establishing a Commission to deal with human rights violations against Indigenous Peoples, as stipulated in the Interim Constitution. JS6<sup>94</sup> and JS8<sup>95</sup> reported that the National Action Plan for Implementation of ILO Convention

No. 169 is yet to be adopted. JS8 recommended implementing the World Conference on Indigenous Peoples Outcome Document.<sup>96</sup> JS8 indicated that census data should be disaggregated by ethnicity or nationality, and gender, taking into account the criterion of self-identification.<sup>97</sup>

43. According to JS19, Nepal has started the formulation of a gender equality and social inclusion responsive budget which encompasses provisions for Dalit issues, however the resource allocation is not ensured. Dalit participation in budget and decision-making processes is however neglected.<sup>98</sup>

44. The Carter Center (TCC) recommended focusing on equitable economic development and inclusive growth.<sup>99</sup>

## **B. Cooperation with human rights mechanisms**

45. JS17<sup>100</sup> and FIAN Nepal noted that Nepal developed an Action Plan on Implementation of the 2011 UPR recommendations but it lacks concrete commitments. According to some civil society organizations, no adequate consultation with stakeholders was done. The UPR outcome document was neither translated into the local language nor disseminated across the country.<sup>101</sup> SAN recommended that Nepal set a specific timeline to implement recommendations identifying specific role of concerned ministries and designated monitoring mechanism. It recommended that Nepal shares publicly a mid-term report so that people can seek State accountability.<sup>102</sup> Similar remarks were made by JS16<sup>103</sup> and JS19.<sup>104</sup>

### **1. Cooperation with treaty bodies**

46. JS19 recommended that Nepal submit reports to treaty bodies after wider and timely consultation with stakeholders.<sup>105</sup>

### **2. Cooperation with special procedures**

47. Amnesty International (AI) noted that during the 2011 UPR, Nepal did not support recommendations to issue a standing invitation to UN Special Procedures<sup>106</sup> and since then has not granted requests for visits.<sup>107</sup> AI,<sup>108</sup> CIVICUS,<sup>109</sup> JS11<sup>110</sup> and ICJ recommended Nepal to issue a standing invitation and to cooperate fully with special procedures mandate-holders.<sup>111</sup>

48. Several organizations, including AI,<sup>112</sup> ICJ,<sup>113</sup> CIVICUS,<sup>114</sup> FIAN,<sup>115</sup> JS8,<sup>116</sup> CS,<sup>117</sup> recommended Nepal to accept requests by the following thematic special procedures to visit the country: Working Group on Enforced and Involuntary Disappearances; and Special Rapporteurs on the promotion of truth, justice, reparation and guarantees of non-recurrence; on human rights defenders; on torture; on extrajudicial, summary or arbitrary executions; on the right to food; on freedom of expression; on freedom of peaceful assembly and association and on the rights of indigenous peoples.<sup>118</sup>

49. CIVICUS further recommended that Nepal responds to communications.<sup>119</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

50. JS19 commended the adoption of the 2011 Caste and Untouchability Act noting that its implementation should be strengthened.<sup>120</sup> AI recommended adopting a regulatory

framework for the Act and investigating caste-based violence<sup>121</sup> and; JS19<sup>122</sup> and JS20<sup>123</sup> developing a National Plan of Action with adequate resources and empowering the Dalit community. Cultural Survival (CS) recommended adopting policies that prevent caste-based discrimination.<sup>124</sup>

51. JS6 recommended Nepal to address the multiple forms of discrimination against indigenous women.<sup>125</sup>

52. Asian Legal Resource Centre (ALRC) indicated that the term Dalit refers to people who are religiously, culturally, socially, economically, and historically oppressed, excluded, and considered untouchable. ALRC urged Nepal to implement legislation and ensure that police personnel register caste discrimination and untouchability cases.<sup>126</sup>

53. JS14 indicated that Dalit, persons with disabilities, former bonded labourers, indigenous peoples and Muslims continue to live on the margins of society. Women and children belonging to these groups face double marginalization.<sup>127</sup>

54. JS12<sup>128</sup> and JS13 commended Nepal for positive steps towards the recognition of LGBTI rights.<sup>129</sup> They recommended Nepal to: legalise sexual and social relationships between consenting adults, regardless of sex or gender and to recognise rape on a gender neutral basis; legalise same-sex marriage or civil unions and make consequential amendments to utilise gender neutral definitions in family and inheritance laws; enact comprehensive anti-discrimination legislation; increase understanding of LGBTI rights; combat the stigmatization of, and violence against LGBTI persons.<sup>130</sup>

55. CSW recommended amending the regulations for securing identity documents to members of all religions.<sup>131</sup>

56. HRW indicated that citizenship law should be amended to allow citizenship through either parent.<sup>132</sup> JS9 recommended repealing all discriminatory provisions that prevent women from acquiring, retaining and transferring citizenship; recognising the independent right of each parent to provide citizenship based on lineal descent to their children, and their independent right to confer citizenship to their foreign spouse on equal terms.<sup>133</sup>

57. JS16 noted that only 58.1% of children under 5 years of age have birth certification.<sup>134</sup> JS9 recommended promoting universal birth registration, including children of refugees, foreigners, stateless persons and single mothers<sup>135</sup> and JS16 making birth registration compulsory.<sup>136</sup>

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

58. TRIAL indicated that complaints of extra-judicial killings and torture should be duly registered, promptly, effectively, impartially, independently and thoroughly investigated.<sup>137</sup>

59. TRIAL<sup>138</sup> and ALRC<sup>139</sup> expressed concern that the Torture, Cruel, Inhumane and Degrading Treatment (Control) Draft Bill is not in compliance with international standards.<sup>140</sup> AI recommended providing appropriate criminal penalties for acts of torture and other ill-treatment.<sup>141</sup> TRIAL recommended amending the 1992 State Cases Act to permit the registration of complaints of torture and enforced disappearance; abolish the statute of limitations for the submission of complaints; ensure that Police act also in the absence of formal complaints.<sup>142</sup> HRW recommended criminalizing the act of enforced disappearance in accordance with ICCPED.<sup>143</sup>

60. JS2 noted that victims of human rights violations face authorities' refusal to register and investigate cases and no accountability for failure to investigate. It recommended introducing an independent complaints mechanism on the conduct of security forces.<sup>144</sup>

