

Universal Periodic Review
(23rd session, October–November 2015)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Nepal

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	20/06/1978, Acceptance		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	15/06/2010, Ratification		N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)			N/A	Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

NORMATIVE FRAMEWORK

Constitutional Framework:

2. Nepal has an Interim Constitution since 2007. A new Constitution is in process and normally will soon be adopted.¹

The Interim Constitution of 2007² recognizes the right to free education. According to **Article 17**:

- a) “(1) Every community shall have the right to get basic education in its own mother tongue, as provided in law.
- b) (2) Every citizen shall have the right to get free education up to the secondary level from the State, as provided in law.
- c) (3) Every community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civilization and heritage.”

3. Regarding the rights of the child, **Article 22 (5)** provides: “No minor shall be employed to work in any factory, mine or engaged in any similar other hazardous work or used in army, police or conflict.”

4. **Article 33** states that the State shall have responsibilities, among which “(h) To pursue a policy of establishing the right of all citizens to education, health, housing, employment and food sovereignty.”

5. **Article 13** provides that

- a) “(1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
- b) (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.

¹ http://www.ccd.org.np/new/index.php?newsletter_detail_id=45 (Accessed 24/03/11)

² <http://www.unesco.org/education/edurights/media/docs/2a1b1d72baeddb2413d28533e6d8456021005f57.pdf>
http://www.wipo.int/wipolex/en/text.jsp?file_id=189179

- c) (3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.

Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated. [...]"

Article 14 states "(1) No person shall be discriminated against as untouchable and subjected to racial discrimination in any form, on grounds of caste, race, community or occupation. Such discriminatory treatment shall be punishable, and the victim shall be entitled to such compensation as determined by law."

Concerning women's rights, **Article 20** states that "(1) No discrimination of any kind shall be made against the women by virtue of sex." and **Article 21** adds that "The economically, socially or educationally backward women, Dalits, indigenous peoples, Madhesi communities, oppressed classes, poor farmers and labors shall have the right to take part in the structures of the State on the basis of the principle of 'proportional inclusion."

Article 35 stipulates "(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment. [...] (10) The State shall pursue a policy of uplifting the economically and socially backward indigenous peoples, Madhesi, Dalit, marginalized communities, and workers and farmers living below the poverty line, by making a provision of reservation in education, health, housing, food sovereignty and employment, for a certain period of time."

Finally, concerning religion, **Article 23** provides that "(1) Every person shall have the right to profess, practice and protect his or her own religion as handed down to him or her from ancient times, having due regard to the existing social and cultural practices. [...]"

Legislative Framework:

6. The legislative framework of Nepal is composed of:

- The **Education Act (9 August 1971), last amended in 2010³**, provides in **Article 16.D** (*inserted by the Seventh Amendment*) that:

³ <http://www.unesco.org/education/edurights/media/docs/5231a77aab7ad2c02c9a892dfdf18ea122aac1b8.pdf>
<http://www.lawcommission.gov.np/en/prevaling-laws/prevaling-acts/func-startdown/640/> (Accessed 12/03/2014) - official website Nepal Law Commission

- a) “(1) The education of the Primary level of Community Schools shall be free and Government of Nepal shall provide textbook free of cost to the students enrolled in such schools.
- b) (2) The fees to be charged on the students studying in Lower Secondary and Secondary level at Community Schools shall be as prescribed.

Provided that, a provision of free education in the Community School shall be provided to *Dalits, Janjati* and girl children and other students who are below the poverty line. [...]” Concerning Medium of Language, **Article 7.A** (*Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063*) provides that “(1) The medium of education in a school shall be Nepali language, English language or both languages. [...]” Concerning teachers, **Article 11.M** provides that “(1) After the commencement of this Act, no one shall be the candidate for the post of a teacher without obtaining teaching license from the Commission.”

