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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-seventh session**  
18–29 January 2021

## **Compilation on Nepal**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. Presenting its candidature to the Human Rights Council for the terms from 2018 to 2020 and 2021 to 2023, Nepal pledged to cooperate and constructively engage with the special procedures and mechanisms of the Human Rights Council and to implement and adhere to the recommendations it had accepted during the universal periodic review.<sup>3</sup>

3. The Committee on the Rights of the Child recommended that Nepal ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,<sup>4</sup> the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>5</sup>

4. The Committee on the Rights of the Child and the Special Rapporteur on the human rights of migrants recommended that Nepal ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>6</sup>

5. The Committee on the Rights of the Child and the United Nations country team recommended that Nepal consider ratifying the Rome Statute of the International Criminal Court.<sup>7</sup>

6. The Committee on the Elimination of Discrimination against Women, the Special Rapporteur on migrants and the United Nations country team recommended that Nepal ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).<sup>8</sup> The Special Rapporteur on migrants and the United Nations country team also



recommended that it ratify the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).<sup>9</sup>

7. The Special Rapporteur on migrants and the United Nations country team recommended that Nepal ratify the Convention relating to the Status of Refugees and its 1967 Protocol.<sup>10</sup>

8. The Committee on the Elimination of Discrimination against Women, the United Nations country team and the Committee on the Elimination of Racial Discrimination recommended that Nepal accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>11</sup> The Special Rapporteur on migrants also recommended that Nepal ratify the Convention on the Reduction of Statelessness.<sup>12</sup>

### **III. National human rights framework<sup>13</sup>**

9. Presenting its candidature to the Human Rights Council for the terms from 2018 to 2020 and 2021 to 2023, Nepal committed to strengthen the central role of the National Human Rights Commission in the protection and promotion of human rights.<sup>14</sup>

10. Several special procedure mandate holders and the United Nations country team expressed concern that a proposed statutory amendment to the National Human Rights Commission Act would eliminate the Commission's authority to open provincial offices and exercise financial autonomy, and would empower the Attorney General to decide which of the Commission's recommendations merited further action. The United Nations country team noted that, as at 9 July 2020, fewer than 10 per cent of the Commission's recommendations had been implemented.<sup>15</sup>

11. The Committee on the Rights of the Child recommended that Nepal ensure the independence of the National Human Rights Commission by amending the National Human Rights Commission Act to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it consider establishing a specific mechanism or section within the Commission for monitoring children's rights.<sup>16</sup> The Special Rapporteur on violence against women, its causes and consequences, recommended expanding the activities of the Commission, particularly in relation to receiving complaints from women who had been victims of rape and sexual violence, including during the conflict, and of gender-based violence.<sup>17</sup> The Committee on the Elimination of Racial Discrimination recommended that Nepal provide sufficient resources to ensure the effective functioning of its national human rights institutions, in line with the Paris Principles.<sup>18</sup>

12. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women recommended that Nepal expedite the appointment of the Commissioner on Women's Rights. The Committee recommended that Nepal provide the National Women's Rights Commission with a complaint mechanism and the authority to issue binding rulings, and that it strengthen the mandate and capacities of local governments to address women's rights.<sup>19</sup> The United Nations country team urged Nepal to implement Supreme Court decisions, including those made regarding effective responses to the coronavirus disease (COVID-19) pandemic for women and girls, migrant workers and labourers and regarding access to education.<sup>20</sup>

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

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>21</sup>**

13. The United Nations High Commissioner for Human Rights expressed shock at the killing of five men by opponents of an inter-caste relationship.<sup>22</sup> While noting that Nepal had prohibited several practices of caste-based segregation, the Committee on the Elimination of Racial Discrimination remained concerned by reports that such segregation persisted in practice. It recommended investigating incidents of violence linked to inter-caste marriage and caste-based segregation, conducting public awareness campaigns to eliminate the notion of racial or caste-based hierarchies and ensuring that educational curricula condemned caste-based discrimination and untouchability.<sup>23</sup>

14. The same Committee recommended that Nepal amend the Caste-based Discrimination and Untouchability Act to extend the statute of limitations for submitting a complaint, ensure that all criminal complaints of race-based discrimination were formally recorded by law enforcement and that acts of racial discrimination were investigated, and widely disseminate information about anti-racial discrimination laws.<sup>24</sup> The Committee on the Elimination of Discrimination against Women recommended ensuring the effective implementation of that same Act, in line with its commitments made during the second cycle of the universal periodic review.<sup>25</sup>

15. The Committee on the Elimination of Racial Discrimination recommended that Nepal ensure that racial and caste-based hatred constituted an aggravating circumstance when they served as the motivation for an offence, ensure that law enforcement officers properly investigated racist hate crimes, organizations and hate speech, and conduct awareness-raising programmes to eliminate caste-based and racial hatred at the community level.<sup>26</sup> The Committee on the Rights of Persons with Disabilities recommended that Nepal establish accessible and effective mechanisms for victims of discrimination to seek redress.<sup>27</sup>

16. The Committee on the Elimination of Racial Discrimination recommended that Nepal urgently take measures to ensure the non-discriminatory provision of disaster recovery assistance.<sup>28</sup>