61. TRIAL recommended criminalizing forms of sexual violence other than rape, such as sexual slavery, enforced pregnancy, forced prostitution, forced sterilization, forced

nudity, genital and breast mutilation, forced circumcision and; amending the 35-day statutory limitation for filing complaints of rape and other forms of sexual violence.<sup>145</sup>

62. Referring to 2011 UPR<sup>146</sup> and CEDAW's recommendations, Advocates for Human Rights (AHR) noted that the 2009 Domestic Violence Act does not adequately protect victims.<sup>147</sup> AHR recommended, *inter alia*, examining family, civil and criminal laws and amending provisions that discriminate against women and, developing a National Plan of Action on implementing and monitoring the Act.<sup>148</sup>

63. AI recommended ensuring that police provide a safe and confidential environment for women and girls to report incidents of violence, and that all such complaints are recorded and promptly, impartially and effectively investigated.<sup>149</sup>

64. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that Nepal should clearly prohibit all corporal punishment of children in all settings including the home, and formally repeal the defences for its use in the Children Act and the Muluki Ain.<sup>150</sup>

65. CSW indicated that Nepal should enforce the law to prevent child marriages; protect Dalit and low caste girls from early and forced marriage; and ensure that the constitution and laws guarantee all women full freedom to choose their own religious beliefs.<sup>151</sup> JS7 recommended prosecuting child marriage and removing barriers to access legal remedies and redress for victims.<sup>152</sup>

66. JS4 noted that notwithstanding legal provisions and the commitment of Nepal to tackle forced and bonded labour it continues to exist.<sup>153</sup> JS4 recommended recognising the applicability of the 2002 Act to all bonded labourers and ensuring that the Freed Bonded Labourer Rehabilitation and Monitoring Committees work effectively.<sup>154</sup> ALRC noted that the SC directed the government to introduce a law for the rehabilitation of Haliyas but the identification process is still incomplete.<sup>155</sup>

67. JS16<sup>156</sup> and SAN indicated that Nepal should amend the existing Child Labour Act to include child labour in the informal sector within the purview of the law and ensure availability of monitoring, inspection and investigation authorities.<sup>157</sup>

68. JS16<sup>158</sup> and SAN indicated that Nepal should strengthen the implementation of the Human Trafficking and Transportation Control Act.<sup>159</sup> AI recommended investigating trafficking-related offences; including trafficking in persons and related offences as crimes in the Criminal Code and; ensuring that the legal definition of trafficking is in line with international standards.<sup>160</sup>

### 3. Administration of justice, including impunity

69. JS18 noted that the criminal justice system lacks effective coordination amongst investigation, prosecution and adjudication. Case backlog at the Courts is a general problem.<sup>161</sup>

70. AI recommended withdrawing powers from district-level authorities that permit **arbitrary detention**<sup>162</sup> and rescinding or reforming the **Public Security Act** to remove powers to **detain persons in "preventive detention"** without charge or trial.<sup>163</sup>

71. JS16 indicated that the SC recently provided direction to the government to ensure that victims and witnesses of crimes against children are protected. The 2006 Juvenile Justice Procedural Rules has however not been revised to fit the context.<sup>164</sup>

72. TRIAL,<sup>165</sup> JS17,<sup>166</sup> JS3,<sup>167</sup> ICJ,<sup>168</sup> HRW,<sup>169</sup> JS20,<sup>170</sup> JS2<sup>171</sup> and AI<sup>172</sup> referred to 2011 UPR recommendations regarding transitional justice.<sup>173</sup> It was reported that the mechanisms, consisting in the TRC and the CIDP, do not comply with international standards and the procedure that led to its adoption has not been sufficiently inclusive.

73. Organizations also indicated that on 26 February 2015, the SC nullified the Act's provisions that gave discretionary powers to the transitional justice mechanisms to recommend amnesty, and which allowed the Ministry of Peace and Reconstruction to decide whether or not to prosecute perpetrators of crimes of serious nature. The SC held that the victim's consent be made mandatory for reconciliation and that cases that are pending before courts cannot be transferred to the Commissions.

74. Organizations referred to concerns voiced by human rights organisations, lawyers and victims' groups, including (1) the Commissions' mandate to conduct mediation to reconcile victims and perpetrators even in cases of serious human rights violations, (2) the prohibition of any legal action in mediated cases, (3) the non-recognition of victims' rights to reparation and (4) insufficient provisions on witness protection.

75. Organizations recommended bringing the TRC and CIDP Act 2014 in line with international law before Commissioners commence work; bringing to justice those suspected of committing crimes under international law and providing full and effective reparation to victims; investigating all allegations of crimes under international law, both past and present and ensuring that victims can access effective remedies before the courts.

76. Organizations further recommended that the newly formed TRC and COID fully comply with international law and standards and the jurisprudence established by the Nepalese SC while discharging their mandate.

77. ICJ recommended addressing the problems faced by the wives and children of those who were forcibly disappeared when transferring their husbands' or fathers' property due to the so called "12-years rule".<sup>174</sup>

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

78. JS6 recommended Nepal to respect indigenous peoples' right to exercise their religion, beliefs and culture.<sup>175</sup> ADF International recommended ensuring that perpetrators of religiously motivated crimes are prosecuted and punished accordingly.<sup>176</sup>

79. AI indicated that Nepal should ensure that no person is arrested for peacefully exercising their right to freedom of expression, association or assembly and that all arrests are carried out in accordance with the law and human rights standards.<sup>177</sup> ALRC urged Nepal to implement preventive measures against use of force during protests.<sup>178</sup>

80. JS3 indicated that Nepal supported 2011 UPR recommendations to ensure the security of human rights defenders, including journalists, but did not accept recommendations to effectively investigate such violations and bring those responsible to justice. Violations against journalists and defenders in the years 2011- 2014 indicate a gradual decrease, however, violations remain serious.<sup>179</sup>

81. JS17 indicated that special attention should be given to the implementation of the 'Local Implementation Strategy for Nepal' drafted on the basis of the European Union Guidelines on Human Rights Defenders.<sup>180</sup> AI recommended Nepal to respect and protect the right of human rights defenders, especially women human rights defenders, in line with the UN Declaration on Human Rights Defenders.<sup>181</sup>

82. CIVICUS urged Nepal to ensure that LGBTI organisations are allowed to register and operate freely.<sup>182</sup>

83. CIVICUS indicated that Nepal should uphold the freedom of assembly without restrictions for Tibetans and Tibetan organizations.<sup>183</sup> JS11 noted that Nepal should refrain from arresting Tibetans for exercising their rights to freedom of assembly and expression and investigate practices of intimidation and harassment of Tibetans.<sup>184</sup> AI recommended

ending the practice of excessive use of force and violence by state forces against members of the Tibetan and Madhesi communities.<sup>185</sup>

84. JS6,<sup>186</sup> JAS18<sup>187</sup>JS19,<sup>188</sup> ICAAD<sup>189</sup> and TCC<sup>190</sup> recommended expanding participation of women, Dalit and other marginalized groups in decision-making processes.