Article 48 of the **Education Rules, 2059 of 2002⁴** states “(1) Persons who may not acquire education getting admission in school may be given non-formal education in the manner as follows:-

- (a) Basic adult literacy education,
- (b) Post literacy education,
- (c) Continuing education,
- (d) Alternative Educational [programme]

Article 60 provides “Special education may be provided to blind, deaf, mentally retarded or physically handicapped children” and **Article 61 (1)** adds “In order to formulate policy relating to special education and to manage it, there shall be a Special Education Council [...]”

The Education Rules, 2059, organize the educational system by providing rules regarding Permission for establishment of School; Functions, Duties and Powers of education staff members (Director General, Director, District Education Officer and Supervisor District Education Village Education Committee, etc); Curriculum and Text Books; Operation and Control of Examination; Non-formal Education Education, (2) Curriculum and text books of non-formal education pursuant to sub-rule (1) shall be as approved by National Curriculum Development and Evaluation Council); Distance Education; Special Education; Trainings and Instructions; Extra Activities (Article 76 states that “(1) School shall conduct extra activities programs in order to develop creative skills of students”).

⁴ <http://www.unesco.org/education/edurights/media/docs/9d45ce9e6a48b088fa23c1fc17e1fb5ece0c1221.pdf>
<http://www.lawcommission.gov.np/en/documents/func-startdown/908/> (Accessed 12/03/2014) - official website Nepal Law Commission

The **Higher Secondary Education Act, 2046, last amended in 2006**⁵, aims to “[...] create a level of higher secondary education having added one academic level of two years in the ten-year education system which is in practice as the foundation of entry into higher education”⁶.

The **Higher Secondary Education Rules, 2052 -1996**⁷ organize the Higher Secondary Education system.

Concerning Universities, here are some Laws that govern University establishment:

- a) The **Kathmandu University Act, 2048 (1991) last amended in 2010**⁸
- b) The **Nepal Sanskrit University Act, 2043 (1986) last amended in 2010**⁹
- c) The **Pokhara University Act, 2053 (1996)**¹⁰
- d) The **University Grants Commission Act, 2050 (1993 A.D.)**¹¹

Institutional Framework:

7. “The **Ministry of Education (MoE)** was established in 1951 [...]. The MoE as the apex body of all educational organizations is responsible for overall development of education in the country. This Ministry is responsible for formulation of educational policies and plans and managing and implementing them across the country through the institutions under it. The **Central Level Agencies (CLAs)** under the Ministry are responsible for designing and implementing of programmes and monitoring them. **Five Regional Education Directorates (REDs)** are responsible for monitoring the programmes undertaken by the district level organizations. **Seventy-five District Education Offices (DEOs)** and **One Thousand Ninety-one Resource Centres (RCs)** at local level are mainly the implementing agencies of the educational policies, plans and programmes.”¹²

⁵ <http://www.unesco.org/education/edurights/media/docs/d5419eebb5543c0de024baba5ebc8a9092c64f1c.pdf>
<http://www.lawcommission.gov.np/en/documents/func-startdown/329/> (Accessed 12/03/2014) - official website Nepal Law Commission

⁶ Preamble, Higher Secondary Education Act 2046 (last amended in 2006), p. 1, accessible at: <http://www.unesco.org/education/edurights/media/docs/d5419eebb5543c0de024baba5ebc8a9092c64f1c.pdf>

⁷ <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwenep.htm> (Accessed 24/03/11)

⁸ <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwenep.htm> (Accessed 24/03/11)

⁹ <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwenep.htm> (Accessed 24/03/11)

¹⁰ <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwenep.htm> (Accessed 24/03/11)

¹¹ http://www.propublic.org/tai/download/The%20University%20Grants%20Commission%20Act_%202050.pdf
 (Accessed 24/03/11)

¹² Nepal’s Ministry of Education’s webpage, accessible at: <http://moe.gov.np/> (Accessed on 19/11/2014)