17. The United Nations country team urged Nepal to legalize same-sex marriage, in line with the 2007 Supreme Court ruling.<sup>29</sup>

#### **2. Development, the environment, and business and human rights<sup>30</sup>**

18. The Committee on the Elimination of Racial Discrimination was concerned by the absence of laws guaranteeing the rights of indigenous peoples to own, use and develop their traditional lands and resources, and by allegations that those rights had been violated in the context of hydropower, road widening and other development activities that were often accompanied by involuntary displacement. It recommended that Nepal find an adequate negotiated solution to resolve the dispute regarding the rights of indigenous peoples over their traditional lands and natural resources, including by revising legislation and taking into account the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), obtain the free, prior and informed consent of indigenous peoples prior to the approval of any project affecting the use and development of their traditional lands and resources, and take measures to guarantee that evictions were carried out in accordance with international standards.<sup>31</sup>

19. The United Nations country team noted that, despite the requirement for community engagement in planning and roll-out of local infrastructure projects and conservation areas, various development projects had been implemented without the free, prior and informed consent of indigenous peoples.<sup>32</sup>

20. The Special Rapporteur on migrants recommended that Nepal ensure implementation of the Guiding Principles on Business and Human Rights.<sup>33</sup>

21. The United Nations country team reported that Nepal had adopted the Environment Act and was drafting the relevant regulation. It had also adopted policies on climate change and disaster risk reduction.<sup>34</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>35</sup>**

22. The Committee on the Rights of the Child was concerned about the absence of domestic legislation criminalizing crimes in international law, including torture and enforced disappearance, which hindered access to justice and reparation for child victims of such crimes. The Committee recommended that Nepal amend domestic legislation to bring it into line with international standards requiring the explicit criminalization of torture and other forms of ill-treatment.<sup>36</sup>

23. The same Committee recommended that Nepal strengthen its efforts to put an end to torture and ill-treatment of children in all settings, including by ensuring that children were detained as a measure of last resort only.<sup>37</sup>

24. The Committee on the Rights of Persons with Disabilities recommended that Nepal take all measures necessary to stop the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairment, that any examination or treatment of persons with disabilities be undertaken only after the persons concerned had given their free and informed consent, and that investigations be conducted into cases of chaining and detention in private homes, and forcible placement and treatment in psychiatric facilities.<sup>38</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>39</sup>**

25. Presenting its candidature to the Human Rights Council for the terms from 2018 to 2020 and 2021 to 2023, Nepal stated that it remained committed to addressing the cases related to violations of human rights that had occurred during the conflict period and to providing justice to victims.<sup>40</sup>

26. Several special procedure mandate holders recalled their concern at the reported lack of effective consultation with victims concerning the amendment of the Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation 2071 (2014) and the attempt to rush a poorly amended and insufficiently consulted text through the parliament. They were also concerned at the reported lack of independence and transparency around the recommendation and appointment of new commissioners to the Truth and Reconciliation Commission and the Commission on the Investigation of Enforced Disappearance.<sup>41</sup>

27. The Committee on the Elimination of Discrimination against Women recommended that Nepal take appropriate measures to ensure the independence and impartiality of the commissioners in the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission and allocate adequate resources for their operation.<sup>42</sup>

28. The United Nations country team reported that in February 2015 and January 2020, the Government had appointed commissioners to the transitional justice commissions, despite the failure of the underlying statute to meet domestic and international human rights and humanitarian law obligations.<sup>43</sup>

29. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women recommended that Nepal bring the Truth and Reconciliation Commission Act into line with its obligations under international law, in consultation with civil society and victims, taking into account the Supreme Court ruling of 26 February 2015 ordering the amendment of the amnesty provisions of the Act.<sup>44</sup>

30. The same Committee and Special Rapporteur recommended that Nepal remove the statute of limitations for filing cases relating to sexual violence perpetrated during the

conflict,<sup>45</sup> guarantee women and girl victims of the armed conflict access to interim relief, and expedite the adoption of the second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security.<sup>46</sup>

### 3. Fundamental freedoms<sup>47</sup>

31. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women recommended that Nepal revise the draft national integrity and ethics policy, the draft privacy policy and the draft online media directive and amend the Electronic Transactions Act and the National Broadcasting Regulations, in consultation with the National Human Rights Commission and civil society, to ensure that they did not restrict the activities and freedom of expression of representatives of non-governmental organizations working on women's rights.<sup>48</sup>

32. The United Nations country team urged Nepal to heed the guidance on avoiding overbroad restrictions in the general comment No. 34 (2011) of the Human Rights Committee (paras. 34–35) with regard to its draft information technology management and media council bills.<sup>49</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Nepal decriminalize defamation and place it within a civil code that was in accordance with international standards.<sup>50</sup>

### 4. Prohibition of all forms of slavery<sup>51</sup>

33. The Committee on the Elimination of Racial Discrimination was concerned by reports that over 200,000 individuals in Nepal were enslaved, including for purposes of sexual exploitation, forced labour, bonded labour, domestic servitude and forced marriage. It recommended that Nepal intensify its efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour, strengthen its efforts to eliminate exploitative and deceptive recruitment practices towards migrant workers, and bring those responsible for human trafficking and slavery to justice.<sup>52</sup>

34. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women recommended expediting the revision of the bill to amend the Human Trafficking and Transportation (Control) Act.<sup>53</sup> The Committee recommended expediting the adoption of the bills on witness and victim protection, enhancing training on the national minimum standards for victim protection, and allocating adequate resources to rehabilitation centres.<sup>54</sup>

35. The same Committee and the Committee on the Elimination of Racial Discrimination recommended adopting standard operating procedures to ensure the early identification of trafficking victims.<sup>55</sup>

36. The Special Rapporteur on violence against women recommended strengthening the investigative capacity of the police human trafficking and transportation control bureau, ensuring the provision of adequate shelters for victims of trafficking, establishing witness protection schemes for women victims, and revising the 2015 guidelines that prohibited migrant women from Nepal with a child under 2 years of age from taking up employment as domestic workers abroad.<sup>56</sup>

37. The Committee on the Elimination of Discrimination against Women recommended lifting the ban imposed on women workers seeking employment abroad and raising awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking. It also recommended investigating, prosecuting and punishing cases of trafficking in women and girls, corruption and the complicity of State officials, ensuring that sentences matched the seriousness of the offence.<sup>57</sup>

### 5. Right to family life<sup>58</sup>

38. The Committee on the Rights of the Child recommended that Nepal support and facilitate family-based care for children, including for children in single-parent families, and establish a system of foster care for children who could not stay with their families, with a view to reducing the institutionalization of children.<sup>59</sup>

## C. Economic, social and cultural rights

### 1. Right to work and to just and favourable conditions of work<sup>60</sup>

39. The United Nations country team reported that in 2018, the Government had adopted the Right to Employment Act, aiming to ensure at least 100 days of employment for eligible categories of workers, raised the minimum wage by 40 per cent, and adopted an occupational health and safety policy. However, the team was concerned that implementation was weak and accountability mechanisms inadequate. It urged Nepal to take measures to strengthen labour inspection and enforcement.<sup>61</sup>

### 2. Right to social security

40. The United Nations country team reported that in November 2018, the Government had launched a contribution-based social security scheme. Approximately 3 million people among the most vulnerable received non-contributory social assistance. Health insurance was expanding, including subsidies for extremely poor families. The disruption of economic activities during the COVID-19 crisis had affected workers, with groups such as daily waged labourers, persons with disabilities, migrant workers, domestic workers and sex workers pushed back into poverty. The team urged Nepal to expand the social protection floors to cover excluded and vulnerable groups and to make targeted interventions in providing support packages and compensatory payments to those who had lost their jobs and income, including piloting universal basic income.<sup>62</sup>

41. The Committee on the Elimination of Discrimination against Women recommended gathering sufficient resources for implementation of the protections provided for in the Contributions-based Social Security Act.<sup>63</sup>

42. The Special Rapporteur on migrants recommended investing in sufficient social protection systems and creating more income-generating opportunities to ensure that poverty and discrimination did not force Nepalese nationals into labour migration.<sup>64</sup>

43. The Committee on the Rights of the Child reiterated its previous recommendation to establish a social security policy, along with a clear and coherent family policy, as well as effective strategies for using social safety net benefits to further children's rights and provide adequate financial resources to the social security system.<sup>65</sup>

### 3. Right to an adequate standard of living<sup>66</sup>

44. The same Committee also reiterated its previous recommendation to establish poverty indicators and an official poverty line so as to define the extent of poverty and monitor and evaluate progress in alleviating poverty and improving the standard of living for children.<sup>67</sup>

45. The United Nations country team reported that Nepal had made substantial progress towards eliminating hunger and malnutrition. According to recent reports, 20 per cent of households were mildly food insecure, 22 per cent moderately food insecure and 10 per cent severely food insecure. Food insecurity during the COVID-19 pandemic had reportedly increased compared with 2016–2017. The team recommended adopting a multi-stakeholder, better coordinated approach to address hunger and malnutrition.<sup>68</sup>

46. The United Nations country team noted that the impact of the 2015 earthquake and subsequent natural disasters depended in part on pre-existing vulnerabilities relating to gender, caste and cultural identity. It also noted the continuing gap in the disaster response in terms of providing safe and secure housing, particularly among vulnerable groups.<sup>69</sup> The Committee on the Rights of the Child recommended that Nepal expeditiously strengthen its efforts to provide adequate housing for children and their families who had been displaced by the 2015 earthquake, and ensure that they had access to sufficient food, clean drinking water, sanitation, health care and education.<sup>70</sup>

47. The United Nations country team reported that, despite progress in access to water, sanitation and hygiene, challenges remained in ensuring the continuous availability of the necessary resources, including during public health emergencies such as COVID-19. It

reiterated its recommendation to remove barriers to accessing water supply, particularly for girls and traditionally excluded groups.<sup>71</sup>

#### 4. Right to health<sup>72</sup>

48. The Committee on the Rights of the Child was concerned that the neonatal mortality rate remained high, representing 61 per cent of all deaths of children under 5 years. It recommended that Nepal take measures to reduce neonatal mortality rates, including by preventing infectious diseases and ensuring care for newborns, and applying the Office of the United Nations High Commissioner for Human Rights technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).<sup>73</sup> The United Nations country team reported progress in reducing morbidity and mortality among children under 5, partly owing to successful immunization coverage and interventions to reduce malaria, HIV and neglected tropical diseases, although tuberculosis remained a challenge.<sup>74</sup>