#### **5. Right to work and to just and favourable conditions of work**

85. SAN indicated that Nepal supported 2011 UPR recommendations related to workers' rights.<sup>191</sup> It recommended undertaking a comprehensive review of laws and formulating a labour law in compliance with ILO Conventions, addressing concerns of informal sectors and child labour and; forming a national labour council with representation of employers, governments, trade unions and NGOs.<sup>192</sup>

86. JS20 recommended the adoption of a Youth Employment Policy and Council Act with the aim of creating employment opportunities for youth.<sup>193</sup>

87. SAN noted that Nepal should recognize domestic workers in its civil code bill<sup>194</sup> and workers in the entertainment industry and provide minimum labour standards.<sup>195</sup>

#### **6. Right to social security and to an adequate standard of living**

88. JS19 indicated that Nepal has made provisions for social security however these have not been implemented in an integrated manner.<sup>196</sup> HelpAge noted that a barrier to older people's enjoyment of their right to social security is their lack of identity cards.<sup>197</sup>

89. FIAN Nepal indicated that the lack of adequate food and nutrition remains a critical issue.<sup>198</sup> JS14 noted that it has disproportionately affected Dalit, former bonded labourers, indigenous peoples, rural poor and Muslims.<sup>199</sup> JS17<sup>200</sup> and FIAN recommended adopting a comprehensive national strategy to ensure food and nutrition security for all; identifying marginalized groups and monitoring progress.<sup>201</sup>

90. JS14 indicated that Nepal should ensure effective implementation of the Housing Program, prioritizing most marginalized and vulnerable groups and amending policies that lead to evictions.<sup>202</sup>

91. JS14 recommended ensuring access to safe drinking water for all.<sup>203</sup> JS19 indicated that the majority of Dalit households face discrimination and restrictions while collecting water from common water sources since the water touched by Dalit is considered impure in society.<sup>204</sup>

#### **7. Right to health**

92. JS14 indicated that Nepal is implementing programs which have contributed to increased life expectancy and decreased infant and maternal mortality rate. JS14 recommended ensuring consultation with civil society for the implementation of National Health Policy 2014.<sup>205</sup>

93. JS14 noted that hospitals fail to offer quality health services and people are compelled to go to private hospitals and medical clinics, which are financially beyond the reach of marginalized groups.<sup>206</sup>

94. HelpAge indicated that healthcare is unaffordable for many older people and that existing facilities do not have personnel trained in geriatric care.<sup>207</sup>

95. AI recommended adopting a strategy to prevent uterine prolapse, including steps to ensure that women and girls know and understand their rights.<sup>208</sup>

96. According to JS7, despite progressive laws and policies, women's right to safe abortion remains unfulfilled. JS7 recommended enacting a comprehensive law ensuring

access to affordable and safe abortion services to all women needing them; and undertaking awareness-raising activities.<sup>209</sup>

## **8. Right to education**

97. JS10 reported that access to free quality and inclusive education has not significantly improved. The growth of unregulated private education threatens access to quality education for socioeconomically disadvantaged children.<sup>210</sup>

98. According to JS6, there are no effective initiatives to promote equal opportunities to education for marginalized communities. The dropout rate is high and the multi-lingual education is not effective.<sup>211</sup> Similar concerns were raised by JS8,<sup>212</sup> JS16<sup>213</sup> and JS19.<sup>214</sup> JS16 recommended increasing the budget for education.<sup>215</sup>

99. JS14 recommended adopting a law that makes basic education free and compulsory; and developing curriculum in consultation with students, teachers and parents as well as Muslim community leaders.<sup>216</sup>

100. JS14 recommended implementing a longer-term education plan that clarifies the concept of inclusive education in line with the UNCRPD.<sup>217</sup> HRW recommended including disability rights activists in the implementation of inclusive education.<sup>218</sup>

101. JS16 recommended implementing the School as Zone of Peace Guideline to protect school and children from party political use.<sup>219</sup>

## **9. Persons with disabilities**

102. According to JS18<sup>220</sup> and JS19,<sup>221</sup> persons with disabilities face multiple forms of discrimination. JS19 recommended ensuring that all persons with disabilities are given first priority in accessing services, education, identity cards and social security schemes.<sup>222</sup>

## **10. Minorities and indigenous peoples**

103. CS recommended aligning legislation and programs with the UN Declaration on the Rights of Indigenous Peoples and publicly recognizing their own distinct groups and cultures.<sup>223</sup>

104. CS recommended that a moratorium on land alienation be imposed and proper legislation put in place for the full participation of Indigenous peoples in management of forests and natural resources.<sup>224</sup> JS17 indicated that Nepal should formulate an integrated land policy, quicken the pace of land reform and identify and restore traditional land rights of indigenous peoples.<sup>225</sup> Similar issues were raised by JS8,<sup>226</sup> JS6,<sup>227</sup> JS20<sup>228</sup> and JS14.<sup>229</sup>

## **11. Migrants, refugees and asylum seekers**

105. According to JS1, foreign labour migration from Nepal has been rapidly accelerating.<sup>230</sup> JS15,<sup>231</sup> JS20<sup>232</sup> and SAN<sup>233</sup> recommended amending the Foreign Employment Act to bring it in line with international human rights standards and specifying roles and responsibilities of ministries and agencies working on migration. SAN indicated that Nepal should include returnee migrants and migrant workers under the social security programs.<sup>234</sup>

106. JS1 noted that the policy to ban female workers under 30 from undertaking foreign employment in Gulf countries has only pushed them into situations of exploitation and abuse.<sup>235</sup> HRW recommended to lift the travel ban on women under 30; improve monitoring and accountability of recruitment agencies in Nepal; and ensure adequate staffing of diplomatic missions in countries with significant numbers of Nepali migrants.<sup>236</sup>