8. “The **Council for Technical Education and Vocational Training (CTEVT)** has also been included under SSRP and various initiatives have been taken to increase access of all children from all sections of the society to technical education and vocational training.”¹³

Policy Framework:

A) General information

9. The **School Sector Reform 2009-2015**¹⁴ identified policies and strategies for reform in education. “The Plan builds on the **EFA [Education for All]** and **SESP [Secondary Education Support Programmes]** achievements, and articulates the policy directions within the purview of statutory provisions, the **EFA National Plan of Action**, and the **Three Year Interim Plan** by incorporating the **EFA Dakar Framework for Action and Millennium Development Goals**. [...] The SSR plan was approved by the Ministry of Education in August 2009. [...]”¹⁵ “The Plan consists of ten chapters which focus on the themes pertinent to the SSR implementation. The chapters are organized in view of their relevance and strategic links, not merely on the basis of the level of funding. The chapters in the Plan include Early Childhood Education and Development (ECED), Basic and Secondary Education, Literacy and Lifelong Learning, and Technical Education and Vocational Training. The Plan also incorporates Teacher Professional Development, Capacity Development, Monitoring and Evaluation, Financing, Aid management and TA Coordination”.¹⁶

B) Inclusive Education

10. “Reaffirming the **Free and Compulsory Education Plan of Action (2001-2015)**, recently the Government has echoed “Basis of New Nepal, Education as Universal Fundamental Right”¹⁷

Language of instruction:

11. “In the early grades of the basic education, children have been provided opportunity to study in their mother tongue i.e. students’ mother tongue as a medium of instruction. The GON has implemented **three language policies** (mother tongue, Nepali and English) in education.

¹³ Nepal Report submitted on the implementation of the Convention on the Rights of the Child (2015 session), 2013, p. 31

¹⁴ <http://www.unesco.org/education/edurights/media/docs/87e4fcdc759f71cb72f7e6ec7358f9d9c66143b5.pdf>
School Sector Reform Plan 2009-2015, <http://moe.gov.np/new/index.php?option=news&id=46> (Accessed 24/03/11)

¹⁵ School Sector Reform 2009-2015, 2009, pp. iii-iv, accessible at:
<http://www.unesco.org/education/edurights/media/docs/87e4fcdc759f71cb72f7e6ec7358f9d9c66143b5.pdf>

¹⁶ School Sector Reform 2009-2015, 2009, pp. 4-5, accessible at:
<http://www.unesco.org/education/edurights/media/docs/87e4fcdc759f71cb72f7e6ec7358f9d9c66143b5.pdf>

¹⁷ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 38

Communities are encouraged to get permission to run primary schools in their mother tongue; and course-books have already been prepared in 16 mother tongues.”¹⁸

Marginalized and disadvantaged groups:

12. According to the **National Plan**: “The state is committed to pursue a policy of making special provision for such marginalized and disadvantaged group [groups marginalized due to their economic condition, caste/ethnic, religious or linguistic backgrounds]. To this end, the education plan has adopted strategic programmes for achieving gender parity and social equality including mass awareness to eradicate patriarchal ways of behavior and more programmes for girls and children from *Dalit* communities and ethnic minorities.”¹⁹

Students with special needs:

13. “Privileges in relation to education, health, skills-based training and transport service, among others, are some examples of **positive discrimination in favour of the PWDs[Persons With Disabilities]**.”²⁰

“The GoN [Government of Nepal] is implementing programs like special education classes and disabled rehabilitation skills orientation, targeting children and adults with disabilities.”²¹

C) Teachers

14. “**Teacher Education Project (TEP)** focuses on strengthening teacher education system by improving the quality and coverage of teacher training through building institutional capacity for a teacher training system and increase the representation of disadvantaged groups, in particular women, in the teaching force. [...]