49. The Committee on the Elimination of Discrimination against Women recommended amending the Safe Motherhood and Reproductive Health Rights Act to fully decriminalize abortion in all cases.<sup>75</sup>

50. The United Nations country team noted that the 2018 Public Health Service Act listed basic health services and emergency care as being provided free of charge by the State, in accordance with the Constitution. The 2018 Safe Motherhood and Reproductive Health and Rights Act responded to the goal of better servicing marginalized groups through decentralized health services. The team cautioned that the health system might come under pressure during the COVID-19 pandemic.<sup>76</sup>

#### 5. Right to education<sup>77</sup>

51. The United Nations country team reported that enrolment in primary education remained roughly constant at around 97 per cent. While pre-primary and lower secondary enrolment stood at 84.7 per cent and 88.9 per cent, respectively, only 24.7 per cent of students transitioned to upper secondary school and only 12.4 per cent to tertiary education. The 2019 Education Policy addressed many education challenges. While the constitutional guarantee of mother tongue education was welcome, issues remained regarding quality, equity and inclusion.<sup>78</sup>

52. UNESCO recommended that Nepal consider extending compulsory education to include at least nine years of primary and secondary education.<sup>79</sup>

53. The Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the United Nations country team recommended that Nepal ensure the provision of free quality education to all without discrimination.<sup>80</sup> The Committee on the Rights of the Child also recommended taking appropriate regulatory measures to ensure that private providers of education did not undermine social cohesion or exacerbate segregation and discrimination.<sup>81</sup>

54. While welcoming the programme to enrol in school children affected by the armed conflict and provide them with scholarships, the Committee on the Rights of the Child was concerned that not all those children had been able to access the benefits from those initiatives. It recommended that Nepal conduct an evaluation of its national plan of action for the reintegration of conflict-affected children with a view to including all children who had been directly affected by the conflict.<sup>82</sup>

### D. Rights of specific persons or groups

#### 1. Women<sup>83</sup>

55. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women recommended that Nepal adopt comprehensive anti-discrimination legislation that included a definition of discrimination

against women, encompassing direct and indirect discrimination and multiple intersecting forms of discrimination.<sup>84</sup>

56. Several human rights mechanisms recommended that Nepal repeal the statute of limitations provision on the registration of cases of sexual violence.<sup>85</sup>

57. The Special Rapporteur on violence against women recommended expediting the adoption of the national strategy and action plan on gender empowerment and ending gender-based violence, adopting a specific national action plan on violence against Dalit and indigenous women, and expanding the definitions of family and domestic violence to cover all forms of gender-based violence against women.<sup>86</sup>

58. The Committee on the Elimination of Discrimination against Women recommended that Nepal provide communities particularly affected by gender-based violence against women with special opportunities to access the gender-based violence elimination fund, amend the Criminal Code so that sexual violence was recognized as a form of torture, and bring the definition of rape into line with the Rome Statute of the International Criminal Court.<sup>87</sup>

59. The same Committee noted that, notwithstanding the criminalization of many harmful practices, *chhaupadi* (isolating menstruating women and girls), child marriage, dowry, son preference, polygamy, discrimination against widows, accusations of witchcraft, and discrimination against Dalit and indigenous women and girls, among other practices, remained persistent. It recommended that Nepal expedite the adoption of legislation prohibiting all forms of harmful traditional practices, investigate and prosecute the perpetrators, impose sanctions and provide compensation to victims. Several human rights mechanisms recommended strengthening awareness-raising programmes on such practices.<sup>88</sup>

60. The Special Rapporteur on violence against women recommended that Nepal ensure sustainable funding for a sufficient number of safe shelters throughout the country and evaluate the one-stop crisis management centres and strengthen them.<sup>89</sup>

61. Some human rights mechanisms recommended ensuring that the proposed amendments to the 2006 Citizenship Act eliminated provisions that discriminated against women.<sup>90</sup> Three special procedure mandate holders acknowledged that the bill to amend the Act, if approved, could have a significant impact in increasing access to citizenship in Nepal and reducing the number of stateless persons. Nevertheless, they expressed concern about the persistence of discriminatory provisions affecting women and their children, as well as trans and gender-diverse persons.<sup>91</sup>

62. The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the United Nations country team recommended that Nepal amend or repeal all discriminatory provisions in its Constitution to guarantee that Nepali women could transmit their nationality to their children and their foreign spouses under the same conditions as Nepali men, in accordance with the commitments it had made during the second cycle of the universal periodic review.<sup>92</sup>

63. The Committee on the Elimination of Discrimination against Women recommended adopting targeted measures to achieve substantive equality between women and men in the judiciary, law enforcement and the diplomatic service, enforcing the implementation of electoral quotas and the composition of State entities at the local, district and federal levels, and introducing a proportional representation system for candidates on electoral lists.<sup>93</sup>

64. Noting reports that gender-based violence had increased in the COVID-19 context, the United Nations country team urged the Government to ensure effective access to gender-based violence response services and justice, particularly through a package of essential services. National response plans should prioritize availability, accessibility and quality of safe shelters, hotlines, one-stop crisis management centres, remote psychological counselling and referral services, legal aid, women-centred protection systems and livelihood recovery support.<sup>94</sup>