107. AI recommended investigating officials and civilians complicit in forging documents for the purposes of migrant work by children under 16 and initiating a rigorous system of screening minors requesting passports.<sup>237</sup>

108. Reporting on the situation of Tibetans living in Nepal, JS11 recommended issuing and renewing refugee identification certificates (RCs) to all eligible Tibetans and their children; reforming Article 14.2 of the Immigration Act of 1992 to clearly define what is “detrimental to the national interest” and therefore that which would justify denying the entry, stay or departure of a foreigner in Nepal; putting into practice the program to resettle certain refugees and;<sup>238</sup> ensuring their rights to practice and manifest their religion, and to participate in Tibetan cultural events.<sup>239</sup>

109. HRW recommended upholding international law prohibiting *refoulement*; enacting legislation to establish a formal asylum procedure for asylum seekers who have entered Nepal since 1989; guaranteeing the rights and status’ of refugees and asylum seekers by law in accordance with internationally recognized human rights standards; establishing procedures to enable long- term Tibetan residents to acquire Nepali citizenship; repealing restrictions on the rights of Tibetan residents to own property, work, establish and incorporate businesses, and travel freely.<sup>240</sup>

110. JS9 indicated that Nepal should end statelessness by conferring citizenship to all persons who have been denied citizenship due to the prevalence of gender discriminatory nationality laws.<sup>241</sup>

## **12. Right to development, and environmental issues**

111. JS14 recommended amending forestry law to recognize community ownership and consult with the community when executing development projects.<sup>242</sup>

112. JS14 recommended adopting a law on disaster management that enables people in emergencies to claim the right to food and other relief materials and provide an adequate legal basis for the government to operate.<sup>243</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

*Civil society**Individual submissions:*

ADF International	ADF International, Geneva, Switzerland;
AHR	The Advocates for Human Rights, Minneapolis, United States of America;
AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
ALRC	Asian Legal Resource Centre, Hong Kong Special Administrative Region, China;
CGNK	Center for Global Non-killing, Honolulu, Hawaii;
CIVICUS	CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa;
CS	Cultural Survival, Cambridge, United States of America;
CSW	Christian Solidarity Worldwide, New Malden, United Kingdom of Great Britain and Northern Ireland;
FIAN Nepal	FIAN International, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HelpAge International	HelpAge International (Nepal), Kathmandu, Nepal;
HRW	Human Rights Watch, Geneva, Switzerland;
ICAAD	International Center for Advocates Against Discrimination, New York, United States of America;
ICJ	International Commission of Jurists, Geneva, Switzerland;
SAN	Swatantrata Abhiyan, Lalitpur, Nepal;
TCC	The Carter Center, Atlanta, United States of America;
TRIAL	Track Impunity Always, Geneva, Switzerland;

*Joint submissions:*

JS1	Joint submission No. 1 by: Advocacy Forum (AF) - Nepal and the Member Organizations of National Network for Safe Migration (NNSM);
JS2	Joint submission No. 2 by: Advocacy Forum-Nepal Asian Human Rights Commission; The Redress Trust and World Organization against Torture;
JS3	Joint submission No. 3 by: ARTICLE 19 and Freedom Forum;
JS4	Joint submission No. 4 by: Anti-Slavery International (UK), INSEC (Nepal) and BASE (Nepal);
JS5	Joint submission No. 5 by: Anti-Slavery International; General Federation of Nepalese Trade Unions (GEFONT); KAFA in Lebanon and GAATW working with member organisations – Alliance Against Traffic in Women (AATWIN) and WOREC in Nepal;
JS6	Joint submission No. 6 by: Coalition of indigenous peoples’ organisations in Nepal: 35 indigenous peoples’ organisations;
JS7	Joint submission No. 7 by: Center for Reproductive Rights (the Center) and the Forum for Women, Law and Development (FWLD);
JS8	Joint submission No. 8 by: Cultural Survival and National Coalition Against Racial Discrimination (NCARD);
JS9	Joint submission No. 9 by: The Nepal Civil Society Network on Citizenship Rights, the Global Campaign for Equal Nationality Rights and the Institute on Statelessness and Inclusion;

- JS10 Joint submission No. 10 by: The National Campaign for Education-Nepal, the Global Initiative for Economic, Social and Cultural Rights, the Sciences Po law school Clinic, and partners;
- JS11 Joint submission No. 11 by: International Campaign for Tibet (ICT) and FIDH – International Federation for Human Rights;
- JS12 Joint submission No. 12 by: Blue Diamond Society with the support of International Lesbian and Gay Association (ILGA);
- JS13 Joint submission No. 13 by: Kaleidoscope Human Rights Foundation (Kaleidoscope) and Blue Diamond Society;
- JS14 Joint submission No. 14 by: The Lutheran World Federation (LWF) and Finnish Evangelical Lutheran Mission (FELM);
- JS15 Joint submission No. 15 by: Migrant Forum in Asia network and MFA members in Nepal: All Nepal Women's Association (ANWA), Migrants' Center Nepal – AHRCDF, POURAKHI, Women's Rehabilitation Center Nepal (WOREC), Pravasi Nepali Coordination Committee (PNCC) and Youth Action Nepal (YOAC);
- JS16 Joint submission No. 16 by: Child Centred UPR Reporting Coalition: Children as Zones of Peace and Protection (CZOPP); Consortium of Organizations Working for Child Participation (CONSORTIUM-Nepal); National Child Protection Alliance (NCPA); Child Care Homes Network Nepal (C-NET Nepal); National Association of Organization Working on Street Children (NAOSC) and; National Campaign for Education (NCE) Nepal;
- JS17 Joint submission No. 17 by: Nepal Dialogue Forum for Peace and Human Rights (Germany). Membership: Adivasi-Koordination Deutschland, Amnesty International – Ländergruppe Nepal, Bischöfliches Hilfswerk Misereor, Evangelisches Werk für Diakonie und Entwicklung - Brot für die Welt, Gossner Mission, FIAN International, Peace Brigades International (PBI) – deutscher Zweig, Südasiensbüro;
- JS18 Joint submission No. 18 by: Nepal NGO Coalition for UPR (NNC-UPR), National Women Coalition and Durban Review Conference Follow-up Committee (DRCFC) Nepal comprising of 295 civil society organizations;
- JS19 Joint submission No. 19 by: Dalit Civil Society Organizations' Coalition for UPR, Nepal and International Dalit Solidarity Network (IDSN);
- JS20 Joint submission No. 20 by: Pax Romana , World Evangelical Alliance and 75 local organizations;
- JS21 Joint submission No. 21 by: Interfaith group Religions for Peace Nepal;
- JS22 Joint submission No. 22 by: Beyond Beijing Committee and Sexual Rights Initiative;

*National human rights institutions:*

NHRC Nepal National Human Rights Commission\*, National Women Commission and National Dalit Commission, Lalitpur, Nepal.