The TEP includes basically 10 month in-service teacher training to all untrained and partially trained teachers and scholarship for pre-service training to disadvantaged groups, in particular women to invite them in teaching force.”²²

D) Quality education

¹⁸ Nepal Report submitted on the implementation of the International Pact on Economic, Social and Cultural Rights (2014 session), 2012, p. 67

¹⁹ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 38

²⁰ Nepal Report submitted on the implementation of the International Pact on Economic, Social and Cultural Rights (2014 session), 2012, p. 24

²¹ Nepal Report submitted on the implementation of the Convention on the Rights of the Child (2015 session), 2013, p. 27

²² Nepal Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 12

15. “One strategy is unequivocally good for education, for children and for peace building: **making schools non-violent places**. In many conflict-affected societies, schools are part of a wider pattern of violence – and corporal punishment perpetuates that pattern. Following a **Supreme Court ruling**, Nepal adopted legislation **prohibiting corporal punishment** in all settings.”²³

E) Curriculum

16. “The GoN [Government of Nepal] has also included **HIV and AIDS**, and other **adolescent health content in the curriculum** of educational institutes.”²⁴

F) Financing of education

17. Enhancing the **capacity of post-conflict governments to meet donor reporting requirements** should be seen as a supplementary goal, with potential benefits in terms of fiduciary responsibility and increased aid. Donors themselves could do far more to resolve problems in this area by simplifying their own reporting requirements. Even in the most difficult post-conflict environments, aid agencies can play a role in strengthening financial governance. For example, in Nepal, NGOs and donors have put in place a **monitoring system that reports on aid diversion** by publishing records and maps on the UN Nepal Information Platform that identify areas in which aid has gone missing.²⁵

18. “A **scholarship programme** has been launched for the education of children who lost their parents during the conflict.”²⁶

G) Gender equality

19. “Nepal has provided **scholarships for girls’ education**, and “[...] has specifically targeted girls from low-caste groups for support.”²⁷ For instance, the Government “[...] established a **Girls’ Education Fund** to provide scholarships and financial incentives to poor and disadvantaged girls for the continuation of their higher education.”²⁸

²³ EFA Global Monitoring Report 2011, p.248

²⁴ Nepal Report submitted on the implementation of the Convention on the Rights of the Child (2015 session), 2013, p. 31

²⁵ EFA Global Monitoring Report 2011, p. 233

²⁶ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 14

²⁷ EFA Global Monitoring Report 2011, p. 74, accessible at: <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf> (Accessed on 12 March 2014)

²⁸ Nepal Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 8

20. “The **Women Development Program (WDP)** encourages social mobilization, economic empowerment and public awareness campaigns through group formation. Under this programme women are united against domestic violence and human trafficking. They are involved in **skill development training**, income generation, entrepreneurship development and business promotion by means of revolving fund operation. Other important activities are **livelihood education to adolescent girls**, reproductive health and child protection.”²⁹

21. “With regard to the concerns of Committee on the issue of “drop outs”, data show a decreasing trend in the drop-out ratio after the Government introduced the “**Welcome to School**” programme with some additional facilities for the girls. However, *Dalit* girls’ drop out ratio in the higher grade levels is yet to decline. To overcome this challenge, the Government has introduced a concrete educational plan, policy and programme including **Gender Responsive Budget** prioritizing the marginalized social groups.”³⁰

22. “The **Recommendations of the Gender Audit Report** further reaffirms the national plan with a number of programmes such as:

- a) Formulation and dissemination of gender strategies by MoE
- b) Implementation of female teacher policy
- c) Development of educational materials, free from gender bias
- d) Inclusion of gender issues in all training materials
- e) Establishment of Girls’ Education Fund to achieve girls’ right to education with equity and equality framework
- f) Provision of School Grants with conditions of girls’ enrolment and the recruitment of female teachers etc.”³¹

