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Nepal

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I. Introduction

A. Background

1. The Constitution of Nepal made by people's representatives through extensive deliberations and wider consultation was promulgated on 20 September 2015 by the Constituent Assembly. The Constitution consolidates such basic pillars of the democratic system as multi-party competitive polity, federal republican system of governance, periodic elections, separation of power, independent judiciary, protection and promotion of human rights and fundamental freedoms, full press freedom and the rule of law.

2. The Government of Nepal (the GoN) adheres to the human rights principles of equality, non-discrimination and respect for dignity of individual and endeavors with full commitment to ensure not only *de jure* equality but also its realization. Having achieved the political stability, the GoN is now focused on ensuring justice, security, good governance and rule of law; achieving economic development; enhancing people's well-being, dignity and living standard; creating an inclusive, just and civilized society; and strengthening of national unity and comprehensive democracy by realizing national aspiration of '*Prosperous Nepal, Happy Nepali*'.

3. Nepal's achievement on human rights was reviewed under the Universal Periodic Review (UPR) in November 2015. The UPR Working Group made 195 recommendations out of which Nepal accepted 152 recommendations. Almost all accepted recommendations have been implemented. A separate Action Plan was formulated to implement those recommendations. Progresses on the recommendations are presented in clusters under different thematic categories in Chapter II of this report.

4. Nepal welcomes the opportunity for review under the UPR process for the third time and present Nepal's achievement, opportunities and challenges in the realm of human rights.

B. Process

5. A Committee was formed under the Chairpersonship of the Secretary at the Office of the Prime Minister and Council of Ministers (OPMCM) with cross-sectoral representation to prepare this report. The Committee received written feedbacks from national human rights institutions such as National Human Rights Commission (NHRC), National Women Commission (NWC), National Dalit Commission (NDC), National Inclusion Commission (NIC), Indigenous Nationalities Commission (INC), *Tharu* Commission, Muslim Commission and other related institutions such as the Office of the Attorney General, Truth and Reconciliation Commission (TRC), Commission of Investigation on Enforced Disappeared Persons (CIEDP) as well as the relevant Ministries of the GoN and provincial governments. A broad-based virtual consultation process was undertaken in all seven provinces with more than 700 Civil Society Organizations (CSOs) working in various areas related to human rights. Two consultative meetings were also held with the Law, Justice and Human Rights Committee of the House of Representatives.

C. Implementation of the Constitution

6. The Constitution guarantees a comprehensive set of human rights as the fundamental rights in pursuance of the international instruments to which Nepal is a party. These rights include civil, political as well as economic, social and cultural rights.¹ To meet with the constitutional requirement, the Federal Parliament has enacted necessary implementing legislations within the defined timeframe of three years after the promulgation of the Constitution.² In a nutshell, Nepal's human right agenda stands far more progressive, forward looking and people centred. This has been possible through our relentless struggle for democracy and human rights. Human rights are now implemented by mainstreaming them in the national development plans and through the national human rights action plan.

The GoN has deployed adequate resources and set up required institutional framework to implement the action plan in an effective manner.

Institutionalization of federalism

7. In accordance with the Constitution, seven Provinces and 753 Local Levels have been established with their exclusive and concurrent powers. A special commission was formed to determine the number and boundaries of the Local Levels. Various new laws have been enacted and several others have been amended to implement the exclusive and concurrent powers of the Province and Local Levels. Administrative restructuring has been carried out for provincial and local levels and their political and administrative structures have now been fully functional.

Election of Local Level, Provincial Assembly and Federal Parliament

8. Democratic elections were held at all three tiers of the people's representative bodies- Local, Provincial and Federal (House of Representatives) in 2017 and for National Assembly in 2018.³ The elections guaranteed expression of the free will of the electorates and institutionalized the federal system in Nepal. The democratically elected governments had Local, Provincial and Federal levels have been fully functional. Elections for the offices of the President, Vice-President, Speaker and Deputy Speaker of the House of Representatives and Chairperson and Vice-Chairperson of the National Assembly were subsequently completed.

D. Policy measures

9. The Constitution directs the State to pursue policies towards maintaining rule of law for the protection and promotion of human rights and implementing international instruments to which Nepal is a party. As provided by the Constitution, the GoN accords priority to the principle of proportional representation and inclusion, and positive discrimination in-order to ensure meaningful representation of women, *Dalits, Adibasi, Janajatis, Madhesis*, Muslims and Persons with Disabilities (PWDs) while formulating policies of social and economic development.

10. The Fifteenth Five Year Plan (FY 2019/2020-2024/25) aims to achieve the aspiration of '*Prosperous Nepal, Happy Nepali*' through economic development, social justice and equality by ensuring security and dignified life of the people. It mainstreams human rights with an elaborate chapter on their implementation.⁴

11. The GoN implemented Fourth National Human Rights Action Plan⁵ from 2015 to 2019 and Fifth National Human Rights Action Plan (2020-2025)⁶ has recently been adopted. Similarly, different thematic and sectoral policies, strategies and action plans, which significantly complement to the promotion of human rights, are also under implementation.⁷

II. Achievements made since previous cycle

A. Cooperation with international human rights mechanism

Adoption of international norms⁸

12. After the second review, Nepal acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) on 16 June 2020.⁹ For other international instruments recommended to be ratified or acceded to, the GoN has pursued a policy to build requisite legal and institutional foundation and capacity before joining additional international instrument.

Cooperation with treaty bodies and special procedures¹⁰

13. Nepal remains constructively engaged with the UN human rights mechanisms and treaty bodies. Nepal's initial report was considered by the Committee on the Rights of Persons with Disabilities on 19 and 20 February 2018; combined seventeenth to twenty-third periodic reports by the Committee on the Elimination of All Forms of Racial Discrimination on 30 April 2018 and sixth report by the Committee on the Elimination of Discrimination against Women on 23 October 2018. The recommendations of the treaty bodies are being implemented in earnest.

14. The recommendations of the UPR process have been implemented under an action plan. An Inter-ministerial Coordination Committee has been formed under the convenorship of Secretary (Law) of OPMCM to follow up the implementation.

15. The Special Rapporteur on the Human Rights of Migrants, Mr. Felipe Gonzalez Morales, visited Nepal on 29 January to 5 February 2018 and the Special Rapporteur on the Violence against Women, its Causes and Consequences, Ms. Dubravka Simonovic, visited Nepal on 19-29 November 2018. The GoN has accepted the request for country visits by the Special Rapporteur on the Right to Food and Special Rapporteur on Extreme Poverty and looks forward to welcoming them. Similarly, the GoN has responded to 43 communications from special procedures and 5 individual communications received from Human Rights Committee between July 2016 and July 2020.

International development cooperation¹¹

16. Official development assistance remains an important source of development finance in Nepal. Nepal's quest to become a middle-income country and achieve the SDGs by 2030 requires significant amount of resources including foreign assistance. The GoN has adopted International Development Cooperation Policy, 2019 with the objective to mobilize international development assistance to fulfill the national development needs.

17. In FY 2015-16, 2016-17, 2017-18 and 2018-19, the GoN received Rs. 113,871.90 million¹², Rs. 147,660.33 million, Rs. 168,915.24 million and Rs. 177,647.30 million respectively as loans, grants and technical assistance from multilateral and bilateral development partners¹³ as well as the United Nations Systems.

B. National institutions and mechanisms

Judiciary

18. The Constitution has provided for independent, impartial and competent judiciary. There are three tiers of courts, namely Supreme Court, High Court and District Court. The Supreme Court plays a crucial role in enforcing the fundamental rights enshrined in the Constitution. The Supreme Court has extraordinary jurisdiction of judicial review through which it may declare *ultra vires* any law enacted by federal, provincial or local levels, if found inconsistent with the provisions of the Constitution or unreasonably restricting fundamental rights, and may issue appropriate orders and writs. The High Courts and District Courts too may issue appropriate orders and writs, including the writ of *habeas corpus* and injunction order.

National human rights institutions¹⁴

19. Nepal has an independent and impartial National Human Rights Commission established in compliance with the Paris Principles and accredited 'A' category status by GANHRI. The National Human Rights Commission (First Amendment) Bill, 2019 is under consideration of the Federal Parliament for aligning it with the elevated status of the NHRC as per the Constitution. The GoN remains committed to implementing the recommendations of the NHRC.¹⁵ Similarly, NWC, INC, NDC, NIC, *Madhesi* Commission, *Tharu* Commission and Muslim Commission are other constitutional bodies established for the promotion and protection of human rights in respective thematic areas.

20. In addition, the Attorney General is mandated to receive and inquire complaints or information of inhumane treatment to any person held in custody, detention center or prison or if such person is not allowed to meet his or her relative or legal practitioner. In such cases, the Attorney General has the power to inquire and issue necessary directives to the concerned authority to prevent such act.

21. The concerned Ministries¹⁶ of the GoN, the Provincial Ministries and Local Level are responsible for formulation, implementation, monitoring and evaluation of policies, plans and programs for protection and promotion of human rights in their areas of competence.

Human rights education and training¹⁷

22. National Judicial Academy (NJA), Nepal Army Staff College, National Police Academy, Armed Police Force- Nepal (“APF”) Training Center, Judicial Service Training Center and Nepal Administrative Staff College provide specialized training courses to Judges, Prosecutors, Legal Officers, Judicial Staff, Administrators, Lawyers and Security personnel on human rights principles, norms and instruments. During the reporting period, the NJA provided training to 6,575 persons on human rights. National Police Academy, provided training to 12,030 police personnel, Staff College of Nepal Army provided training to 43,533 army personnel, APF provided training to 20,207 personnel and Judicial Service Training Center provided training to 1,649 personnel. Training programs run by these institutions have significantly inculcated the value of protecting human rights, increased the culture of compliance and decreased the incidents of violations.

C. Transitional justice¹⁸

23. The GoN has reiterated its commitment to resolve the issues related to transitional justice in accordance with the spirit of the Comprehensive Peace Accord, rulings of the Supreme Court, relevant international commitments, concerns of the victims and ground realities. Two independent Commissions- the Truth and Reconciliation Commission (TRC) and the Commission on Investigation of Enforced Disappeared Persons (CIEDP)- have been investigating the allegations of human rights violations during the conflict era (1996-2006) pursuant to the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014 (TRC Act). The GoN has provided interim reliefs to the victims of conflict.¹⁹

24. The TRC and CIEDP were established in 2015. The TRC collected a total of 63,718 complaints and made preliminary investigations, verified the registered complaints for their authenticity and consolidated the cases for further detailed investigation. Similarly, CIEDP received a total of 3,223 complaints, out of which it verified a list of 2,514 after preliminary investigation. The CIEDP has been carrying out detail investigation of 2,097 cases in 65 districts.