<sup>2</sup> NHRC-NWC-NDC, paras. 9.

<sup>3</sup> Ibid., paras. 9-12.

<sup>4</sup> Ibid., para. 6.

<sup>5</sup> A/HRC/17/5, para. 106.56 (Norway).

<sup>6</sup> NHRC-NWC-NDC, para. 10.

<sup>7</sup> Ibid., para. 7.

<sup>8</sup> Ibid., para. 17. See also recommendations in A/HRC/17/5, paras. 107.15 (Japan), (Hungary), 108.17 (Republic of Moldova), 108.18 (Denmark), 108.19 (Italy), 109.14 (Czech Republic).

<sup>9</sup> Ibid., paras. 18-19. See A/HRC/17/5, recommendations in paras. 106.3 (Switzerland), (Denmark), (United Kingdom), (Slovenia) 107.2 (Germany), 107.16 (Turkey), 107.17 (Sweden), (Austria),

- 109.1 (New Zealand), 109.2 (Chile), 109.3 (Maldives), 109.4 (Spain), 109.13 (Sweden), 109.15 (Brazil).
- <sup>10</sup> Ibid., paras. 24-25. See A/HRC/17/5, recommendations in paras. 106.24 (Denmark), (Bolivia), (Czech Republic), 107.10 (Sweden), 107.11 (Netherlands), 107.12 (Germany), 107.13 (Austria), 107.14 (Sweden), 108.10 (United Kingdom), 108.11 (Norway), 108.12 (Czech Republic).
- <sup>11</sup> Ibid., para. 26.
- <sup>12</sup> Ibid., para. 35.
- <sup>13</sup> Ibid., paras. 34-36. See also recommendations in A/HRC/17/5, para. 106.40 (United States of America).
- <sup>14</sup> NHRC-NWC-NDC, paras. 40-41.
- <sup>15</sup> A/HRC/17/5, paras. 43-44. See also recommendations in A/HRC/17/5, paras. 106.9 (Algeria), (Slovakia), 106.27 (Austria), 106.30 (Azerbaijan), 106.32 (Bhutan), 107.18 (Hungary), (Spain), 107.19 (Spain), 107.20 (Poland), 108.2 (Maldives), 108.4 (Canada), 108.11 (Norway).
- <sup>16</sup> A/HRC/17/5, recommendations in paras. 106.25 (Canada), 106.35 (Sweden), 106.38 (France), (United Kingdom), 107.3 (New Zealand), 107.15 (Japan), (Hungary), 107.24 (USA), 108.22 (Norway), 108.24 (Netherlands).
- <sup>17</sup> NHRC-NWC-NDC, para. 23.
- <sup>18</sup> Ibid., para. 57. See also recommendations in A/HRC/17/5, paras. 106.26 (Czech Republic), 108.6 (Spain), 108.7 (Chile), 108.8 (Brazil), 108.9 (Maldives), 108.23 (Norway), 108.27 (France), 108.28 (USA).
- <sup>19</sup> Ibid., para. 16.
- <sup>20</sup> Ibid., paras. 54-55. See also recommendations in A/HRC/17/5, paras. 106.55 (Republic of Moldova), 108.36 (Thailand).
- <sup>21</sup> Ibid., paragraph 22. See A/HRC/17/5, recommendations in paras. 108.23 (Norway), 108.27 (France), 108.28 (USA).
- <sup>22</sup> Ibid., paras. 28-29. See also recommendations in A/HRC/17/5, paras. 106.43 (Algeria), (Morocco), (Bolivia), 106.48 (Pakistan).
- <sup>23</sup> Ibid., paras. 47-48.
- <sup>24</sup> Ibid., para. 42.
- <sup>25</sup> Ibid., para. 45. See also recommendations in A/HRC/17/5, paras. 106.10 (Philippines), (China), (Russian Federation), 108.13 (New Zealand), 108.14 (Chile).
- <sup>26</sup> See also recommendations in A/HRC/17/5, paras. 106.5 (United States of America), 106.23 (New Zealand), (Norway).
- <sup>27</sup> NHRC-NWC-NDC, para. 46. See also recommendations in A/HRC/17/5, para. 108.11 (Norway).
- <sup>28</sup> Ibid., para. 50. See also recommendations in A/HRC/17/5, paras. 108.36 (Thailand), 109.7 (Switzerland), (Algeria), (Moldova), (Slovenia), (Netherlands), 109.8 (USA), 109.9 (Netherlands), 109.10 (Japan).
- <sup>29</sup> Ibid., para. 51. See also recommendations in A/HRC/17/5, para. 106.46 (Malaysia), (Cuba).
- <sup>30</sup> Ibid., paras. 54-55. See also recommendations in A/HRC/17/5, paras. 106.55 (Republic of Moldova), 108.36 (Thailand).
- <sup>31</sup> The following abbreviations have been used in the present 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
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
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 CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>32</sup> FIAN Nepal, para. 26.
- <sup>33</sup> Joint Submission No. 14, page 9.
- <sup>34</sup> Joint Submission No. 17, para. 49 and 51-53.
- <sup>35</sup> International Commission of Jurists, para. 23 (q).
- <sup>36</sup> Joint Submission No. 16, recommendations in Section 3.
- <sup>37</sup> Joint Submission No. 15, section D, para. 1.
- <sup>38</sup> Joint Submission No. 5, page 11.
- <sup>39</sup> Joint Submission No. 2, paras 53-54.
- <sup>40</sup> Joint Submission No. 18, paras. 2.
- <sup>41</sup> Swatantrata Abhiyan Nepal, para. 2.9.
- <sup>42</sup> Joint Submission No. 20, paras. 21
- <sup>43</sup> Amnesty International, page 9.
- <sup>44</sup> Joint Submission No. 15, section D, para. 1.
- <sup>45</sup> TRIAL, page 9.
- <sup>46</sup> International Commission of Jurists, para. 23 (q).
- <sup>47</sup> Joint Submission No. 17, para. 52.
- <sup>48</sup> Joint Submission No. 2, para.27.
- <sup>49</sup> Human Rights Watch, page 4.
- <sup>50</sup> Amnesty International, page 8.
- <sup>51</sup> Joint Submission No. 5, page 11.
- <sup>52</sup> Joint Submission No. 15, section D, para. 1.
- <sup>53</sup> Swatantrata Abhiyan Nepal, para. 2.9.
- <sup>54</sup> International Commission of Jurists, para. 23 (q).
- <sup>55</sup> Joint Submission No. 9, page 10.
- <sup>56</sup> Joint Submission No. 11, Section on recommendations, page 11.
- <sup>57</sup> Joint Submission No. 17, para.50.
- <sup>58</sup> Human Rights Watch, page 5.
- <sup>59</sup> Amnesty International, page 8.
- <sup>60</sup> International Commission of Jurists, para. 23 (q).
- <sup>61</sup> Joint Submission No. 17, para. 52.
- <sup>62</sup> Joint Submission No. 2, para.27.
- <sup>63</sup> Human Rights Watch, page 4.
- <sup>64</sup> Joint Submission No. 11, Section on recommendations, page 11.
- <sup>65</sup> Joint Submission No. 20, paras. 53-57.
- <sup>66</sup> Joint Submission No. 3, paras. 1-8.
- <sup>67</sup> Ibid., paras. 1-8.
- <sup>68</sup> Christian Solidarity Worldwide, paras. 2-3. See also Joint Submission No. 3, paras. 19 to 23, including cases cited.
- <sup>69</sup> Amnesty International, page 7. See also Joint Submission No. 17, para. 37.
- <sup>70</sup> ADF International, para. 25. See also Joint Submission No. 119, para.8.
- <sup>71</sup> Joint Submission No. 19, para. 8.
- <sup>72</sup> Joint Submission No. 16. Section 3.
- <sup>73</sup> Joint Submission No.9, page 10.
- <sup>74</sup> Center for Global Nonkilling, pages 1-3.
- <sup>75</sup> Joint Submission No. 14, recommendations in pages 9-10. See also submission from NHRC-NWC-