65. While the Government had institutionalized gender-responsive budgeting and increased the allocation from 11.3 per cent in 2008/09 to 38.17 per cent in 2019/20, the

United Nations country team cautioned that in the COVID-19 context, there might be a rollback of the gains made, with women comprising the majority of the labour force in the informal, agricultural and wage-based sectors that were being disproportionately affected by lay-offs and pushed into poverty, while facing increased unpaid domestic work. It recommended promoting gender-responsive macroeconomic policies, including improved access to credit, input and technological services for women-managed smaller farms, and expanding social security measures.<sup>95</sup>

## 2. Children<sup>96</sup>

66. The United Nations country team reported that more than one third of Nepali children aged between 5 and 17 (37 per cent) were engaged in child labour, and that 30 per cent of them experienced hazardous conditions.<sup>97</sup>

67. The Committee on the Rights of the Child was concerned that there were reportedly over 600,000 children involved in the worst forms of child labour. It recommended that Nepal amend the Child Labour Act and other relevant legislation so that the regulation of child labour applied to all areas of work, and strengthen the enforcement of existing legislation and policies to eradicate the practice of child bonded labour.<sup>98</sup>

68. The United Nations country team noted that 40 per cent of women were married under the age of 18, that there were few prosecutions relating to early marriage, and that during the COVID-19 lockdown, cases of child marriage had been reported.<sup>99</sup>

69. The Special Rapporteur on violence against women recommended that Nepal review current legislation relating to the criminalization of marriage below the age of 20 years and focus on marriages that took place below the age of 18 years.<sup>100</sup> The Committee on the Elimination of Racial Discrimination recommended that Nepal operationalize its strategy to end child marriage by 2030, and raise awareness about the legal prohibition of child marriage, and about the value of girls, their education, and their ability to pursue economic independence.<sup>101</sup>

70. The United Nations country team reported that an estimated 6.3 million Nepalis lacked citizenship certificates, with women and marginalized communities most affected, while over 20 per cent of children did not have birth certificates. It recommended that the Government intensify outreach and ensure timely issuance of legal identity documents, and amend the Citizenship Act to enable citizenship documentation at birth.<sup>102</sup> The Committee on the Rights of the Child recommended that Nepal amend relevant legislation, particularly the Birth, Death and Other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 2006 and several articles of the Constitution to ensure full compliance with articles 7 and 8 of the Convention on the Rights of the Child.<sup>103</sup>

71. The same Committee recommended establishing mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation.<sup>104</sup>

72. The Committee also recommended that Nepal define and punish the recruitment of children under the age of 15 as a war crime.<sup>105</sup>

## 3. Persons with disabilities<sup>106</sup>

73. The Committee on the Rights of Persons with Disabilities was concerned about the effectiveness of policy measures in ensuring a decent standard of living for persons with disabilities. It recommended that Nepal take measures to ensure that persons with disabilities had access to community-based rehabilitation services and adequate social protection programmes oriented towards social and community inclusion.<sup>107</sup>

74. The same Committee recommended that Nepal take steps to ensure an overall increase in the enrolment of children with disabilities in primary school education, an improvement in inclusive early childhood education, increased opportunities for vocational training for young people with disabilities, and strengthened measures for the prevention of violence, abuse, exploitation and abandonment of children with disabilities.<sup>108</sup>

75. It also recommended that Nepal adopt an effective mechanism, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030, in order to have an

accessible communication strategy and comprehensive emergency strategy and protocols for situations of disaster and risk.<sup>109</sup>

76. The United Nations country team reported that persons with disabilities were disproportionately affected by difficulties accessing hygiene materials, health services, medicines and relief packages during the COVID-19 pandemic, as well as experiences of violence and abuse. It reiterated its recommendation to remove legal and practical barriers such as physical infrastructure, widespread stigma, inadequate registration, limited resource allocation and lack of access to inclusive services and employment for persons with disabilities.<sup>110</sup>

#### **4. Minorities and indigenous peoples<sup>111</sup>**

77. The Committee on the Elimination of Racial Discrimination was concerned by reports that indigenous peoples had been unable to adequately and meaningfully participate in the drafting of the 2015 Constitution because their representatives were not freely chosen but were instead selected through political parties. It was also concerned that domestic legislation recognized only 59 out of the 81 indigenous peoples of Nepal, and by reports of severe harassment by State agents of indigenous leaders, including members of the Tharu people. It recommended that Nepal ensure that its domestic legislation formally recognized all indigenous peoples in Nepal, that the right of indigenous peoples to participate in government bodies was effectively respected and that indigenous peoples could freely choose their representatives, ensure the safety of indigenous peoples who had been subjected to threats, harassment and other arbitrary and violent acts by government agents and/or private individuals, and take measures to prevent, investigate and punish such acts.<sup>112</sup>

78. The Committee on the Elimination of Discrimination against Women recommended amending the Constitution to explicitly recognize the rights of indigenous women, in line with the United Nations Declaration on the Rights of Indigenous Peoples.<sup>113</sup>