25. The GoN has appointed the new members of both the Commissions on 20 January 2020 in accordance with the recommendation of an independent and inclusive recommendation committee constituted under the TRC Act²⁰. Out of five members in each of the Commissions, TRC has two woman members and CIEDP has one woman member. The Commissions have begun functioning. With a view to amending the TRC Act in compliance with the Supreme Court ruling of 26 February 2015 and concerns of victims, the Ministry of Law Justice and Parliamentary Affairs (MoLJPA) is preparing an amendment Bill in consultation with the victims of the conflict and other stakeholders. The MoLJPA has conducted consultation meetings in all seven Provinces and at the Federal Level with the victims and stakeholders regarding the content to be covered in the amendment Bill. During the consultation, separate discussions were held exclusively with the victims.

D. Non-discrimination²¹

26. The Constitution of Nepal has guaranteed equality before the law and right to equal protection of law. Discrimination on any ground including that of origin, religion, race, caste, tribe, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region or ideology is prohibited. The Constitution also provides rights against untouchability and discrimination. Particularly, taking into account the situation of *Dalits*, the Constitution provides specific rights of *Dalits*. The Constitution ensures rights of women with the objective of ending both *de jure* and *de facto* discrimination against them. The Constitution further provides independent Commissions for the protection and promotion of the rights of women as well as persons belonging to *Dalit*, *Mdheshi*, indigenous people, *Tharu* and Muslim communities.

27. In addition to the Penal Code²², the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 has been enacted for the criminalization of the offence of caste-based discrimination and untouchability. The Act has been amended in 2018 elaborating the rights and enhancing the penalties in event of violation.²³ The complaints of the offences may be filed by anyone who has knowledge of the incidence of such offences. Moreover, the victim is entitled to get compensation. Total 25, 22 and 45 cases were filed in the district courts in FY 2016/17, 2017/18 and 2018/19 respectively.²⁴

E. Civil and political rights

Torture²⁵

28. The Constitution ensures rights against torture and prohibits subjecting arrested or detained person to physical or mental torture or cruel, inhuman or degrading treatment. Any such act is punishable by law and entails compensation to the victim. Torture and inhuman treatment have been criminalized by the Penal Code.²⁶ Moreover, the Penal Code provides that plea of superior order does not relieve the person from criminal responsibility.

29. Total 16, 27, 19 and 8 cases were filed in the district courts in FY 2015/16, 2016/17, 2017/18, 2018/19 respectively.²⁷ During the reporting period, departmental action has been taken against 158 police personnel and 22 armed police force personnel for negligence and violation of human rights.

Enforced disappearance²⁸

30. The Penal Code explicitly criminalizes the act of enforced disappearance in compliance with the relevant international instruments.²⁹ In FY 2018/19, 8 cases were filed in the district courts.³⁰ For the allegations committed during conflict period, please see paragraphs 24 and 25.

Use of force³¹

31. Law enforcement officials are under obligation to strictly comply with the principles of proportionality and necessity while carrying out their duties. Use of firearms is strictly regulated by law. Code of Conduct of Law Enforcement Officials is integrated as part of their respective service laws which are binding on them. The Local Administration Act, 1971 empowers the Chief District Officers (CDO), civilian district administrators in preventing any activity that may potentially lead to violence or riot. The security officers must obtain prior order from the concerned CDO before using firearms. The conditions where firearms may be allowed to use is explicitly provided in the Act. The Constitution and National Criminal Procedure Code ensure the right against arbitrary arrest and detention.³² All the complaints or reports of extra-judicial killings have been duly investigated, prosecuted and penalized through the competent authority in accordance with the prevailing laws. The victim's families have been provided relief or compensation.³³

Conditions of detention and prison³⁴

32. In order to address the issue of overcrowding in prisons, new prison infrastructures are being built in various districts with the provision of separate blocks or rooms for men, women, PWDs and LGBTI with required facilities. An open prison building, with the capacity of 300 prisoners, has been constructed in Banke district. New buildings have been built and operated in six districts, structural capacity of nine prisons have been enhanced and five new prison blocks are being built. Central prison, with total capacity of seven thousand prisoners, is under construction in Nuwakot district. So far, construction of fifteen hundred blocks have been completed. In addition to 750 grams of the rice provided daily, the GoN has increased daily livelihood allowance from Rs 45/- to Rs 60/- for prisoners. Moreover, cash provided to the children of prisoners for milk has been increased from Rs 10/- to Rs 35/-.³⁵ The Supreme Court issued a directive order to make necessary arrangement for the prisoners to ensure their reproductive rights as the case may be.³⁶ A new Bill related to prisons is under consideration in the House of Representatives of Federal Parliament.³⁷

Prohibition of human trafficking³⁸

33. The GoN has constituted a National Committee at the central level for effective implementation of the Human Trafficking and Transportation (Control) Act, 2007. The victims are entitled to a reasonable compensation, restitution, rehabilitation, economic support and psychosocial counseling service under the Act. To extract human organ except otherwise provided by law is considered as human trafficking and is criminalized by the Act. The Guidelines to Control Sexual Exploitation of Women Workers in Dance Restaurants and Bars also aim at preventing sexual abuse. Similarly, Human Trafficking and Transportation (Control) Regulation, 2008 has been amended in 2020 for effective implementation of the Act. The GoN is implementing National Plan of Action against Human Trafficking (2011–2021), which prioritizes five specific areas including prevention, protection, prosecution, capacity development and coordination, cooperation and collaboration. A separate and specialized Human Trafficking Investigation Bureau has been established under the Nepal Police in 2018 which is dedicated to combat human trafficking.

34. Total 218, 303, 285 and 338 cases of human trafficking were filed in district courts in FYs 2015/16, 2016/17, 2017/18 and 2018/19 respectively. The GoN rescued 678 persons in 2017/18 and 10,936 persons in 2018/19. Rehabilitation, reintegration and medical and legal supports are facilitated through community service centers, district service centers and one stop crisis management centers. A fund for rehabilitation of survivors of human trafficking has been established. There are 36 safe houses, rehabilitation center/homes in ten districts for survivors or victim of trafficking, and one long-term rehabilitation center. During the last four years, a total of 5,793 victims or affected have received various services from these centers.³⁹

Freedom of thought, conscience and religion⁴⁰

35. The Constitution guarantees the right to freedom of expression and opinion as well as full press freedom as fundamental rights. The Constitution further guarantees that publication and broadcasting or dissemination or printing of any news item, editorial, feature article or other reading, audio and audio-visual material through any means whatsoever including electronic publication, broadcasting and printing shall not be censored, closed or seized nor registration thereof be cancelled. There are laws to protect the press as well as the rights and interest of journalists.⁴¹

36. Nepal is a secular State. The Constitution fully ensures religious freedom to all people and prohibits discrimination of any form on the ground of religious faith. Every person is free to choose, adopt, profess or practice religious belief. However, conversion by force or undue influence or inducement is prohibited to ensure full enjoyment of religious freedom by every religious denomination.

Human rights defenders⁴²

37. Nepal has a vibrant civil society and community of human rights defenders. They are functioning freely and independently across the country to promote human rights and fundamental freedoms. Prevailing laws provide adequate safeguards to protect them. The Penal Code explicitly prohibits and criminalizes use of criminal force to any person.⁴³ The legal safeguards apply to every person residing in the country including journalists, media workers, human rights defenders and CSOs. All cases of threats and attacks against journalists and human rights defenders are investigated and prosecuted under the prevailing Penal Code.

Right to peaceful assembly⁴⁴

38. Freedom to assemble peacefully and without arms has been guaranteed by the Constitution. There is no restriction imposed except in a very exceptional situation as per the Constitution. Limited restriction orders were issued for short period of time for prevention of COVID-19 under the Infectious Disease Control Act, 1964.

Right related to name, identity and nationality of women⁴⁵

39. The Constitution ensures equality between men and women with respect to acquiring, retaining and transferring of citizenship. This also equally applies to their children. The Constitution ensures every child the right to name and birth registration along with his/her identity. Similarly, the Act Relating to Children, 2018 ensures right of the child to have name with own identification and birth registration. Likewise, the National Identity Card and Registration Act, 2020 provides procedural and institutional provision for ensuring this right. All of these legal rights have been fully enjoyed by Nepali citizens.

40. The Nepal Citizenship Act, 2006 fully recognizes and protects equal status of Nepali women while granting citizenship. It has detailed provisions of guaranteeing citizenship on the basis of decent, birth and through naturalization. The Citizenship Amendment Bill has been tabled in August 2018 in the House of Representatives of the Federal Parliament. The Bill provides for the issuance of Nepali Citizenship Certificates by disclosing the identity of woman or man or others.

Right related to marriage and family⁴⁶

41. Nepali society and the State consider family as a natural and fundamental unit of the society. The Constitution ensures equal lineage right to women and equal right to property and family affairs to spouse. The National Civil Code defines marriage as a permanent, inviolable, wholly social and legal bond which is based on free consent and is established to start conjugal and family life between a man and woman. Men and women of marriageable age have the right to marry and found a family. The Penal Code has prohibited marriage below 20 years of age. Polygamy is punishable.

Administration of justice and fair-trial⁴⁷

42. The powers relating to justice is exercised by courts and other judicial bodies in accordance with the Constitution, other laws and the recognized principles of justice. Every person must abide by the orders or decisions made in the course of hearing of lawsuits by the courts. In order to ensure the independence of the judiciary, the Constitution has explicitly provided for the jurisdiction, procedures of appointment, qualification, remuneration and other conditions of service of judges of the Supreme Court, High Courts and District Courts. The Judicial Council⁴⁸ chaired by the Chief Justice recommends or advises, in accordance with the Constitution, on the appointment, transfer, disciplinary action, and dismissal of Judges, and other matters relating to the administration of justice. In addition to the regular courts, Specialized Courts, Quasi-judicial Bodies and Judicial Committees at Local Levels have been rendering justice within their respective jurisdiction. Investigation, prosecution and adjudication functions are carried out by three different entities namely police, government attorney and courts respectively.

43. The Legal Aid Act, 1996, the Integrated Legal Aid Policy, 2020 and court-paid lawyers are the mechanisms to ensure free legal aid to the indigent persons. In addition,

Nepal Bar Association has endorsed Pro-bono guidelines for institutionalizing Pro-bono service of lawyer.

F. Economic, social and cultural rights

Rights to adequate standard of living⁴⁹

44. The Constitution requires adopting the policies related to basic needs of citizens. With the objective of improving standard of living of the people, the GoN has made comprehensive policy and programmatic interventions and significantly increased investment in food, housing, poverty reduction, employment generation, health care, education, social security and development of people-centric infrastructures.