- NDC, para. 33. See also recommendations in A/HRC/17/5, para. 106.51 (**Singapore**).
- <sup>76</sup> Joint Submission No. 21, pages 1-4. See also submission from Christian Solidarity Worldwide, paras. 2-3. See also Joint Submission No. 3, paras. 19 to 23, including cases cited.
- <sup>77</sup> Joint Submission No. 16. Section 3.
- <sup>78</sup> Joint Submission No. 6, paras. 7-10 and recommendations in section F. See A/HRC/17/5, paras. 106.1 (**Republic of Korea**), (**Poland**), (**Egypt**), (**China**), (**Holy See**), (**Italy**); 106.2 (**France**), (**Azerbaijan**), (**Slovakia**); 107.28 (**Malaysia**).
- <sup>79</sup> Amnesty International, page 8. See also Joint Submission No. 18, paras. 7.
- <sup>80</sup> Joint Submission No. 19, para 10.
- <sup>81</sup> Joint Submission No. 2, paras 55-58.
- <sup>82</sup> Joint Submission No. 3, paras. 9-17. See submission for cases cited.
- <sup>83</sup> Christian Solidarity Worldwide, para. 25.
- <sup>84</sup> Joint Submission No. 16, recommendations in Section 3.
- <sup>85</sup> Joint Submission No. 20, para.29.
- <sup>86</sup> Joint Submission No. 18, paras. 7.
- <sup>87</sup> Joint Submission No. 14, page 9. See also Joint Submission No. 19, para 10.
- <sup>88</sup> Ibid. See also Joint Submission No. 19, para 10.
- <sup>89</sup> Joint Submission No. 2, paras 53-54.
- <sup>90</sup> Joint Submission No. 16, section 3.
- <sup>91</sup> Joint Submission No. 8, page 9.
- <sup>92</sup> Joint Submission No. 18, paras. 7.
- <sup>93</sup> Joint Submission No. 6, paras. 11-13 and section F on recommendations.
- <sup>94</sup> Ibid., para. 13 and section F on recommendations.
- <sup>95</sup> Joint Submission No.8, page 1.
- <sup>96</sup> Ibid., page 9.
- <sup>97</sup> Joint Submission No.8, page 9.
- <sup>98</sup> Joint Submission No. 19, para. 41.
- <sup>99</sup> The Carter Center, paras. 1-6.
- <sup>100</sup> Joint Submission No. 17, para.5.
- <sup>101</sup> FIAN Nepal, para. 4.
- <sup>102</sup> Swatantrata Abhiyan Nepal, para. 2.4
- <sup>103</sup> Joint Submission No. 16, recommendations in Section 1.
- <sup>104</sup> Joint Submission No. 19, para. 7.
- <sup>105</sup> Ibid., para. 7.
- <sup>106</sup> A/HRC/17/5, recommendations in paras. 108.6 (**Spain**), 108.7 (**Chile**), 108.8 (**Brazil**) and 108.9 (**Maldives**). Nepal did not express its support of these recommendations, but said it would extend invitations on a case-by-case basis, A/HRC/17/5/Add.1.
- <sup>107</sup> Amnesty International, page 2.
- <sup>108</sup> Ibid., pages 3 and 8.
- <sup>109</sup> CIVICUS, para. 6.
- <sup>110</sup> Joint Submission No. 11, Section on recommendations, page 11.
- <sup>111</sup> International Commission of Jurists, para. 23 (r).
- <sup>112</sup> Amnesty International, pages 3 and 8.
- <sup>113</sup> International Commission of Jurists, para. 23 (r).
- <sup>114</sup> CIVICUS, para. 6.
- <sup>115</sup> FIAN Nepal, para. 20.
- <sup>116</sup> Joint Submission No.8, page 9.
- <sup>117</sup> Cultural Survival, pages 5-6.
- <sup>118</sup> Ibid., pages 5-6.
- <sup>119</sup> CIVICUS, para. 6.
- <sup>120</sup> Joint Submission No. 19, para 9.
- <sup>121</sup> Amnesty International, page 8. See also Joint Submission No. 17, para. 41 and Joint Submission No.20, para. 29.
- <sup>122</sup> Joint Submission No. 19, para. 7.
- <sup>123</sup> Joint Submission No. 20, para.29.
- <sup>124</sup> Cultural Survival, pages 5-6. See also International Center for Advocates Against Discrimination,