79. The Committee on the Elimination of Racial Discrimination recommended that Nepal strengthen special measures to achieve the full inclusion of all children belonging to indigenous peoples, Dalits and underrepresented castes, especially women, at all levels of education and in teaching positions. It also recommended implementing targeted programmes in schools to improve literacy rates and combat caste-based discrimination and ensuring proportional representation of marginalized castes and ethnic groups in all national educational agencies.<sup>114</sup> The Committee on the Rights of the Child made similar recommendations.<sup>115</sup>

80. The Committee on the Elimination of Racial Discrimination was concerned by reports that a small number of landlords owned most agricultural lands. It recommended that Nepal take all necessary measures to eliminate patterns of land distribution that represented de facto discrimination against Dalits and other marginalized castes or ethnic groups.<sup>116</sup>

81. It also recommended that Nepal implement measures to ensure and promote occupational mobility for marginalized castes, including through hiring incentives, vocational training and community-based empowerment programmes.<sup>117</sup>

#### **5. Migrants, refugees and asylum seekers<sup>118</sup>**

82. The Committee on the Elimination of Racial Discrimination remained concerned that Nepal did not have a formal asylum recognition system to ensure respect of the principle of non-refoulement, and that it had stated that it was not in a position to accept any more refugees. The Committee again urged Nepal to adopt national legislation conforming to the standards in international instruments relating to the protection of refugees.<sup>119</sup> The United Nations country team recommended putting mechanisms in place to ensure respect for the principle of non-refoulement.<sup>120</sup>

83. The United Nations country team and the Committee on the Elimination of Racial Discrimination recommended that Nepal provide identity documents to all refugees in its

territory.<sup>121</sup> The Special Rapporteur on migrants recommended that Nepal register all Tibetan and Bhutanese refugees and provide them with proper identity documents.<sup>122</sup>

84. The Special Rapporteur also recommended that Nepal develop bilateral agreements on labour migration with destination countries that were based on international standards.<sup>123</sup>

85. He further recommended taking steps to prevent the exploitation and abuse of migrants and to protect their rights during the recruitment stage, while they were in service in the destination country and upon their return to Nepal, transitioning to an ethical recruitment model, and standardizing contracts for migrant workers.<sup>124</sup>

86. He recommended that Nepal ensure that effective access was available to legal remedy for violations of migrant workers' rights, including through decentralization of the system, and that Nepal repeal the relevant legislation so that migrant workers were recognized as rights holders.<sup>125</sup>

87. He also recommended that Nepal increase, improve and decentralize pre-departure training and information, promote informed decision-making and enhance the skill levels of prospective migrants.<sup>126</sup>

88. The Committee on the Elimination of Discrimination against Women recommended guaranteeing all women equal access to employment within and outside the country, enhancing gender-sensitive pre-departure and post-arrival orientation services, and adopting a policy and enhancing service provision for the social reintegration of Nepali migrant women who returned to Nepal.<sup>127</sup>

89. The United Nations country team welcomed the establishment of the Foreign Employment Information Management System, digitalizing overall management and regularization of the labour migration process and enabling migrant workers to file complaints online. It also welcomed the repatriation of migrant workers affected by COVID-19.<sup>128</sup>

## 6. Stateless persons<sup>129</sup>

90. The Committee on the Rights of the Child was concerned about the lack of refugee certificates and identity documents for Tibetan refugees and the resulting risk of statelessness.<sup>130</sup>

### Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Nepal will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/NPindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/NPindex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.1, 121.14–121.15, 122.26, 122.28–122.29, 122.31, 123.1–123.6, 123.10–123.22, 123.26–123.27, 124.1–124.6, 124.9 and 124.11–124.14.
- <sup>3</sup> A/72/347, para. 34 (m) and (p), and A/75/97, paras. 37 (k) and 38 (b).
- <sup>4</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 73, and CRC/C/OPAC/NPL/CO/1, para. 31.
- <sup>5</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 74. See also United Nations country team submission for the universal periodic review of Nepal, para. 11.
- <sup>6</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 74, and A/HRC/38/41/Add.1, para. 105 (a).
- <sup>7</sup> CRC/C/OPAC/NPL/CO/1, para. 20.
- <sup>8</sup> CEDAW/C/NPL/CO/6, para. 37 (d), A/HRC/38/41/Add.1, para. 105 (b), and United Nations country team submission, para. 11.
- <sup>9</sup> A/HRC/38/41/Add.1, para. 105 (b), and United Nations country team submission, para. 11.
- <sup>10</sup> A/HRC/38/41/Add.1, para. 105 (d), and United Nations country team submission, para. 11.
- <sup>11</sup> CEDAW/C/NPL/CO/6, para. 31 (e), United Nations country team submission, para. 9, and CERD/C/NPL/CO/17-23, para. 38.
- <sup>12</sup> A/HRC/38/41/Add.1, para. 105 (d).
- <sup>13</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.2–121.13, 122.1, 122.6, 122.8–122.9, 122.11–122.17, 122.19–122.22, 122.33, 122.36–122.37, 122.40, 122.42–122.43, 122.67, 122.69–122.73, 123.23–123.25, 123.29 and 124.7–124.8.
- <sup>14</sup> A/72/347, para. 34 (k), and A/75/97, para. 37 (i).