Right to food⁵⁰

45. The Constitution guarantees every citizen freedom from hunger and provides safeguard from food scarcity. The Right to Food and Food Sovereignty Act, 2018 contains provisions of identifying targeted household in terms of food security; provision of ration card; maintain food supply during emergencies; rights of farmers; sustainable use of agricultural land; promotion of local food system including climate change adaptation. The GoN is committed to achieve zero hunger goal of SDG by ensuring food and nutrition security for all. *No one should remain hungry, no one dies of hunger* is the commitment of the GoN. For ensuring food and nutrition security, the Fifteenth plan incentivizes agricultural production and discourages land fragmentation and leaving land uncultivated.

46. In order to remove nutritional deficiency, various micro nutrient supplement programs have been launched, including Vitamin 'A' for children under five years of age; distribution of nutritious food package to the family members of pregnant and lactating women under the golden thousand days program. Iron Capsule and Albendazole are provided to children aged 12 to 59 months against parasitic worms. In FY 2018/2019, 46,335 persons were distributed nutrition bags under the golden thousand days. The National Food Safety Policy, 2019 has been adopted by the GoN which aims to double the food production in ten years.

47. The status of food security has improved as a result of extended irrigation facilities, distribution of high yielding seeds and chemical fertilizers. Agricultural production, particularly of paddy, wheat, maize, vegetables and potatoes has been increased.⁵¹ Similarly, the GoN has implemented Prime Minister Agriculture Modernization Project, Advanced Seed Program, Project for Income Raising of Small and Medium Farmers, Agriculture Insurance Program, and Minimum Support Price Program to ensure food and nutrition security.

Right to adequate housing⁵²

48. The Constitution has enshrined right to housing as one of the fundamental rights. The Right to Housing Act, 2018 incorporates provisions for providing the homeless citizens with appropriate and safe housing facility. Likewise, Safer Citizen Housing Implementation Procedure, 2018 and Vulnerable Settlement Relocation and Integrated Settlement Development Procedure, 2018 have been formulated to increase the access to safer housing. The GoN has launched People's Housing Program and Safer Citizen Housing Program that specifically cater to the housing need of low-income group. Under the People's Housing Program, 18,000 houses have been constructed, and in FY 2019/20 provided grants to the Provincial Governments for constructing additional 37,000 houses. The Safer Citizen Housing Program envisages support to people below poverty line to replace all thatched/straw roof with CGI sheets by 2023. Besides making individual buildings safer, the GoN has been working to make cities and human settlements inclusive, safe, resilient and sustainable. Integrated Urban Development Plan has been prepared for 185 municipalities which ensures risk sensitive land use planning through participatory approach. Similarly, provincial governments have their own program on housing.

Poverty⁵³

49. Poverty reduction remains an overarching development agenda of the GoN. The GoN is implementing Poverty Alleviation Policy, 2019 which aims to reduce poverty to 5% by 2030 and to 0% by 2043. More than fifty programs relating to poverty alleviation are being implemented to uplift people below the poverty line by providing them with opportunities and access to productive resources, capacity building, and income and employment generation. The GoN has adopted National Land Policy, 2019 which intends to ensure access of farmers to arable land.

50. During last four years (2015-2019), poverty has reduced from 21.6% to 18.7%. The Fifteenth Plan aims to reduce poverty from 18% to 13% by 2024. Identification and distribution of identity card to the poor family has been conducted. For poverty reduction and attaining inclusive and sustainable development, the GoN has been allocating budget for programs that are pro-poor, gender responsive and adaptive to climate change. In the FY 2020/21, 44.06% of the total budget has been allocated for programs that are relevant to address effects of climate change. Furthermore, the portion of gender responsive budget is 73.75% that relates to direct and indirect support to gender equitable distribution of resources. To ensure access to economic and social opportunities of the marginalized and backward group, the GoN has allocated 53.29% of the total budget as the pro-poor budget.

Drinking water

51. To date, 95% of population have access to basic level and 20% of population have access to upgraded water facility.⁵⁴ *One house, one tap* program is under implementation to ensure water supply in the areas deprived from basic water and sanitation services.

Rights to just and favorable conditions of work⁵⁵

52. The Constitution provides for special priority in employment and social security for the protection, upliftment, empowerment and development of vulnerable groups. The GoN has carried out the Prime Minister Employment Program targeting poor households and unemployed persons. The Fifteenth Plan has adopted the strategy of capacity building, income generating and employment programs targeting poor families of backward regions and communities. The Right to Employment Act, 2018 ensures one hundred days employment for each unemployed person. If the employment is not available, a minimum social security allowance is ensured. The GoN has fixed minimum wage of Rs. 13,450/-, minimum daily wage of Rs. 517/- and minimum hourly wage of Rs. 69/- effective from 17 July 2018. Employment Service Center and Employment Management Information System have been introduced at each Local Level to facilitate job seekers. In FY 2019/20, 3,84,630 unemployed persons were enlisted in 701 Local Levels and 87,757 persons received employment. 7,237 persons were imparted employment oriented trainings in various sectors. Fourteen Billion rupees project on Transformation Initiation for Youth Employment is being implemented in co-operation with the World Bank targeting the unemployed youth. Contributory Social Security System has been introduced aiming at providing social security to the salaried workers through their monthly contributions.⁵⁶ The Labour Act, 2017 has been enacted to ensure minimum social protection of workers such as provident fund, gratuity, insurance, maternity leave and maternity care leave, festival allowance etc.

Bonded labour⁵⁷

53. *Kamaiya* (Prohibition) Act, 2002 prohibited bonded labour system of *Kamaiya* and required for rehabilitation of freed *Kamaiyas*. Moreover, 27,570 freed *Kamaiyas* households and 16,322 *Haliyas* households have been resettled. A total of 19,531 *Kamaiyas* and 1,142 *Haliyas* have received skills development trainings for income generation. The GoN has completed distribution of land to the *Haliyas* and *Kamaiyas*.

54. Each family of freed *Kamaiya* was allocated 1690 sq.m (5 *katha*) land in rural area, 676 sq.m. (2 *katha*) land nearby a Highway and 338 sq.m. (1 *katha*) land in the city area. If any family of freed *Kamaiya* and *Haliya* wished to purchase land on their own choice, a

grant of Rs. 2,00,000/- was provided. Similarly, freed *Haliyas* were allocated 1516.8 sq.m. (3 Ropanis) land in Mountain or Hill Regions and 676 sq.m. (2 *katha*) in the Terai region.

Rights to health⁵⁸

55. The Constitution guarantees every citizen the right to free basic health services from the State and equal access to health services including right to safe motherhood and reproductive health to women.

56. The Public Health Service Act, 2018 and National Health Policy, 2019 aim to enhance access to health services by making it regular, effective, qualitative and easily available. Following basic health services are provided free of cost: vaccination service; motherhood, infant and paediatric health services such as integrated infant and paediatric disease management, nutrition service; pregnancy, labour and child birth service; family planning; abortion and reproductive health; services relating to communicable, non-communicable diseases, physical disability, mental disease, elderly citizen's health and general emergency condition; health promotion service; *ayurveda* and other accredited alternative health services.

57. The Safe Motherhood and Reproductive Health Right Act, 2018 explicitly protects the health rights of women, girls, adolescents and new-borns and ensures access to quality reproductive healthcare services. The Ministry of Health and Population (MoHP) has implemented various programs related to reproductive health, women and children.⁵⁹ Safe abortion services are available in all 77 districts. In the last five years, Family Welfare Division trained and listed 1,890 service providers (both doctors and nursing staff), listed 721 service centers for providing safe abortion services. In last five years 4,40,983 women were served for safe abortion services. About 71% of the women accepted post abortion contraceptives. For achieving Polio Eradication in Nepal, National Polio Endgame Strategic Plan, 2014-2018 was implemented.

58. The Immunization Act, 2016 ensures every child the right to access quality vaccines. The GoN has been striving for 100% immunization of mother and children. Under this provision, children have been provided with twelve antigens; BCG, DPT-HepB (penta), PCV, OPV (bOPV), Measles, Rubella and Japanese Encephalitis through 10,000 service delivery points throughout the country and outreach services for polio (injectable and oral), pneumococcal conjugate vaccine. Moreover, new initiative of "Reaching Every Child" is being implemented.⁶⁰ In 2019, 70.2% children aged 12-23 months received all basic vaccination.⁶¹

59. The GoN has expanded Health Insurance Program at 563 Local Levels of 58 districts. Under the National Health Insurance Policy, 2014, the number of insured persons is 31,42,676, out of whom 25.1% are extremely poor people. Free distribution of 70 types of vital medicines through National Free Health Service Program continues throughout the country. During the reporting period, extremely poor persons have received medical treatment for diseases such as cancer, heart disease, kidney ailment, Parkinson, Alzheimer, spinal injury and so on under the Poor Citizen Medical Treatment Program. Under this program, the GoN provides Rs. 100,000/- to each person as a financial support for treatment. The GoN provides for free health insurance amounting Rs. 100,000/- to senior citizens. Medicines for HIV/AIDS are being provided for the affected persons.

60. The GoN has introduced demand-side interventions to encourage women for delivery of babies in health centers. The Maternity Incentive Scheme, 2005 provided transportation incentives to women to encourage delivery in health centers.⁶² Nepal is committed to achieving 70% of all deliveries by Skilled Birth Attendants and at institutions to achieve the SDG target in 2030.

61. Neonatal mortality rate has reduced to 21 per 1,000 live births, under-five year child mortality has reduced to 39 per 1,000 live births. The maternal mortality rate has reduced to 239 per 100,000 live births.

Right to education⁶³

62. The Constitution ensures every citizen right of access to basic education, to get compulsory and free education up to the basic level and free education up to the secondary level from the State. The citizens with disabilities, indigent citizens will get free higher education. Persons with visual impairment and those with hearing and speaking impairment have the right to free education by means of Braille script and sign language respectively. Every Nepali community residing in Nepal have the right to get education in their mother tongue.

63. The Free and Compulsory Education Act, 2018 provides equal access to quality education for all. The Act ensures citizen who are economically destitute, with disabilities and *Dalit* must get free higher education. Children of the martyrs, those who have sacrificed their lives in the process of popular movement, armed conflict, revolution; and children of the disappeared persons, conflict victims, the wounded and the PWDs have the right to get special opportunity for education. The GoN has introduced policies and procedures⁶⁴ and launched various programs⁶⁵ for overall development of education sector. The Local Levels are also responsible to ensure that every child from 4 to 13 years of age is enrolled and receives free education in public schools. In addition, at least one year early childhood development and education will be provided after the completion of the age of four years.