H) Education levels, non-formal education and education in conflict situations

23. **Nepal's Technical Education and Vocational Training Skills Development Policy, 2064:** According to the Ministry of Education, “it is necessary to make involvement of the youth and adult manpower who were taken out or not admitted to the school, illiterate and not obtained any kind of skills either technical education or vocational training of income generating activities for their livelihood. It is therefore necessary to expand nation wide an opportunities of technical education and vocational training. [...] Major target of this policy is to expand the training programs and to ensure the excess and inclusion of women, Dalits, ethnic groups, Madhesi and deprived communities of all areas in training programs. [...] Under this program, all citizens

²⁹ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 12

³⁰ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 16

³¹ Nepal Report submitted on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2011 session), 2010, p. 37

residing in different areas of the country who are interested to obtain training but can not pay for or access to it, may participate in entry training in the beginning; a policy will be pursued to provide different types of scholarship to these groups as financial assistance so as to encourage such groups in obtaining productive employment.”³²

The main achievements to be expected are the following:

“- **To citizens:** Desirous Nepali citizen shall have an opportunity of free of charge training of at least three months for employment; in addition life-long learning opportunities will be available on fee-paying basis.

To training providers: Various training providing institutions will be encouraged to support the children outside the school in skills development and development of national workforce.

To business community: Competent and confident workers will be supplied in massive scale; hence national productivity will be increased.

In essence: Strong and active market will be developed for technical education, vocational training and skill development.”³³

Literacy

24. “In Nepal, **progress in improving youth literacy** has benefited both young men and women, with most of the gains registered among the most disadvantaged groups, which started with very low levels of literacy.”³⁴

Non-formal education policy, 2063, 2007

25. “The Government of Nepal (GON) has recently approved the **Non-Formal Education Policy-2006** which clarifies the broad concepts of non-formal education with clearly formulated policies and strategies of non-formal education of the country. It is hoped that they will help as the policy guidelines for the concerned government as well as non-government agencies involved in conducting non-formal education programs.”³⁵

Education in conflict situation

26. “UNHCR, WFP and International Organization for Migration (IOM) are assisting the GoN [Government of Nepal] in **providing refugee children with fundamental services such as**

³² TEVT Skill Development Policy, 2064, p. 1, accessible at: http://planipolis.iiep.unesco.org/upload/Nepal/Nepal_TEVT_skills_development_policy_2064.pdf (Accessed on 12 March 2014)

³³ TEVT Skill Development Policy, 2064, p. 3, accessible at: http://planipolis.iiep.unesco.org/upload/Nepal/Nepal_TEVT_skills_development_policy_2064.pdf (Accessed on 12 March 2014)

³⁴ EFA GMR 2013-14, p 212 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

³⁵ Non-formal education policy, 2063, 2007, p. 1, accessible at: http://planipolis.iiep.unesco.org/upload/Nepal/Nepal_Nonformal_policy_2007.pdf (Accessed on 12 March 2014)

access to education, health and nutrition. A study on the needs and requirement of the refugees has also been completed.”³⁶

“In Nepal, the **post-conflict education strategy** included stipends for girls and low-caste, indigenous and disabled children, creating incentives for their parents to send them to school [...]”³⁷

Cooperation:

27. The UNESCO Office of Kathmandu in cooperation with National authorities is carrying out a law and policy review in the field of right to education in Nepal based on the recently published UNESCO Guidelines on the Right to education Law and Policy Review (<http://unesdoc.unesco.org/images/0022/002284/228491e.pdf>)

28. Nepal is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

29. Nepal did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Eighth Consultation** of Member States (covering the period 2006-2011)

30. However, Nepal reported to UNESCO within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

31. Nepal did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

32. Nepal did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Nepal reported to UNESCO within the framework of the **Second Consultation** of Member States (2011).