- <sup>15</sup> United Nations country team submission, para. 20, and letter dated 15 July 2019 from the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment addressed to the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva, pp. 1–2. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24691>.
- <sup>16</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 16.
- <sup>17</sup> A/HRC/41/42/Add.2, para. 78 (g).
- <sup>18</sup> CERD/C/NPL/CO/17-23, para. 10.
- <sup>19</sup> CEDAW/C/NPL/CO/6, para. 13 (a) and (c).
- <sup>20</sup> United Nations country team submission, para. 22.
- <sup>21</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.16–121.18, 121.120, 122.2–122.3, 122.35, 122.39 and 122.41.
- <sup>22</sup> Statement by the United Nations High Commissioner for Human Rights on 29 May 2020. Available at [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25913&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25913&LangID=E).
- <sup>23</sup> CERD/C/NPL/CO/17-23, paras. 13–14.
- <sup>24</sup> *Ibid.*, paras. 11–12.
- <sup>25</sup> CEDAW/C/NPL/CO/6, para. 41 (b).
- <sup>26</sup> CERD/C/NPL/CO/17-23, para. 16.
- <sup>27</sup> CRPD/C/NPL/CO/1, paras. 9–10.
- <sup>28</sup> CERD/C/NPL/CO/17-23, paras. 20–21.
- <sup>29</sup> United Nations country team submission, para. 68.
- <sup>30</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.30–121.32 and 122.115.
- <sup>31</sup> CERD/C/NPL/CO/17-23, paras. 22–23 (c)–(e). See also letter dated 14 August 2017 from the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on the human rights of internally displaced persons addressed to the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23122>.
- <sup>32</sup> United Nations country team submission, para. 70.
- <sup>33</sup> A/HRC/38/41/Add.1, para. 105 (e).
- <sup>34</sup> United Nations country team submission, paras. 79–80.
- <sup>35</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.23, 122.25 and 122.44.
- <sup>36</sup> CRC/C/NPL/CO/3-5 and Corr.1, paras. 28 (c) and 29 (c).
- <sup>37</sup> *Ibid.*, paras. 28 (a) and 29 (a).
- <sup>38</sup> CRPD/C/NPL/CO/1, para. 26.
- <sup>39</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.26–121.28, 122.4–122.5, 122.52–122.65, 123.28, 123.30 and 124.15.
- <sup>40</sup> A/72/347, para. 34 (f), and A/75/97, para. 37 (d).
- <sup>41</sup> Letter dated 16 March 2020 from the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences, addressed to the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva, p. 4. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25109>.
- <sup>42</sup> CEDAW/C/NPL/CO/6, para. 23 (b).
- <sup>43</sup> United Nations country team submission, paras. 37–38.
- <sup>44</sup> CEDAW/C/NPL/CO/6, para. 23 (a), and A/HRC/41/42/Add.2, para. 83 (b). See also United Nations country team submission, para. 38.
- <sup>45</sup> CEDAW/C/NPL/CO/6, para. 23 (a), and A/HRC/41/42/Add.2, para. 83 (b). See also press briefing note dated 1 May 2020 of the spokesperson for the United Nations High Commissioner for Human Rights. Available at [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25855&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25855&LangID=E).
- <sup>46</sup> CEDAW/C/NPL/CO/6, para. 23. (c)–(d), and A/HRC/41/42/Add.2, para. 83 (c) and (e).
- <sup>47</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.74 and 124.16.
- <sup>48</sup> CEDAW/C/NPL/CO/6, para. 15 (c), and A/HRC/41/42/Add.2, para. 86.
- <sup>49</sup> United Nations country team submission, para. 15.
- <sup>50</sup> UNESCO submission for the universal periodic review of Nepal, para. 20.
- <sup>51</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.25 and 122.46.
- <sup>52</sup> CERD/C/NPL/CO/17-23, paras 27–28 (a) and (c).