64. The share of Dalit enrolment is 19.55% at lower basic level, 15.59% at upper basic level and 12.33% at secondary level with grade 9-10 and at 8.75% secondary level with grade 11-12. *Janajati* children make up 33.67% of lower basic, 37.59% of upper basic and 37.57% of secondary level with grade 9-10 and at 38.09% secondary level with grade 11-12 enrolments.

65. The indigenous people may educate their children in their mother tongue.⁶⁶ Scholarships are provided in higher education. Skill Development Training Center, Department of Micro, Cottage and Small Industry Promotion Center, Center for Technical Education and Vocational Training provide skills development trainings to the indigenous people.

66. Until 2019/20, 33 special schools, 23 integrated schools and 380 source classes have been operated for improving access to education for children with disability. These schools have been catering the needs of children with 10 types of disability. As a result, 46,899 children with disabilities were enrolled at schools in 2019.

67. In 2017, the enrollment rate at primary level was 97.2%, at lower secondary level 92.3% and at secondary level 43.3%. In academic year 2019, the enrolment rate was 97.1% in primary level, 93.8% in lower secondary level and 47.6% in secondary level. In 2017, the dropout rate at primary level was 3.6, at lower secondary level was 4.4 and at secondary level 3.7 respectively. In 2019, the dropout rate at primary level was 3.6, at lower secondary level is 3.8 and secondary level 2.8.⁶⁷

68. Moreover, provision of menstrual hygiene management (separate toilet, free distribution of sanitary pad) has been introduced to minimize drop-out rate of adolescent girls. The Provincial Governments have also taken various measures to minimize dropout rates of girls.⁶⁸

69. In FY 2019/20, Rs. 3.18 billion has been provided as pro-poor targeted scholarship program to 32,88,924 students of *Dalit* community, conflict affected family, martyrs family, highly marginalized and indigenous communities on the verge of extinction.

G. Women⁶⁹**Multiple forms of discrimination against women⁷⁰**

70. The GoN has taken different approaches to address the multiple forms of discrimination against women which include, empowerment of women through education, awareness, training for skill development and employment; preventive measures through

effective implementation of anti-violence and anti-discriminatory laws including affirmative measures; and protection of the victims.

71. The objectives of President Women Upliftment Program are empowerment of socially and economically marginalized women by development of skills entrepreneurship, and enterprises as well as market facilitation; elimination of the incidences of rape, sexual exploitation, trafficking in women and girls and all forms of Gender Based Violence (GBV) through effective law enforcement. Under the program, pregnant women facing maternity related complications from the remote parts of the country are provided with airlifting facility to fetch them medical facilities. This initiative has saved life of 110 women and their infants between December 2018 and 30 June 2020.⁷¹

72. Judicial Committee has been established in each Local Level, which settles disputes primarily through mediation and subsequently through adjudication. The disputes it settles relate to complaints of not taking care of senior citizens, not providing education, food and clothes to minor children and matters concerning relations between husband and wife.

73. The Indigenous Nationalities Commission Act, 2017 provides authority to the Commission to receive complaints against person or organization that violates the rights of indigenous community and to recommend to the concerned authority for investigation. Similarly, the Caste based Discrimination and Untouchability (Offence and Punishment) Act, 2011 authorizes Police Office, NDC and Local Levels to receive complaints.

Women in labour market⁷²

74. The Constitution provides the right to employment to every citizen. It further provides positive discrimination in favour of women in employment and social security. Similarly, the Right to Employment Act, 2018 provides that priority is given to women, *Dalits*, indigent, martyr's families and families of the persons of enforced disappearance while launching employment programs.⁷³

75. The Constitution ensures right to appropriate remuneration, facilities and contributory social security to every labourer. The Right to Employment Act, 2018 and Labour Act, 2017 prohibit all forms of discrimination on wages for the equal value of work and social security on any ground of sex, ethnicity, origin, religion, color and caste. The Labour Act has increased the maternity leave to 98 days from 52 days, out of which 60 days are fully paid and a provision of 15 days fully paid maternity care leave to the spouse.

Harmful practices against women and girls⁷⁴

76. Concrete legislative, policy and programmatic interventions have been put in place to eliminate harmful traditional and social practices, such as, child marriage, dowry, witchcraft and *chhaupadi*. The Constitution prohibits subjecting women and girls to physical, mental, sexual, psychological or other form of violence or exploitation on the ground of religion, social, cultural tradition or practice. Such act is punishable and the victims have the right to compensation. The Penal Code prohibits marriage before attaining the age of twenty years.⁷⁵ Similarly, the Penal Code prohibits concluding marriage by asking for any type of movable or immovable property, dowry or any property from the bridegroom or the bride side.⁷⁶

77. The Penal Code criminalizes banishing a woman to a shed (*Chhaupadi*) during menstruation or delivery, or subjecting her to similar other discrimination, untouchability or inhuman treatment of any type.⁷⁷ The GoN launched a *Chhaupadi* free campaign for demolishing the *chhau* sheds. During the campaign, more than 8,550 '*Chhaupadi* Goths' were dismantled in two months.⁷⁸ The GoN is promoting Dignified Menstruation campaign with a theme of 'Menstrual Talk, Dignity First'. Moreover, the GoN is observing 8 December as a 'Dignified Menstruation Day' for raising awareness whereby the individuals and families are encouraged to take menstruation with dignity.

78. The Penal Code criminalizes accusing anyone of being a witch, and to expel one from his or her place of residence as degrading and inhuman treatment.⁷⁹ A separate law, the Witchcraft Allegation (Crime and Punishment), 2015 has been enacted which has criminalized the allegation of witchcraft and has ensured compensation to the victim. The

GoN has issued ‘Acid and other Harmful Chemical Substance (Regulation) Ordinance, 2020’ and ‘An Ordinance made to amend some Nepal Acts relating to Penal Code and Criminal Procedure Code, 2020’ on 28 September 2020 to regulate acid and other harmful chemical substances and to significantly increase punitive measures for acid attacks. Likewise, National Strategy to end Child Marriage, 2016 aims to end child marriage by the year 2020.

Gender based violence⁸⁰

79. The Constitution prohibits any physical, mental, sexual, psychological or other forms of violence or exploitation on the grounds of religion, social, cultural, tradition, practice or on any other grounds against women. Moreover, the Constitution ensures compensation and right to get information about the investigation and proceedings of a case in which he or she is the victim and social rehabilitation.

80. The Domestic Violence (Crime and Punishment) Act, 2009 has been amended in 2015. The amended Act has broadened the definition of domestic violence encompassing physical torture⁸¹, mental harm⁸², and all forms of sexual violence, including between partners and outside marriage. The Act has also broadened the definition to include torture for dowry related violence as domestic violence. In FY 2015/16, 2016/17, 2017/18, cases of domestic violence filed in various courts were 558,925 and 1,113, out of which 319,481 and 592 cases have been disposed of respectively.⁸³

81. Sexual Harassment at Workplace (Control) Act, 2014 provides for measures to control and punish sexual harassment at both formal and informal workplace.⁸⁴ The Penal Code criminalizes sexual harassment with a punishment up to three years of imprisonment and thirty thousand rupees fine.⁸⁵ The Victims of Crime Protection Act, 2018 ensures the protection of the victim of sexual harassment.

82. The NWC has run a 24 Hours Helpline "*Khabar Garau 1145*" (Let's Inform 1145), which is the GBV Helpline that provides integrated services from one platform that includes shelter, psychological services, children related services and legal aid.⁸⁶

83. Violence against Women Prevention Fund (Operation), 2012, and Single Woman Security Fund (Operation) Regulation, 2013 have established funds for providing immediate relief to the victims of violence against women and provide education, training, rescue, relief and treatment of single women.

GBV in emergency situation⁸⁷

84. A range of national legal and policy instruments have been adopted in order to protect vulnerable groups including women, children, *Dalits*, marginalized group and community, PWDs and senior citizens during emergency situation, particularly from disaster related emergency.⁸⁸ The Disaster Risk Reduction and Management Act, 2018 has assigned duty and responsibility to Executive Committee to implement special plans and programs, in accordance with the requirement of the emergency situation to those who are in the risk of disaster.

85. In order to facilitate access to the concerned authorities and the courts, 17 district-level and 84 community-level service centers are in operation to deliver services to the victims and survivors of GBV, rape and other sexual offences and 36 service centers for victim affected by domestic violence. Likewise, hospital-based ‘One-Stop Crisis Management Centers’ have been providing integrated health services to GBV victims and survivors in 55 districts. The allegations relating to GBV committed during 1996 to 2006 armed conflict are being investigated by the TRC and CIEDP.

Safe and confidential environment for reporting incidents of VAWG⁸⁹

86. The Constitution protects the rights of victim of crime. The Victims of Crime Protection Act, 2018 provides safeguard against attack, damage, fears, intimidation or threat by the suspect, accuse, offender or person related to him or her or the witness of the accused against the victim or close relative and person dependent on the victim. The National Criminal Procedure Code provides that the incidence may be reported verbally or

through electronic means in the nearest police office. In case the police office denies to register the report, the complaint along with the report may be made to the office of the district attorney or higher police office. The court may issue necessary order to the concerned authority to protect the witness or the victim. The Domestic Violence (Offence and Punishment) Act, 2009 and Human Trafficking and Transportation (Control) Act, 2007 have made similar provisions for the protection of the victims. The Act Relating to Personal Privacy, 2018 ensures the right to privacy of the matters relating to body, residence, property, document, data, correspondence and character of every person, to manage the protection and safe use of personal information remained in any public body or institution, and to prevent encroachment on the privacy of a person.

87. The Procedural Guidelines for Protecting the Privacy of the Parties in the Proceedings of Special Types of Cases, 2007 provide for maintaining confidentiality including code names of victims and in-camera hearing of the cases involving women such as rape, abortion, sexual abuse, trafficking in human beings, incest and violence against women. The guidelines also require similar precaution in the criminal cases involving children as a party and tried by a juvenile bench; and the cases related to HIV/AIDS affected or infected persons. The Human Trafficking and Transportation (Control) Act, 2007 prohibits disseminating confidential information of the victim.⁹⁰

Rape⁹¹

88. The law against rape has been reformed with wider definition of the offence which includes marital rape as well.⁹² Whoever commits rape is liable to punishment with imprisonment and fine depending on the age and physical condition of the victim.