33. Nepal is **not party** to 1989 UNESCO’s Convention on Technical and Vocational Education

Freedom of opinion and expression

³⁶ Nepal Report submitted on the implementation of the Convention on the Rights of the Child (2015 session), 2013, p. 40

³⁷ EFA Global Monitoring Report 2011, p. 230, accessible at: <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf> (Accessed on 12 March 2014)

Constitutional and legislative framework:

34. Promulgated in 2007, the Interim Constitution of Nepal safeguards freedom of expression and further protects the Nepalese media from censorship. In addition, the right to information is embedded under Part 3, Article 27.³⁸

35. Defamation and libel are considered criminal offences under the Libel and Slander Act of 1959, which can result in imprisonment of up to two years.³⁹

36. The Press and Publication Act of 1991 and the National Broadcasting Act of 1993 further regulate the Nepalese media sector through accreditation and licensing.⁴⁰ Article 15 of both laws allows the Nepalese government to prohibit certain broadcasts and publications regarding matters of national interest.

37. The right to information is further formalized in the Right to Information Act of 2007 and the Right to Information Rules of 2009.⁴¹

Media self-regulation:

38. Media self-regulation exists in Nepal via the Federation of Nepali Journalists (FNJ)⁴² and the Press Council of Nepal which is the main self-regulatory body of Nepalese media.⁴³

Safety of journalists:

³⁸ See the Interim Constitution of Nepal 2063 (2007) at:

<http://www.nepal.gov.np/NepalGEAPortal/Download?p=WebContent/Government/ConstitutionOfNepal&n=Constitution.pdf>

³⁹ See Article 5 of the Libel and Slander Act, 2016 (1959) at:

<http://www.lawcommission.gov.np/site/sites/default/files/Documents/libel-and-slander-act-2016-1959-english.pdf>.

⁴⁰ See the Press and Publication Act, 2048 (1991) at

http://nepalpolicy.net.com/images/documents/Information%20and%20Communication/Acts/1991_Press%20and%20Publication%20Act.pdf and see the National Broadcasting Act, 2049 (1993) at

<http://www.lawcommission.gov.np/site/en/content/national-broadcasting-act-2049-1993>.

⁴¹ See the Right to Information Act, 2064 (2007) at <http://www.moic.gov.np/acts-regulations/right-to-information-act.pdf> and the Right to Information Rules, 2065 (2009) at <http://www.moic.gov.np/acts-regulations/right-to-information-rules.pdf>.

⁴² See <http://www.fjnepal.org/media/>.

⁴³ See <http://www.presscouncilnepal.org/>.

39. UNESCO registered six killings of journalists in Nepal between 2008 and 2013: Pushkar Bahadur Shrestha, Uma Singh, Jamim Shah, Arun Singhaniya, Devi Prasad Dhital, and Yadav Poudel.⁴⁴ The Director-General of UNESCO condemned these killings and called on the government to inform UNESCO, on a voluntary basis, of the actions taken to prevent impunity and of the status of the judicial inquiries.⁴⁵ By December 2014, Nepal had yet to provide information to UNESCO concerning the status of the judicial investigations of the killings.

III. RECOMMENDATIONS

Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

Right to education

In the Report of the Working Group on the Universal Periodic Review of 8th March 2011, various recommendations were made to Nepal.

40. (106) The recommendations formulated during the interactive dialogue/listed below have been examined by Nepal and enjoy its support:

- i. 106.12. Continue its work on strengthening human rights in all areas in terms of programmes and policies and **ensure human rights education's inclusion in school programmes throughout the country** (Saudi Arabia);
- ii. 106.17. **Raise, through education, the level of awareness and knowledge about human rights** of the population, with a focus on the most vulnerable social groups, to ensure their full enjoyment of all human rights, in particular economic and social rights (Viet Nam);
- iii. 106.39. Implement measures to **encourage women to undertake legal training and facilitate their entry into the judiciary** (New Zealand);
- iv. 106.41. Intensify efforts in **providing basic services to vulnerable or marginalized groups or communities** particularly providing quality health and education services and creating more employment opportunities (Myanmar);

⁴⁴ See the public condemnations made by the Director-General at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/nepal/>.