- 53 CEDAW/C/NPL/CO/6, para. 25 (d), and A/HRC/41/42/Add.2, para. 80 (a).
- 54 CEDAW/C/NPL/CO/6, para. 25 (c) and (f).
- 55 CERD/C/NPL/CO/17-23, para. 28 (b), and CEDAW/C/NPL/CO/6, para. 25 (b).
- 56 A/HRC/41/42/Add.2, para. 80 (b)–(c).
- 57 CEDAW/C/NPL/CO/6, para. 25 (a) and (e).
- 58 For the relevant recommendation, see A/HRC/31/9 and Corr.1, para. 122.71.
- 59 CRC/C/NPL/CO/3-5 and Corr.1, para. 44 (b).
- 60 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.78, 122.80 and 122.82.
- 61 United Nations country team submission, para. 54.
- 62 *Ibid.*, paras. 57–58.
- 63 CEDAW/C/NPL/CO/6, para. 35 (b).
- 64 A/HRC/38/41/Add.1, para. 105 (f).
- 65 CRC/C/NPL/CO/3-5 and Corr.1, para. 57 (d).
- 66 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.30, 122.79, 122.83–122.89, 122.111 and 122.113–122.114.
- 67 CRC/C/NPL/CO/3-5 and Corr.1, para. 57 (c).
- 68 United Nations country team submission, para. 51.
- 69 *Ibid.*, para. 49.
- 70 CRC/C/NPL/CO/3-5 and Corr.1, para. 63 (a).
- 71 United Nations country team submission, para. 50.
- 72 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.22, 122.90–122.95 and 122.98.
- 73 CRC/C/NPL/CO/3-5 and Corr.1, paras. 48 (b) and 49 (b).
- 74 United Nations country team submission, para. 59.
- 75 CEDAW/C/NPL/CO/6, para. 39 (b).
- 76 United Nations country team submission, paras. 60–61.
- 77 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.24, 122.96–122.97, 122.99–122.103, 122.106–122.108 and 124.18.
- 78 United Nations country team submission, paras. 62–63.
- 79 UNESCO submission, para. 18.
- 80 CERD/C/NPL/CO/17-23, para. 36 (c), CRC/C/NPL/CO/3-5 and Corr.1, para. 59 (b), and United Nations country team submission, para. 63.
- 81 CRC/C/NPL/CO/3-5 and Corr.1, para. 59 (c).
- 82 CRC/C/OPAC/NPL/CO/1, paras. 7–8.
- 83 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.18–121.19, 121.21, 121.24, 122.7, 122.10, 122.23, 122.32, 122.34, 122.45, 122.75–122.77, 122.81 and 122.104.
- 84 CEDAW/C/NPL/CO/6, para. 9 (a), and A/HRC/41/42/Add.2, para. 78 (b).
- 85 CRC/C/NPL/CO/3-5 and Corr.1, para. 35 (c), CEDAW/C/NPL/CO/6, para. 11 (c), and A/HRC/41/42/Add.2, para. 78 (k).
- 86 A/HRC/41/42/Add.2, para. 78 (c)–(d).
- 87 CEDAW/C/NPL/CO/6, para. 21 (a) and (c).
- 88 *Ibid.*, paras. 18 (a) and 19 (a)–(b), A/HRC/41/42/Add.2, para. 79 (a), and CRC/C/NPL/CO/3-5 and Corr.1, para. 38.
- 89 A/HRC/41/42/Add.2, para. 84 (a)–(b).
- 90 *Ibid.*, para. 78 (a), and CEDAW/C/NPL/CO/6, para. 31 (b).
- 91 Letter dated 21 September 2020 from the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on discrimination against women and girls addressed to the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva, p. 1. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25552>.
- 92 CEDAW/C/NPL/CO/6, para. 31 (a), CRC/C/NPL/CO/3-5 and Corr.1, para. 27, and United Nations country team submission, para. 28.
- 93 CEDAW/C/NPL/CO/6, para. 29.
- 94 United Nations country team submission, paras. 43–44.
- 95 *Ibid.*, paras. 29–30.
- 96 For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.47–122.51 and 122.66.
- 97 United Nations country team submission, para. 33.
- 98 CRC/C/NPL/CO/3-5 and Corr.1, paras. 68–69 (a)–(b).
- 99 United Nations country team submission, para. 34.
- 100 A/HRC/41/42/Add.2, para. 79 (b).
- 101 CERD/C/NPL/CO/17-23, para. 36 (b) and (d).
- 102 United Nations country team submission, para. 28.
- 103 CRC/C/NPL/CO/3-5 and Corr.1, para. 27.

- <sup>104</sup> Ibid., para. 35 (c).  
<sup>105</sup> CRC/C/OPAC/NPL/CO/1, paras. 19–20.  
<sup>106</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.109–122.110.  
<sup>107</sup> CRPD/C/NPL/CO/1, paras. 41–42.  
<sup>108</sup> Ibid., para. 14.  
<sup>109</sup> Ibid., para. 20.  
<sup>110</sup> United Nations country team submission, paras. 65–66.  
<sup>111</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.38 and 122.105.  
<sup>112</sup> CERD/C/NPL/CO/17-23, paras. 22–23 (a), (b) and (f).  
<sup>113</sup> CEDAW/C/NPL/CO/6, para. 41 (a).  
<sup>114</sup> CERD/C/NPL/CO/17-23, para. 26 (a)–(c).  
<sup>115</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 21 (c).  
<sup>116</sup> CERD/C/NPL/CO/17-23, paras. 29–30.  
<sup>117</sup> Ibid., para. 32.  
<sup>118</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 121.29, 122.112 and 123.7–123.9.  
<sup>119</sup> CERD/C/NPL/CO/17-23, paras. 37–38.  
<sup>120</sup> United Nations country team submission, para. 78.  
<sup>121</sup> Ibid. and CERD/C/NPL/CO/17-23, paras. 37–38.  
<sup>122</sup> A/HRC/38/41/Add.1, para. 110 (c). See also United Nations country team submission, para. 78.  
<sup>123</sup> A/HRC/38/41/Add.1, para. 105 (g).  
<sup>124</sup> Ibid., para. 106 (a), (b) and (h).  
<sup>125</sup> Ibid., para. 107 (a) and (b).  
<sup>126</sup> Ibid., para. 108 (b).  
<sup>127</sup> CEDAW/C/NPL/CO/6, para. 37 (a)–(c).  
<sup>128</sup> United Nations country team submission, paras. 72 and 75.  
<sup>129</sup> For relevant recommendations, see A/HRC/31/9 and Corr.1, paras. 122.68 and 122.70.  
<sup>130</sup> CRC/C/NPL/CO/3-5 and Corr.1, para. 60 (b).
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