89. The Penal Code has increased the statute of limitation for filing a First Information Report on rape from 35-days to one year.⁹³ Maximum penalty for the offence of rape is imprisonment for sixteen to twenty years when victim is under ten years old.⁹⁴ Compensation has also been ensured for the victims of rape. In case of rape with murder, the perpetrator is liable to imprisonment throughout life.⁹⁵

Equality between men and women⁹⁶

90. The Constitution ensures participation of women in all bodies of the State on the basis of proportional inclusion. President and Vice-President, Speaker and Deputy-Speaker of House of Representatives and Chairperson and Vice-Chairperson of National Assembly, Mayor and Deputy-Mayor of municipalities and Chairperson and Vice-Chairperson of Local Levels are elected as to have representation of different sex or community. The constitutional threshold of at least 33% women representation in the Federal Parliament and Provincial Assemblies has been fully met. The Constitution requires appointments to the offices of Constitutional Bodies in accordance with the inclusive principle.

91. As a result of the policy of inclusion as adopted by the State, there are nine committees headed by women out of sixteen parliamentary committees in the Federal Parliament. House of representative of Federal Parliament comprises of 32.73% women; National Assembly comprises 37.29% of women; Provincial Assembly comprises 34.36 % women; and out of total Mayors, deputy mayors, Chairpersons and Vice-Chairperson of Local Levels, 47.6% are women. Members of Local Level comprise of 40.59 % women. In addition, Women Development Offices have been established in all 753 Local Levels which are engaged in the implementation of the women development program.

92. The GoN has targeted to attain wage equality for equal value of work for men and women in the ratio of 0.62 in 2015 to 0.92 in 2030; ratio of women to men participation in labour force from 0.93 in 2015 to 1.0 in 2030. The Constitution has ensured participation of women in all bodies of the state on the basis of the principle of proportional inclusion. Fifteenth Plan aims to increase the participation of women in all levels, structure and development process up to 50% gradually.

93. The Civil Service Act, 1991 provides 33% reservation to the women candidates out of 45% of total vacant post to be fulfilled through open competition. This provision is applied to all spectrum of public civil services. During this reporting period, representation of women in civil service has increased significantly from 15.3% to 25.8 % and this is in

increasing trajectory. In total the percentage of women teachers in schools is 39%.⁹⁷ Nepal Army, Nepal Police and APF also have the provision of 20% quota for women.

94. The MoWCSC is preparing a comprehensive National Gender Equality Policy which is in the process of final approval.

H. Children

Definition, general principles and protection⁹⁸

95. The Act Relating to Children, 2018 defines ‘children’ as persons who have not completed the age of eighteen years. This definition is identical to the definition of children in the Penal Code, Child Labour (Prohibition and Punishment) Act, 2000 and the Labour Act, 2017.

96. The Act Relating to Children, 2018 ensures all pillars of rights of child including the right to protection, right to survival, right to development and right to participation.⁹⁹ The Act further provides that every child has the right to protection against any type of physical or mental violence and torture, hatred, inhuman treatment, gender or untouchability-based mistreatment, sexual harassment and exploitation. The Act also provides that the best interest of child must be prioritized and it establishes the responsibilities of family and guardians, State and media sector towards children.

97. The Act also provides for a multi-stakeholder National Child Rights Council chaired by the Minister for Women, Children and Senior Citizens. The Council is represented by various government agencies and CSOs working in the field of child rights, child protection, child welfare and juvenile justice. The Council recommends the GoN about the policies and programs to be adopted by the GoN and monitors, evaluates and reviews the child-related programs undertaken by the GoN.

98. The Child Labour (Prohibition and Regulation) Act, 2000 prohibits engaging any child below 14 years in work as a labourer. The provisions of this Act apply to the informal sectors as well. The GoN has adopted Ten Year National Master Plan against Child Labour, (2018-2028) which aims to eliminate worst forms of child labour by 2022 and all forms of child labour by 2025.

99. Child Helpline 1098 and 104 are being operated by CSOs in twelve districts in the guidance of the MoWCSC and coordination and cooperation of Child Rights Council to rescue children at risk and provide relief, protection, psychosocial counselling, legal services, health treatment and family reunion of rescued children. Based on the “Street Children Rescue, Protection and Management Guideline” a program leading to Street Children Free Kathmandu Valley has been implemented. During 2017 to 2019, 7,806 children were rescued from vulnerable condition and 1,011 street children have been rescued and rehabilitated in Kathmandu Valley alone.¹⁰⁰ At present Kathmandu is free from street children.

I. Persons with disabilities¹⁰¹

100. The GoN conducted census in 2011 which included detailed disaggregated data of the PWDs. In 2021, the GoN is going to conduct decennial census throughout the country for generating disaggregated data on PWDs.

101. The Act Relating to Rights of Persons with Disabilities, 2017, removes the barrier and discriminatory practices towards PWDs. The Regulation on the Rights of Persons with Disabilities, 2020 ensures civil, political, economic, social and cultural rights by doing away with discrimination against PWDs and to ensure the environment that enables PWDs to earn self-reliant and respectful living by empowering them and ensuring their participation in the process of policy making, and development.

J. Minorities¹⁰²

102. The Constitution defines minorities as ethnic, linguistic and religious groups whose population is less than the percentage specified by the federal law, and includes groups that have their distinct ethnic, religious or linguistic characteristics, aspirations to protect such features and subjected to discrimination and oppression. Pursuant to the Federal National Assembly Election Ordinance, 2017, the GoN, for the purpose of election, published a Gazette notification on 22 January 2018, which has enlisted 98 ethnic or caste groups as minorities on the basis of population that is less than 0.5 percent of the total population.¹⁰³ The GoN believes on the participatory approach in every process of development and ensures inclusive dialogue with stakeholders, civil society including Nepali minority groups.

K. Foreign employment and migrant workers¹⁰⁴

103. The GoN has been taking measures to make labour migration safe, secure, predictable and dignified. During this reporting period, the GoN concluded Memorandums of Understanding/Agreements with a number of destination countries, including, Malaysia, Japan, United Arab Emirates, Mauritius, Israel and Jordan in order to protect Nepali workers from different types of vulnerabilities.¹⁰⁵ The GoN is conducting Safe Migration Project in 39 districts to provide information and counseling, legal aid, skill development training, psychological counselling and financial literacy to such workers.

104. The GoN is collaborating with CSOs, regional and global organizations to protect the rights of Nepali workers abroad. Nepal actively contributed the Global Compact for Migration (GCM) process and currently Chairs the Colombo Process and remains active in Abu Dhabi Dialogue at the regional level. Nepal assumed the chairpersonship of the Colombo Process, a Consultative forum of 12 Asian nations on management of migration and mobility of labour to overseas destinations from 2017. The GoN hosted two day Colombo Process Consultative meeting in Kathmandu in 2018 with the slogan of “Safe, regular and managed migration: Win-Win for all” and adopted Kathmandu Declaration in the form of the Colombo Process joint Statement for submission to the GCM process. The GoN is collaborating with International Organization for Migration, International Labour Organization and UN Women. Moreover, civil society, regional and global organizations are raising awareness through public service announcements, jingles, audio and video clips regarding Safe Migration.

105. NHRC hosted international Conference on Protection of Rights of the Migrant Workers in November 2019. The conference came out with Kathmandu Declaration and Action Plan, 2019 on rights of the migrant workers, with pledges from NHRIs and GANHRI for broad partnership and collaboration to this end.

L. Refugees¹⁰⁶

106. Nepal is not a party to the 1951 Refugees Convention and its Protocol of 1967. However, for decades it has provided shelter to several thousands of Tibetans and Bhutanese refugees on humanitarian ground. The Extradition Act, 2014 incorporates the principle of *non-refoulement* and provides that a person may not be extradited to the requesting state if the person would be subjected to torture or death penalty. The same principle is applied to the refugees also.

M. Post-earthquake reconstruction¹⁰⁷

107. For the reconstruction of the public and private buildings/houses damaged during the devastating earthquake of 25 April 2015, an Act Relating to Reconstruction of the Earthquake affected Structures was enacted in 2015. National Reconstruction Authority has been established to carry out the task mandated by the Act. Out of 7,91,334 private households, 7,84,535; 6,75,457 and 6,03,551 households have received first, second and

third tranche of grants respectively for reconstruction of their devastated houses. Similarly, 6,058 school buildings, 10 university/college buildings, 698 health institutions, 1,262 government and security force buildings, and 453 archeological and cultural heritage buildings have been reconstructed.

108. It was ensured that priority was given to address the needs of members of vulnerable communities, including *Dalits*, during distribution of earthquake relief program. The GoN has received international support for the reconstruction of infrastructure destroyed by the earthquake.

109. Nepal Police has formed a high level task force to investigate the crime to prevent and control the incidence of trafficking and illegal migration of women and girl child induced by the displacement and loss of livelihood. Security check-posts in ten critical points and twenty boarder locations have been established for carrying out intensive vigilance and security check to prevent the incidence of trafficking in women and girls.

N. Awareness raising¹⁰⁸

110. Intensified awareness campaigns have been launched by all three tiers of federal structures, civil society and CSOs. Persuading changes in people's attitude and community practices through Behaviour Change Communication; criminalization of all forms of harmful traditional practices against women and girls; launching awareness raising campaigns against harmful practices such as *Chhaupadi*, child marriage, dowry system and allegations of witchcraft; strengthening the access of women to health care, education, employment and social security have been intensified as parts of multi-pronged approach to address the issues related to women and girls. Implementation of adolescent girls empowerment programs is being carried out by Social Development Ministries of the Provincial Governments and Social Development Units of the Local Levels so as to bring the programs closer to the people. Various awareness raising programs to end child marriage and protect girls from violence are being implemented.¹⁰⁹

O. Right to development

Implementing Sustainable Development Goals¹¹⁰

111. The GoN has mainstreamed the SDGs into national development plans and implemented them through long term and short term programs. SDGs are now being localized. Implementation of SDGs has been aligned with the national plans, Nepal's graduation from the LDC status, and national aspiration of '*Prosperous Nepal, Happy Nepali*'. A High-level Steering Committee on the SDGs chaired by the Prime Minister and an Implementation and Monitoring Committee led by the Vice-chair of National Planning Commission have been constituted.

112. Nepal has been able to achieve a high economic growth rate of average around 7% in the last few years. During 2015-19, Nepal made significant progress in poverty reduction by 1.1% each year and made improvements in raising per capita income as well. Only modest progress has been observed in the indicators related to hunger, nutrition and food security. There has been significant progress in some indicators related to health while challenges remain in meeting the targets of maternal and child mortality. Indicators on education show good progress. The goals related to water and sanitation, energy, economic development, and infrastructure also record significant progress with distinct achievement made on basic sanitation and access to electricity.¹¹¹

Climate change and environment¹¹²

113. The Constitution ensures right to live in a clean and healthy environment to every citizen. Moreover, the compensation to the victim is provided for any injury caused from environmental pollution or degradation. The Constitution directs the State to pursue a policy to make advance warning, preparedness, rescue, relief and rehabilitation in order to

mitigate risk from natural disasters. Accordingly, the GoN has taken legal¹¹³ and institutional measures.