- page 7.
- <sup>125</sup> Joint Submission No.6, section F on recommendations.
- <sup>126</sup> Asian Legal Resource Centre, para. 8.
- <sup>127</sup> Joint Submission No.14, paras. 2 and 5-8. See also Joint Submission No. 18, paras. 21-22.
- <sup>128</sup> Joint Submission No. 12, pages 1-5.
- <sup>129</sup> Joint Submission No.13, pages 1-9.
- <sup>130</sup> Joint Submission No.13, pages 1 and 9 and Joint Submission No. 12, page 4. See also Joint Submission No. 18, para. 20.
- <sup>131</sup> Christian Solidarity Worldwide, para.12.
- <sup>132</sup> Human Rights Watch, page 5.
- <sup>133</sup> Joint Submission No. 9, page 10. See also Joint Submission No.18, para.9.
- <sup>134</sup> Joint Submission No. 16, para. 3.26.
- <sup>135</sup> Joint Submission No. 9, page 10.
- <sup>136</sup> Joint Submission No. 16, recommendations in section 3.
- <sup>137</sup> TRIAL, page 5. See also submission from Amnesty International, page 8 and Joint Submission No. 18, para. 23. See recommendations in A/HRC/17/5, paras 107.15 (**Japan**), 108.18 (**Denmark**), 108.19 (Italy), 107.15 (**Japan**), (**Hungary**), 108.22 (**Norway**), 107.17 (**Sweden**), (**Austria**), 107.24 (**USA**), 108.17 (**Moldova**), 108.29 (**United Kingdom**).
- <sup>138</sup> Ibid., paras. 6-7.
- <sup>139</sup> Asian Legal Resource Centre, para. 3.
- <sup>140</sup> See also A/HRC/17/5, recommendations in paras. 108.26 (**France**) and 106.3 (**Switzerland**), (**Denmark**), (**United Kingdom**), (**Slovenia**).
- <sup>141</sup> Amnesty International, page 8. See also Joint Submission No. 2, paras. 45-49.
- <sup>142</sup> TRIAL, page 9. See also Joint Submission No.18, para. 24.
- <sup>143</sup> Human Rights Watch, page 4. See also submission from TRIAL, page 9 and Joint Submission No.2, paras. 24-27.
- <sup>144</sup> Joint Submission No.2, paras. 19-23.
- <sup>145</sup> TRIAL, page 9. See also submission and recommendations from the International Commission of Jurists, para. 23 (i), (j) and (k) and Joint Submission No. 2, paras. 39-44.
- <sup>146</sup> A/HRC/17/5, recommendations in paras. 106.4 (**Indonesia**), 106.8 (**Bolivia**), 106.28 (**Spain**), 106.29 (**Azerbaijan**), 106.31 (**Malaysia**), 107.6 (**Slovenia**), 107.8 (**Australia**), 107.22 (**Thailand**), 107.23 (**Brazil**), 107.26 (**Morocco**) (**New Zealand**), 108.20 (**Japan**).
- <sup>147</sup> Advocates for Human Rights, paras. 10-12. See also Joint Submission No. 20, paras.25-26.
- <sup>148</sup> Ibid., paragraph 27. See also submission from International Center for Advocates Against Discrimination page 4.
- <sup>149</sup> Amnesty International, page 9.
- <sup>150</sup> Global Initiative to End All Corporal Punishment of Children, pages 1-3.
- <sup>151</sup> Christian Solidarity Worldwide, para. 19.
- <sup>152</sup> Joint Submission No.7, page 6.
- <sup>153</sup> Joint Submission No. 4, pages 1-10.
- <sup>154</sup> Ibid., pages 9-10.
- <sup>155</sup> Asian Legal Resource Centre, page 4.
- <sup>156</sup> Joint Submission No. 16, recommendations in section 3.
- <sup>157</sup> Swatantrata Abhiyan, Lalitpur, para. 2.13.
- <sup>158</sup> Joint Submission No. 16, recommendations in section 3.
- <sup>159</sup> Swatantrata Abhiyan, Lalitpur, para. 2.13. See also Joint Submission No.18, para 28.
- <sup>160</sup> Amnesty International, page 9.
- <sup>161</sup> Joint Submission No. 18, paras. 29-30.
- <sup>162</sup> Amnesty International, page 8.
- <sup>163</sup> Ibid., page 8.
- <sup>164</sup> Joint Submission No. 16, para. 3.33.
- <sup>165</sup> TRIAL, page 9.
- <sup>166</sup> Joint Submission No. 17, para. 7-9, 10 and 38-40.
- <sup>167</sup> Joint Submission No. 3, para. 29 (iv).
- <sup>168</sup> International Commission of Jurists, para. 23. See submission for cases cited. See also Joint Submission No. 17, paras. 38-40.