⁴⁵ See Resolution 29 adopted by the 29th General Conference of UNESCO in 1997.

- v. 106.46. Step up efforts to achieve the effective **realization of economic, social and cultural rights for the marginalized and vulnerable groups** by ensuring that they are provided with adequate access to food, health, education and fair employment (Malaysia); redouble efforts to promote and protect the rights of vulnerable groups such as children, women, people with disabilities and aged persons (Cuba);
- vi. 106.50. Expand its **School Feeding Programmes** and use locally sourced food (Brazil);
- vii. 106.52. Continue efforts to **ensure that primary education becomes free and compulsory for all children** (Norway); continue applying programmes and measures for the enjoyment of the right to education and the right to health (Cuba);
- viii. 106.53. Ensure that all girls, Dalit children and children belonging to ethnic minorities have **equal access to quality education** (Finland);
- ix. 106.54. Reach out to parents and parents' groups to **promote equal access to education and participation in local institutions** for their children, and to encourage parents to appreciate the value of education and benefits of participation (Finland);

41. (107) The following recommendations enjoy the support of Nepal which considers that they are already implemented or in the process of implementation:

- i. 107.18. Ensure that any form of violence against children and child recruitment becomes punishable under domestic law (Hungary); intensify efforts for the effective and rapid social and **educational reintegration of child soldiers who remain in military camps** (Spain);
- ii. 107.26. Develop the necessary tools to **ensure education and human rights training, notably for law enforcement officials** (Morocco); provide mandatory human rights training for its police force (New Zealand);

42. (108) The following recommendations will be examined by Nepal, which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:

- i. 108.4. Expedite **the endorsement of long-awaited child policy legislation**, including the Child Rights Act, **Education Regulation**, Child Protection Policy, and minimum standards for child-care homes, and take the necessary steps to ensure their full implementation (Canada);

- ii. 108.13. Implement measures to **ensure that persons with disabilities are enabled to participate in job training, vocational training, literacy and numeracy programmes** and set concrete targets measurable within one year to this effect, in consultation with persons with disabilities and their representative organizations (New Zealand);

Analysis:

43. Nepal adopted various programmes to improve access to education for all. It adopted the “Welcome to School” programme as well as the Women Development Program which strives to eliminate discrimination against women; a National Plan which provides measures to avoid exclusion of marginalized or ethnic groups from education, and positive discrimination measures in favour of persons with special needs. Some measures have also been taken to provide education in conflict and post-conflict situations. However, no sufficient measures have been taken to further address persisting discriminations, and include further human rights education in training and curricula, especially as regards Nepal police forces and law enforcement officers’ training.

44. Specific Recommendations:

44.1 Nepal should be strongly encouraged to ratify the UNESCO Convention against discrimination in education

44.2 Nepal should be encouraged to further submit state reports for the periodic consultations of UNESCO’s education related standard-setting instruments.

44.3 Nepal could be encouraged to further provide human rights education, especially for its military and law enforcement officers.

44.4 Nepal could be encouraged to further promote education for all, especially by continuing to implement programmes to ban discrimination against women, persons with special needs and persons from marginalized and ethnic groups.

44.5 Nepal could be encouraged to further ensure children’s rights through the adoption of legislations and policies and to prevent children’s lack of access to education especially because of exploitation, forced labour or human trafficking.

Freedom of opinion and expression

45. Nepal must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with

international standards.⁴⁶ It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

46. Nepal is recommended to decriminalize defamation, currently found in the Libel and Slander Act of 1959, and place it within a civil code that is in accordance with international standards.⁴⁷

Cultural rights

47. Nepal is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Nepal is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

48. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Nepal is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Nepal is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

⁴⁶ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

⁴⁷ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

Freedom of scientific research and the right to benefit from scientific progress and its applications

49. **Nepal**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Nepal** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Nepal** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.