114. The provision of IEE and EIA is required to be complied with before commencement of project, failure to which is liable to punishment. Nepal is strongly committed to the implementation of the Paris Climate Accord. In the midst of resources and technology constraints, Nepal is implementing climate change mitigation and adaptation projects to the best of its capacity.

115. The Disaster Management Act, 2018 empowers Local Level to conduct disaster management relating activities. Disaster management is also included in the concurrent powers of Federal, Provincial and Local Levels. The GoN is implementing Sendai Framework (2015-2030), Addis-Ababa Action Plan through National policy, program and strategy.

III. Achievements, opportunities and challenges

A. Achievements

Human rights are fundamental rights

116. Nepal believes in universality of human rights and considers all human rights are indivisible, interrelated, interdependent and mutually reinforcing. Nepal has incorporated most of the international human rights norms and values as fundamental rights. The Federal Parliament has enacted and amended different legislations for the implementation of these rights. Nepal has been implementing the SDGs as important element of creating an enabling condition for the promotion and protection of human rights. Nepal attaches high importance to the fulfilment of legitimate needs of the people to ensure dignity and comprehensive security of a person. Right to life is the most fundamental of all rights. This is a prerequisite to enjoy all other rights and freedoms provided by the national laws and international instruments. National plans and programs have been designed and implemented to address those needs of the people by aligning them with the SDGs.

Implementation of directive principles and state policies

117. Directive principles, though non justiciable, are the guiding principles for the governance of the State that are gradually implemented through the mobilization of resources. The Constitution envisions to make Nepal a prosperous nation by promoting and protecting fundamental human rights. There exists a provision for reporting and monitoring of the implementation of directive principles and policies. A separate Parliamentary Committee monitors and evaluates whether the directive principles and policies have been implemented progressively. The GoN submits annual report to the Parliament outlining the steps taken and achievements made to this end.

Inclusion

118. As the Constitution aspires to build an egalitarian society founded on the proportional inclusive and participatory principles, a significant progress has been achieved to ensure participation of women, indigenous nationalities, *Dalits*, *Madhesi*, *Tharu*, PWDs supported by affirmative measures, details of which have been stated in paragraph 91 to 94.

B. Opportunities

119. Nepal at present stands at the most conducive state for the promotion and protection of human rights. We have built necessary constitutional, legal, policy and institutional foundation to this end. Human rights have been mainstreamed in the national governance and economic planning system. There is unprecedented national awareness and commitment to fulfill human rights obligations. There has been marked improvement in the overall realization of human rights by our people. Building on the achievements made so far, the country is in the trajectory of creating sound economic foundation to sustain the

enjoyment of all human rights by our people. All three tiers of the government are complementing through their policies and programs in further consolidating and strengthening the base for the enjoyment of human rights.

C. Challenges

120. Under-development and poverty has remained a major challenge which has constraining effect in full enjoyment of human rights by all. As a landlocked least developed country, Nepal has its own attendant challenges, which it is committed to address.

121. Nepal remains committed to address the remnants of discrimination based on caste and gender. The GoN has been taking multi-pronged approaches such as preventive, protective, promotional and empowerment related measures to remove such practices.

122. Nepal has embarked into a new system of governance under a federal system. It takes time to fully adjust and settle all issues related to competence, power and resource generation. Strengthening of institutional base of these structures and realizing full potentials of the subsidiarity, including in the realm of human rights, may take time but stands a promising course of future. The need of the hour is building institutions and strengthening them at all levels of federal system. For that we need building capacity, skills, knowledge and resources.

123. The COVID-19 pandemic has posed formidable challenge in achieving the targets of the GoN included in various plans and programs related to human rights. The GoN has implemented preventive, treatment, and therapeutic measures to control the virus from spreading.¹¹⁴ The temporary measures of nation-wide lockdown for some time helped in containing the virus significantly. However, its toll on economy, particularly among the wage earners, informal sector, tourism and service industries has been enormous. It has also created huge burden on the existing health care system and disrupted the backward and forward linkages of national economy.

Notes

¹ Article 16 to 46 of the Constitution of Nepal provides the right to live with dignity, right to freedom, right to equality, right to communication, rights relating to justice, right of victim of crime, right against torture, right against preventive detention, right against untouchability and discrimination, right relating to property, right to freedom of religion, right to information, right to privacy, right against exploitation, right to clean environment, right relating to education, right to language and culture, right to employment, right to labour, right relating to health, right relating to food, right to housing, rights of women, rights of child, rights of Dalit, rights of senior citizens, right to social justice, right to social security, rights of consumer, right against exile, and right to constitutional remedy.

² Environment Protection Act, 2019; Consumer Protection Act, 2018; Safe Motherhood and Reproductive Health Rights Act, 2018; Victims Protection Act, 2018; Act Relating to Children, 2018; Public Health Service Act, 2018; Right to Housing Act, 2018; Act Relating to Personal Privacy, 2018; Right to Employment Act, 2018; Social Security Act, 2018; Right to Food and Food Sovereignty Act, 2018; Compulsory and Free Education Act, 2018; Caste based Discrimination and Untouchability (Offence and Punishment) (First Amendment) Act, 2018; Land (Eighth Amendment) Act, 2018; Act Relating to Rights of Person With Disabilities, 2017; Immunization Act, 2016; Labour Act, 2017 are the major legislations that are directly related with protection and promotion of human rights. Similarly, National Civil Code, 2017; National Civil Procedure Code, 2017; National Penal Code, 2017; Criminal Offences (Sentencing and Execution) Act, 2017; National Criminal Procedure Code, 2017; National Assembly Election Act, 2017; House of Representative Election Act, 2017; Provincial Assembly Election Act, 2017; Local Level Election Act, 2017; Voters List Act, 2017; Indigenous Nationalities Commission Act, 2017; National Women Commission Act, 2017; Tharu Commission Act, 2017; Muslim Commission Act, 2017; Contribution Based Social Security Act, 2017; President and Vice-President Election Act, 2017; Local Government Operation Act, 2017; Act Relating to Political Parties, 2016; Administration of Justice Act, 2016 have been enacted. In addition, eighty new Acts and forty-five amendment Acts have been enacted. Necessary subordinate legislations have also been adopted for the operation of the above Acts.

- ³ Under the First Past the Post Electoral System, 165 members of the House of Representatives, and 330 members of Provincial Assembly; and for Proportional Representation Electoral System, 110 members of the House of Representatives and 220 members of the Provincial Assembly were elected. The Proportional Electoral System makes it mandatory for each political party to elect women in at least one-third of the seats of the Federal Parliament members. In National Assembly it is mandatory to elect at least three women, one *Dalit* and one from persons from disabilities or minorities from each Province. Out of 59 members 56 members that are to be elected by the Electoral College should consist of 21 women, 7 persons with disability or minorities. The remaining 3 members, including at least one woman are appointed by the President on the recommendation of the GoN.
- ⁴ The objectives of the chapter on Human Rights of the Fifteenth Periodic Plan are: to protect and promote human rights in accordance with the national and international commitments; to ensure the rights of marginalized, down trodden, gender minorities, person with disabilities and backward area, class and community; to respect, protect, promote and ensure realization of human rights and to expand human rights friendly governance system and to strengthen the promotion of human rights.
- ⁵ Recommendation 122.21.
- ⁶ Fifth National Human Rights Action Plan (2020-2025) aims to implement the fundamental rights enshrined in the Constitution, the legislations enacted for the implementation of the fundamental rights, rights enumerated in the international instruments to which Nepal is a party, recommendation of the UPR, treaty bodies, NHRC and decision of the Supreme Court. In addition, the activities that could not be implemented in Fourth National Human Rights Action Plan have been included in the Fifth National Human Rights Action Plan. It covers the areas: Education, Health, Right to Food, Housing, Labour and Employment, Child Rights and Juvenile Justice, Social Justice, Drinking Water and Sanitation, Protection, Empowerment and Development of Targeted Group, Environment and Sustainable Development, Cultural Rights, Legal Reform and Judicial Administration, Reform of Custody and Prison, Transitional Justice, Implementation of Recommendation of National and International Agencies, Human Rights Education, Institutional Reform.
- ⁷ Strategic Policy against Child Marriage, 2016; National Occupational Safety and Health Policy, 2019; National Health Policy, 2019; National Youth Policy, 2016; National Education Policy, 2019; 10 Years National Master Plan against Child Labour (2018-2028).
- ⁸ Recommendations 123.1., 123.2. and 123.21.
- ⁹ Recommendation 123.12.
- ¹⁰ Recommendations 121.15. and 122.31.
- ¹¹ Recommendation 122.26.
- ¹² As of 11 October 2020, 1 US\$ is equivalent to Rs 116. 72.
- ¹³ The World Bank Group, Asian Development Bank, European Union, International Fund for Agricultural Development, the Government of United Kingdom, United States Agency for International Development, the Government of China, the Government of India, the Government of Japan, the Government of Federal Republic of Germany, the Government of Switzerland are some of the major multilateral and bilateral development partners with whom the GoN has been working together in close partnership.
- ¹⁴ Recommendations 121.10., 121.11 and 121.12.
- ¹⁵ Most of the recommendations of the NHRC are related to violation of human rights during conflict period, for which, separate transitional justice mechanisms have been established. The GoN has provided Rs 8,957,895 as a relief, on receiving 147 recommendations from the NHRC from May 2016 till date. Remaining few recommendations are awaiting the amendment of the NHRC Act.
- ¹⁶ The Ministry of Women, Children and Senior Citizen , Ministry of Education, Science and Technology, Ministry of Health and Population, Ministry of Labour, Employment and Social Security, Ministry of Forests and Environment, Ministry of Defense, Ministry of Home Affairs, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Energy, Water Resources and Irrigation, Ministry of Agriculture and Livestock Development, Ministry of Water Supply, Ministry of Urban Development, Ministry of Industry, Commerce and Supplies, Ministry of Finance, Ministry of Land Management, Cooperatives and Poverty Alleviation.
- ¹⁷ Recommendation 122.25.
- ¹⁸ Recommendations 121.28., 122.4., 122.5., 122.53., 122.61., 122.62, 122.63., 122.64., 122.65. and 123.28.
- ¹⁹ The victims of the conflict, particularly family members of every deceased and disappeared person were provided amount of Rs. 1,000,000 as interim relief by the GoN. The GoN has provided Rs 14,038,187,400 to the family of 14,368 deceased, Rs 1,219,981,600 to the family of 1,228 disappeared persons, Rs 4,352,500 to 738 orphaned children, Rs 28,750,000 to the family of 5,611 abducted persons, and Rs 1,011,861,004.66 to 103,771 displaced family.
- ²⁰ Pursuant to Sub-section (3) of Section 3 of the TRC Act, the GoN formed a Recommendation Committee, under the chairpersonship of former Chief Justice of the Supreme Court. The members of

the Committee included a member of the National Human Rights Commission and three prominent human rights activists. The Committee developed its own procedures to call for applications from interested persons, conducted scrutiny of the applications and documents submitted therewith; publicized the names of candidates and made recommendation of the most suitable candidates for appointment to the vacant positions. On the basis of the said recommendation, GoN appointed the new members of both the Commissions, TRC and CIEDP.