- <sup>169</sup> Human Rights Watch, page 4.
- <sup>170</sup> Joint Submission No. 20, paras. 5-11.
- <sup>171</sup> Joint Submission No. 2, paras. 29-38.
- <sup>172</sup> Amnesty International, page 8.
- <sup>173</sup> A/HRC/17/5, recommendations in paras. 106.33 (**United States of America**), 106.34 (**Australia**), 106.35 (**Switzerland**), 106.36 (**Republic of Korea**), 106.37 (**Sweden**), 106.38 (**Czech Republic**), 106.39 (**Denmark**), 106.40 (**Netherlands**), 107.25 (**Switzerland**), 108.22 (**Norway**), 106.35 (**Sweden**), 106.38 (**France**), 106.41 (**UK**), 107.2 (**Germany**), 107.3 (**New Zealand**) 108.24 (**Netherlands**), 108.25 (**Spain**), 108.30 (**New Zealand**).
- <sup>174</sup> International Commission of Jurists, para. 23 (p).
- <sup>175</sup> Joint Submission No. 6, paras. 14-17 and section F on recommendations.
- <sup>176</sup> ADF International, para. 26.
- <sup>177</sup> Amnesty International, page 8.
- <sup>178</sup> Asian Legal Resource Centre, para. 4. See submission for cases cited.
- <sup>179</sup> Joint Submission No. 3, paras. 9-10. See submission for cases cited in paras. 11-17.
- <sup>180</sup> Joint Submission No. 17, paras. 24-25 and 44. See submission for cases cited.
- <sup>181</sup> Amnesty International, page 9. See also Joint Submission No. 18, para. 27.
- <sup>182</sup> CIVICUS, para. 6.
- <sup>183</sup> CIVICUS, para. 6.
- <sup>184</sup> Joint Submission No. 11, Section on recommendations page 12.
- <sup>185</sup> Amnesty International, page 8.
- <sup>186</sup> Joint Submission No. 6, para. 27 and section F on recommendations. See also Joint Submission No. 8, page 9.
- <sup>187</sup> Joint Submission No. 18, para.13.
- <sup>188</sup> Joint Submission No. 19, para. 28.
- <sup>189</sup> International Center for Advocates Against Discrimination page 6.
- <sup>190</sup> The Carter Center, paras. 7-16. See also Joint Submission No. 19, para. 45.
- <sup>191</sup> Swatantrata Abhiyan, Lalitpur, para. 2.4.
- <sup>192</sup> Ibid., 2.5-2.7. See also Joint Submission No. 5.
- <sup>193</sup> Joint Submission No. 20, paras. 44-50.
- <sup>194</sup> Swatantrata Abhiyan, Lalitpur, para. 2.11.
- <sup>195</sup> Ibid., para. 2.12. See also Joint Submission No. 18, para. 38.
- <sup>196</sup> Joint Submission No. 19, para. 40. See also Joint Submission No. 18, para.40.
- <sup>197</sup> HelpAge, pages 1-2.
- <sup>198</sup> FIAN Nepal, para. 3. See recommendations in A/HRC/17/5, paras. 106.46 (**Malaysia**), 106.21 (**Argentina**), 106.49 (**Hungary**). See also submission from NHRC-NWC-NDC, para. 30.
- <sup>199</sup> Joint Submission No. 14, paras. 9-12. See also Joint Submission No. 19, paras. 33-34.
- <sup>200</sup> Joint Submission No. 17, para.48.
- <sup>201</sup> FIAN Nepal, paras. 17-22. See also Joint Submission No. 20, para.68 and Joint Submission No. 18, para.39.
- <sup>202</sup> Joint Submission No. 14, recommendations in pages 9-10. See also submission from NHRC-NWC-NDC, para. 33. See also recommendations in A/HRC/17/5, para. 106.51 (**Singapore**).
- <sup>203</sup> Joint Submission No. 14, para. 33 and recommendations in page 10.
- <sup>204</sup> Joint Submission No. 19, para. 38.
- <sup>205</sup> Joint Submission No. 14, paras. 22-26 and recommendations in page 10. See also Joint Submission No. 16, paras. 3.34-3.35 and Joint Submission No. 18, paras.41-42. See also submission from NHRC-NWC-NDC, para. 38. See also recommendations in A/HRC/17/5, para. 106.52 (**Norway**), (**Cuba**).
- <sup>206</sup> Joint Submission No. 14, para. 25. See also Joint Submission No. 19, paras. 35-39.
- <sup>207</sup> HelpAge, pages 1-2.
- <sup>208</sup> Amnesty International, page 9. See also Joint Submission No. 18, para.42.
- <sup>209</sup> Joint Submission No. 22, pages 1 and 7.
- <sup>210</sup> Joint Submission No. 10, paras. 1- 4. See also Joint Submission No. 18, para. 43 and A/HRC/17/5, paras. 108.34 (**Slovakia**); 108.35 (**Finland**); 108.33 (**Turkey**); 106.52 (**Norway**).
- <sup>211</sup> Joint Submission No. 6, section 5. See A/HRC/17/5, paras. 106.53 (**Finland**) and 108.34 (**Slovakia**).
- <sup>212</sup> Joint Submission No. 8, page 9.
- <sup>213</sup> Joint Submission No. 16, section 3.
- <sup>214</sup> Joint Submission No. 19, paras. 21-24.

- <sup>215</sup> Joint Submission No. 16, section 3.
- <sup>216</sup> Joint Submission No. 14, page 10. See also Joint Submission No.18, paras. 11-12.
- <sup>217</sup> *Ibid.*, page 9. See also Joint Submission No. 6, para. 28.
- <sup>218</sup> Human Rights Watch, page 5. See also Joint Submission No. 6, para. 28.
- <sup>219</sup> Joint Submission No. 16, recommendations in section 3.
- <sup>220</sup> Joint Submission No.18, paras. 17-19.
- <sup>221</sup> Joint Submission No. 19, para. 57.
- <sup>222</sup> *Ibid.*, para. 57.
- <sup>223</sup> Cultural Survival, pages 5-6. See also Joint Submission No. 6, Joint Submission No.18, para. 14 and Joint Submission No. 20, para. 67.
- <sup>224</sup> Cultural Survival, pages 5-6. See also Joint Submission No. 6.
- <sup>225</sup> Joint Submission No. 17, para.42.
- <sup>226</sup> Joint Submission No. 8, page 9.
- <sup>227</sup> Joint Submission No. 6, recommendations in section F.
- <sup>228</sup> Joint Submission No. 20, para. 66.
- <sup>229</sup> Joint Submission No. 14, recommendations in page 10.
- <sup>230</sup> Joint Submission No. 1, paras.5 and 45. See also Joint Submission No. 5 and No. 15, recommendations in section D.2.
- <sup>231</sup> Joint Submission No. 15, recommendations in section D.2.
- <sup>232</sup> Joint Submission No. 20, para. 21.
- <sup>233</sup> Swatantrata Abhiyan, Lalitpur, para. 2.9.
- <sup>234</sup> *Ibid.*, para. 2.9. See also Joint Submission No. 5.
- <sup>235</sup> Joint Submission No. 1, para. 30. See also Joint Submission No. 18, paras. 45-46.
- <sup>236</sup> Human Rights Watch, page 5. See also Joint Submission No. 5 and No. 20, para. 21.
- <sup>237</sup> Amnesty International, page 9. See also Joint Submission No. 5.
- <sup>238</sup> Joint Submission No. 11, Section on recommendations, page 11. See also submission from Human Rights Watch, page 5.
- <sup>239</sup> *Ibid.*, Section on recommendations page 12.
- <sup>240</sup> Human Rights Watch, page 5.
- <sup>241</sup> Joint Submission No. 9, page 10.
- <sup>242</sup> Joint Submission No. 14, paras. 30-32 and recommendations in page 10.
- <sup>243</sup> Joint Submission No. 14, recommendations in page 9. See also Joint Submission No. 18, para.49.
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