- ²¹ Recommendations 121.17, 121.18, 121.9, 122.33 122.35, 122.36, 122.39, 122.40., 122.41. and 122.55.
- ²² Sections 160, 161, 166 of the Penal Code.
- ²³ Right to have equal treatment from the court or other judicial body, right to equal protection in respect of the services and facilities to be provided by any governmental body, right to equal access to public services, right to make movement and reside within and outside Nepal, right to equal participation in cultural activities, right to marry and choose the bride or bridegroom, right to assemble peacefully and organize, right to select employment and to work, right to have equal salary for an equal value of work, right to have equal access to public places, right to get prompt judicial remedies and appropriate compensation against untouchability and discrimination.
- ²⁴ *Annual Reports of the Office of the Attorney General*, FY 2016/17, 2017/18 and 2018/19.
- ²⁵ Recommendations 121.3., 121.26., 122.54. Section 167, 168, 169 and 170 of the Penal Code criminalize torture, criminalize degrading and inhuman treatment, ensures compensation to the victim of torture and degrading and inhuman treatment and provides statute of limitation respectively.
- ²⁶ Section 167 of the Penal Code provides that no authority who is competent under the law in force to investigate or prosecute any offence, implement law, take any one into control, or hold any one in custody or detention in accordance with law shall subject, or cause to be subjected, any one to physical or mental torture or to cruel, brutal, inhuman or degrading treatment, with the objective of getting information on any matter, extorting confession of any offence, punishing for any act, showing fear, intimidation or coercion, or doing any other act contrary to law, are liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences, according to the gravity of the offence. Furthermore, if a public servant commits this offence, he or she is liable to an additional sentence of imprisonment. A reasonable compensation is provided to the victims for the injury or pain caused.
- ²⁷ *Annual Report of Office of the Attorney General*, FY 2015/17, 2016/17, 2017/18 and 2018/19.
- ²⁸ Recommendation 121.4.
- ²⁹ Sub Section (2) of Section 206 of the Penal Code defines enforced disappearance as the arrest, detention or any other form of control of a person by a person or security personnel having authority by law to make arrest, investigation or enforcement of law, followed by a failure to produce such person before the case trying authority within twenty-four hours of the date of such arrest or deprivation of liberty, excluding the time required for journey, or a refusal to allow the concerned person to meet such person, and/or by concealment of information as to where, how and in what condition such person has been so held; the abduction, custody, control or any other form of deprivation of liberty of a person by any person, organization or group, whether organized or not, followed by concealment of information to the concerned person as to the reason for such deprivation and where, how and in what condition such person has been so held. In the case of the principal offender of enforced disappearance may be liable with a sentence of imprisonment for a term not exceeding fifteen years and a fine not exceeding five hundred thousand rupees, having regard to the duration and circumstances of such enforced disappearance.
- ³⁰ *Annual Report of the Supreme Court*, FY 2018/19.
- ³¹ Recommendations 122.44. and 121.27.
- ³² Article 20 of the Constitution and Section 9 of National Criminal Procedure Code ensured procedural guarantee against arbitrary arrest and detention. No person is arrested without arrest warrant and permission of adjudicating authority. The police personnel/investigating officer may use necessary force only if any person does not surrender and try to evade, escape or avoid arrest or confronts or attempts to confront in any manner. The police or the investigating officer should obtain permission for warrant for arrest from the adjudicating authority before arresting a person committing an offence. However, on a reasonable ground, such person can be immediately arrested, upon issuing an urgent warrant for arrest, and the matter is submitted to the adjudicating authority, along with the person so arrested for permission.
- ³³ As an example, families of Saroj Narayan Yadav and Amit Ray Yadav have received Rs.1,000,000/- and 500,000/- as compensation.
- ³⁴ Recommendations 121.23 and 122.66.
- ³⁵ Ministry of Finance, Budget Speech of 2018/19.
- ³⁶ *Janga Bahadur Singh et. al. vs. OPMCM et. al.*, Writ No.: 066-WO-1222, NKP 2067, Decision Date: 2067-12-28.

- ³⁷ The Bill related to Prison, 2019 provides *inter alia* the detained and prisoned person, LGBTI, person affected with communicable disease, person with mental disorder, person above sixty five years of age, person convicted in grave and serious offence and other persons requiring special security provision must be kept separately. The Bill prohibits use of handcuffs during imprisonment period, ensures health examination annually, special protection for children with imprisoned mother etc. to ensure safety in prison for both men and women.
- ³⁸ Recommendations 121.25. and 121.27.
- ³⁹ Ministry of Women Children and Senior Citizens, *Trafficking in Person Report*, 2018 and 2019.
- ⁴⁰ Recommendations 122.72. and 122.73.
- ⁴¹ The Act relating to Press and Publication, 1991; Press Council Act, 1991; National Broadcasting Act, 1993; Act relating to Working Journalist, 1995; Electronic Transaction Act, 2007; Right to Information Act, 2008; Media Council Act, 2020 and Information Technology Act, 2020.
- ⁴² Recommendation 122.60.
- ⁴³ Section 196 of Penal Code.
- ⁴⁴ Recommendation 122.74.
- ⁴⁵ Recommendations 122.67., 122.68, and 122.70.
- ⁴⁶ Recommendation 122.71.
- ⁴⁷ Recommendation 122.52.
- ⁴⁸ Article 153 of the Constitution. The Judicial Council consists the Chief Justice as the chairperson, and the other members of the Council includes the Minister for Law Justice and Parliamentary Affair, the senior-most Judge of the Supreme Court, one jurist nominated by the President on recommendation of the Prime Minister and a senior advocate or advocate who has gained at least twenty years of experience, to be appointed by the President on recommendation of the Nepal Bar Association.
- ⁴⁹ Recommendation 121.32.
- ⁵⁰ Recommendation 122.88.
- ⁵¹ National Policy and Program, (2019-2020) paragraph no. 98.
- ⁵² Recommendation 122.89.
- ⁵³ Recommendations 122.83., 122.84., 122.85., 122.86. and 122.87.
- ⁵⁴ Fifteenth Plan, (FY 2019/20-2024/25).
- ⁵⁵ Recommendation 122.79.
- ⁵⁶ Pursuant to the Contribution Based Social Security Act, 2017, 11% amount of basic salary is deducted from the basic salary of the labourer and 20% is added by the employer, in total 31%, amount will be deposited in the Social Security Fund. Under this scheme during 2019/20, 188,242 labourer and 12,478 employers have been enlisted.
- ⁵⁷ Recommendation 122.82.
- ⁵⁸ Recommendations 122.90., 122.91., 122.92., 122.94. and 122.95.
- ⁵⁹ Reproductive and Maternal Health Service, Family Planning Program, Female Community Health Program, Adolescent and Sexual Reproductive Health Program, Primary Healthcare Outreach Program, Safe Abortion Service, Community Based integrated management of Neonatal Childhood Illness Program, National Immunization Program, Nutrition Program. Moreover, Multi-Sector Nutritional Plan (MSNP II, 2018-22), targeting children, teen-aged girls, pregnant women and breast-feeding mothers in low income groups. HIV Investment Plan 2014-2016 to address STDs, HIV/AIDS and sexual and reproductive health issues, National Malaria Strategic Plan (NMSP) 2014-2025 to attain "Malaria Free Nepal by 2026" are being implemented. More than 50,000 female community health volunteers (FCHVs) facilitate pregnant women for safe motherhood and vaccination and community-based health promotion in the country. In addition, the GoN has established two new health academics in Karnali and Rapti to increase the access to quality health services.
- ⁶⁰ In the FY 2018/19, 565,011 children below one year age were given BCG; 537,125 children were given DPT-HiB; 519,187 children were given polio; 504,031 were given PCV and 519,645 children were given measles-rubella vaccine. Similarly, 494,163 infants of 12 to 23 months were given J.E. vaccine and 486,210 pregnant women were provided Td vaccine.
- ⁶¹ *Multiple Indicator Cluster Survey*, 2019.
- ⁶² Under the AAMA program free maternity service and transportation incentives of Rs. 3000, Rs. 2000 and Rs. 1000 for Himalaya, Mountain and Terai region are provided for safe delivery in health centers. In 2016/17, the Free New Born Care Program was introduced.
- ⁶³ Recommendations 122.20., 122.98, 122.99, 122.100, 122.101, 122.102, 122.103, 122.108, 122. 96, 122.106, 122.107, 122.104, 122.48, 122.50. and 122.105.
- ⁶⁴ Higher Education Policy, 2017; Pro-poor Targeted Scholarship Procedure, 2017; Comprehensive School/Safety Implementation Procedure, 2018; Policy Paper on Literate Nepal, 2019.
- ⁶⁵ School Sector Development Program (SSDP- 2016/23), EVENT Project, Food for Education Program, Second Higher Education Project, Early Grade Grading Program, ENSSURE Project, SAKCHYAMTA project and programs for Technical and Vocational Education, Early Grade

- Reading Program, Multilingual Education Programs, Education for All Child Development Program, Special Education Programs and Inclusive Education Policy for Disabled Children, 2016.
- ⁶⁶ The National Education Policy, 2019 envisions that the medium of instruction is managed in Nepali and English language in addition to multi-lingual education based on mother tongue considering linguistic diversity, interest of children and requirement of Nepal. 25 languages (mother tongue) based curriculum have been developed and being provided education in cooperation with the respective community.
- ⁶⁷ Ministry of Women, Children and Senior Citizen, *Report on State of Children in Nepal, 2019*.
- ⁶⁸ Province 2, in the FY 2017/18, total of 4,150 girls insured were provided Rs. 37,000 each in their bank account, withdrawable at the age of twenty, which in total amounts to Rs. 300,000, under the Girl Education Insurance program. Moreover, in FY 2018/19, 14,000 bicycles were distributed to girls of grade 8 at eight districts to support their continuation of education.
- ⁶⁹ Recommendations 122.17 and 124.8.
- ⁷⁰ Recommendation 122.37.
- ⁷¹ Ministry of Women, Children and Senior Citizen, *A Progressive Journey to Gender Equality and Women's Empowerment: Achievements of Nepal, 2020*.
- ⁷² Recommendation 122.78.
- ⁷³ Section 8 of the Right to Employment Act, 2018.
- ⁷⁴ Recommendations 121.7, 121.20, 121.24 and 122.34.
- ⁷⁵ Section 173 of Penal Code provides that a marriage concluded in contravention of this code will, *ipso facto*, be void. Likewise, a person who commits the offence against this provision is liable to a sentence of imprisonment for a term not exceeding three years.
- ⁷⁶ Section 174 of Penal Code provides that a person who commits this offence is liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.
- ⁷⁷ Sub-section (3) and (4) of Section 168 of the Penal Code provides that a person who commits this offence is liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding three thousand rupees or both the sentences.
- ⁷⁸ Ministry of Women, Children and Senior Citizens, *A Progressive Journey to Gender Equality and Women's Empowerment: Achievements of Nepal, 2020*.
- ⁷⁹ Sub-section (1) of Section 168 of the Penal Code provides that a person who commits this offence is liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.
- ⁸⁰ Recommendations 122.6, 122.7, 122.8, 122.57, 122.59, 122.10, 122.32, 122.45, 122.57 and 122.58.
- ⁸¹ The Act defines the physical torture to mean: beating, illegal detention, Physical injury, acid attack or other attack by similar substance to cause facial or body disfigurement and pains, or stamping, rubbing with such substances or other such acts.
- ⁸² "Mental harm" has been defined as any act of threatening the victim of physical torture, intimidation, scolding, reprimanding him/her, accusing him/her of false blame, forcefully evicting him/her from the house or otherwise causing injury or harm to the victim emotionally and this expression also includes any discrimination carried out on the ground of belief religion or culture and customs and traditions, insult on the basis of appearance(face), colour or physical structure, health condition subjugating to situations that leads to losing of mental balance, abetting for suicide etc. This terminology also includes any acts that may hurt mentally and emotionally.
- ⁸³ *Annual Report of the Supreme Court, FY 2015/16, 2016/17 and 2017/18*.
- ⁸⁴ Recommendations 122.11. and 122.12.
- ⁸⁵ Section 224 of the Penal Code prohibits sexual harassment against any person and provides that a person shall be considered to commit sexual harassment if the person holds or touches or attempts to touch any sensitive organ of, or opens or attempts to open undergarments of, or obstructs or hinders in any way the wearing or removing of undergarments of, or takes to any lonely place in an unusual manner, or gets his or her sexual organ to be touched or held by, or uses vulgar or similar other words, spoken or written or by gesture or by way of electronic medium, or shows any pornography to, or teases or annoys with sexual motive, or behaves in an unusual, undesirable or indecent manner with, a person who is not his wife or her husband, without her or his consent, with the motive of having sexual intercourse with her or him; A person who commits the offence is liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.
- ⁸⁶ National Women Commission- Helpline-1145-Factsheet. As of 30 June, 1, 2020, 12,563 services were provided to survivors. 11,352 information services was provided to callers about services, legal rights, first aid and safety, 3,487 cases were registered, 3,000 cases were automatically referred to Police. 88% reported cases were about domestic violence and 12% were violence against women. 87% of the cases related to violence were reported by the survivors themselves and 17% by third party.
- ⁸⁷ Recommendation 121.21.

- ⁸⁸ The Disaster Risk Reduction and Management Act, 2017; the Local Government Operation Act, 2017; the Government of Nepal (Allocation of Business) Regulations, 2017; the National Policy on Disaster Risk Reduction, 2018; the Public Health Act, 2018; the Disaster Risk Reduction National Strategic Plan of Action (2018-2030); the Private Housing Rebuilding Grant for the Flood and Landslide Victims 2017; the Public Housing Program Implementation Sample Guidelines, 2018; the Guidelines for the Relocation and Rehabilitation of High Risked Settlements, 2018.
- ⁸⁹ Recommendation 122.46.
- ⁹⁰ The Act prohibits to publish or broadcast the real name, photograph or any information which is detrimental to his/her character without the consent of the victim. Provision of in camera hearing through summary procedure is made in certain cases with a view to ensure confidentiality of the victim.
- ⁹¹ Recommendations 122.9., 122.13., 122.14. and 122.8.
- ⁹² The penetration of penis into anus or mouth, penetration of penis, to any extent, into anus, mouth or vagina, insertion of any object other than penis into vagina is also considered to be rape.
- ⁹³ Section 229 of the Penal Code.
- ⁹⁴ Sub-section (3) of Section 219 provides that (a) Imprisonment for a term of sixteen to twenty years, if she is a girl child below ten years of age, (b) Imprisonment for a term of fourteen to sixteen years, if she is a girl child who is ten years or above ten years of age but below fourteen years of age, (c) Imprisonment for a term of twelve to fourteen years, if she is a girl child who is fourteen or above fourteen years of age but below sixteen years of age, (d) Imprisonment for a term of ten to twelve years, if the woman is sixteen or above sixteen years of age but below eighteen years of age, (e) Imprisonment for a term of seven to ten years, if the woman is eighteen or above eighteen years of age.
- ⁹⁵ Section 41 of the Penal Code.
- ⁹⁶ Recommendations 122.18., 122.3., 122.67., 122.68., 122.70., 122.75., 122.76. and 122.77.
- ⁹⁷ Economic Survey, 2019/20.
- ⁹⁸ Recommendations 121.5., 121.6., 121.8., 122.19., 122.48., 122.49., 122.50, and 122.51.
- ⁹⁹ These rights include right to life, name, nationality and identity, rights against discrimination, right to live and meet with the parents, right to protection, right to participation, right to freedom of expression and right to information, right to open an association and peaceful assembly, right to privacy, right to health and nutrition, right to sports, recreation and culture, right to education and special rights of the children with disability.
- ¹⁰⁰ Ministry of Women, Children and Senior Citizens, *Report on State of Children in Nepal*, 2019.
- ¹⁰¹ Recommendation 122.109.
- ¹⁰² Recommendations 121.16. and 122.38.
- ¹⁰³ The Scheduled Minority Communities determined on the basis of population are: *Kalwar, Kanu, Kumal, Gharti/Bhujel, Hajam/Thakur, Rajbanshi, Sherpa, Dhobi, Tatma/Tatwa, Lohar, Khatwe, Sudhi, Danuwar, Haluwai, Majhi, Barai, Bin, Nuniya, Chepang/Praja, Sonar, Kamhar, Sunuwar, Bantar/Sardar, Kahar, Santhal, Marwadi, Kayastha, Rajput, Badi, Jhangar/Dhagar, Gangai, Lodh, Badhai, Thami, Kulung, Bangali, Gaderi/Bhediya, Dhimal, Yakkha, Ghale, Tajpuriya, Khawas, Darai, Mali, Dhuniya, Pahari, Rajdhob, Bhote, Dom, Thakali, Kori, Chhantyal, Hyalmo, Bote, Rajbhar, Brahm/Baramo, Panjabi/Sikh, Nachhiring, Yamphu, Gaine, Chamling, Athpahariya, Jirel, Dura, Sarbariya, Meche, Bantawa, Raji, Dolpo, Halkhor, Byasi/Souka, Amat, Thulung, Lepcha, Patharkatta/Kushwadiya, Mewahang wala, Bahing, Natuwa, Hayu, Dhankar/Dharikar, Lhopa, Munda, Dev, Dhandi, Kamar, Kishan, Sampang, Loche, Lhomi, Khaling, Topkegola, Chidimar, Walung, Lohorung, Kalar, Raute, Nurang, Kusunda.*
- ¹⁰⁴ Recommendation 122.112.
- ¹⁰⁵ Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report, 2020*.
- ¹⁰⁶ Recommendation 121.29.
- ¹⁰⁷ Recommendations 122.56, 122.111, 122.30 and 121.19.
- ¹⁰⁸ Recommendations 122.23 and 122.47.
- ¹⁰⁹ Intensive and integrated campaigns, such as, “*Beti Bachaw, Beti Padhaw* (Save Daughter, Educate Daughter)”, “*Sanei xu ma badne deu, Balbiwah hoina Padhna deu* (I am small, let me grow, no child marriage, allow to study)”, “Girls Insurance” and “Child Marriage” jingles, advertisement have been aired and broadcasted in radio, televisions and other communication media against the practices of dowry, child marriage, *chhaupadi*, witch craft accusation, untouchability, human trafficking and other superstitious belief and harmful practices.
- ¹¹⁰ Recommendation 122.115.
- ¹¹¹ National Planning Commission, *National Review of Sustainable Development Goals, June, 2020*.
- ¹¹² Recommendation 121.30.
- ¹¹³ The Environment Protection Act, 2019; Environment Protection Regulation, 2020; National Climate Change Policy, 2019; National Environment Policy, 2019; Disaster Risk Reduction and Management

Act, 2017; Disaster Risk Reduction and Management Regulation, 2018; National Policy on Disaster Risk Reduction, 2018; Disaster Risk Reduction National Strategic Plan of Action (2018-2030); Standard Relating to the Hierarchical Affiliation and Operation of Emergency Communication System, 2018; National REDD+ Strategy 2018 and Local Adaptation Plan for Action (LAPA) Framework, Air Quality Management Action Plan, 2020 are in implementation for fulfilling commitments. National Action Plan for Electric Mobility, 2018 has been formulate to encourage use of electric vehicles in urban area. Five Hundred Fifty Local Adaptation Plan of Action has been developed and implemented for every Local Level. The GoN has introduced a pollution tax of rupees 1.50 per liter in petrol/diesel.

- ¹¹⁴ The GoN has taken a number of institutional, policy, relief, rescue, treatment and other related measures to respond and recover from the adverse impact of COVID-19. Pursuant to the decision of the Council of Ministers of 29 March 2020, a COVID-19 Crisis Management Center has been formed at the Federal Level, and similar structures have been established in Provincial and Local Level in order to effectively carry out the plans and programs to combat against the pandemic. The GoN approved the COVID-19 Prevention and Control Fund Operation Guidelines, 2020 and announced relief packages for the needy people. The Local Level is authorized to provide essential food items for needy people in the designated zone. During distribution of relief package, special arrangement and priority has been given to women, children, senior citizens, PWDs. Heath infrastructures have been upgraded, and hospitals throughout the country have been kept ready to manage any cases related to health. The GoN has been bearing all the costs of identification, prevention, control and treatment of infected persons. Necessary arrangements have been made to continue the supply of essential goods and services during the lockdown period. Moreover, special arrangements have been made by the GoN, for the rescue/repatriation of Nepali citizen including migrant workers who are in need of return due to COVID-19 from abroad. More than 50,000 persons have been rescued/repatriated from abroad by air. During this repatriation process, pregnant women, people who have lost their job, those with health issues and those who have lost their family members back home were given priority.
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