



**JOINT SUBMISSION OF THE
UN COUNTRY TEAM (UNCT) OF NEPAL¹**

UNIVERSAL PERIODIC REVIEW (UPR)
OF NEPAL – 4th CYCLE

2025

I. Background

1. This report assesses the current relevance and implementation status of past UPR recommendations. Nepal received a total of 233 recommendations during the 3rd Cycle of the UPR in 2021. Nepal expressed support for 196 of these recommendations and took note of 37 recommendations.ⁱⁱ

2. Recommendations from the previous cycles of the UPR were only “noted” by the Government of Nepal for a range of reasons, some of which merit follow-up in the 4th Cycle : (i) the need to ensure requisite legal and institutional foundation and capacity to implement the prior to joining additional responsibility ;ⁱⁱⁱ (ii) the recommendation was deemed unnecessary given existing domestic provisions to address them;^{iv} or (iv) the recommendation was not considered feasible for reasons specific to Nepal.^v

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

3. Nepal updated its Common Core Document, in 2024 for the first time since 1994 reaffirming its commitment to the international human rights norms and standards. Nepal ratified the Palermo Protocol in 2022.

4. Recommendations in the previous three UPR cycles to ratify the *Convention on the Protection of the Rights of All on Migrant Workers and Members of their Families*, *Convention for the Protection of All Persons from Enforced Disappearance*, and *Optional Protocol to the Convention against Torture, Optional Protocol to Convention on rights of the child* has not been ratified and were noted.^{vi} The UNCT urges ratification of these instruments as well as the *Rome Statute of International Criminal Court* and commits to providing support to the government.

5. The UNCT reiterates its past UPR recommendations^{vii} in urging Nepal to accede to the *1954 Convention relating to the Status of Stateless Person*, *1961 Convention on the Reduction of Statelessness* and accede to 1951 Refugee Convention and its 1967 Protocol.^{viii}

6. The UNCT commends the Nepal Government’ submission of its periodic report to CEDAW. and encourages submitting other pending periodic reports to the treaty bodies.

7. UNCT welcomes extension of visit requests to two Special Rapporteurs in 2025. The UNCT reiterates the recommendations of the UPR 3rd cycle to accept pending requests for visits to Nepal from UN Special Procedures.^{ix} The UNCT urges attention to a backlog of pending replies to communications from Special Procedures.

III. National human rights law and institutions

8. The UNCT is concerned about threats to the rights to freedom of expression, opinion and association in Nepal. The proposed Social Media bill imposes disproportionate limitations on exercising freedom of expression by placing penal measures for mere sharing, commenting, reposting, tagging, or mentioning a piece of harmful content alongside publishing content with direct intention to disseminate harmful information. Ambiguous provisions referring to hate speech and incitement to hatred or enmity would affect dissemination of dissent and diverse opinions and voices. The UNCT urges alignment and compliance of draft Social Media bill, the Media Council bill with the international standards for freedom.

9. Only 15% of the National Human Rights Commission Nepal’s recommendations have been implemented to date.^x The UNCT recalls GoN support to strengthen the effectiveness of the NHRC.^{xi} The UNCT encourages the allocation of adequate human and financial resources to the other constitutional bodies (arts. 252-265), recalling the GoN’s UPR commitments.^{xii} The UNCT encourages adoption of the NHRC bill that aligns with Paris Principles.

10. The UNCT welcomes the adoption of the National Action Plan on the implementation of the UPR Recommendations and its alignment with the *Fifth National Human Rights Action Plan* (NHRAP). The UNCT recommends further strengthening national ownership of the forthcoming NHRAP through consultations and empowering provincial and local governments.

11. The UNCT reiterates its recommendation on the implementation of the Supreme Court decisions to ensure speedy administration of justice.

IV. Implementation of international human rights obligations, and applicable international humanitarian law

A. Equality and non-discrimination

Caste Discrimination

1. Constitutional guarantees against untouchability and discrimination, social justice and several affirmative actions of free education, access to land have been provided to Dalits. Yet, caste discrimination is consistently reported as a widespread and continuing challenge to the constitutional values of social justice, democratic participation, equitable development, land tenure security and equality. Despite efforts towards providing one time land to the landless Dalits through the institutionalization of the land commission, the outcome has been slow.

2. As reported in 2021 UPR, several factors are still identified as contributing to impunity for violations of the 2011 *Caste-based Discrimination and Untouchability (Offence and Punishment) Act*: lack of proactive enforcement by Nepal Police, reported delays and refusals of police to register FIRs in order to resolve matters informally, a 3-month limitation to file cases, the lack of awareness and confidence by victims to file cases, lack of victim and witness protection, and the need for the law to explicitly address indirect discrimination.^{xiii}

3. The UNCT is concerned on the reports of increased numbers of discrimination and cases of untouchability, including by public authorities. The UNCT recommends assessing the gaps in

the implementation of the laws, adoption of comprehensive anti-discrimination legislation, rigorous sensitization about the existing laws and developing necessary measures to ensure access to the legal remedy against untouchability and discrimination.

Discrimination against Political Participation of Women

4. The UNCT shares the concern expressed in numerous reports that meaningful political participation of women is in many cases blocked by patterns of discrimination^{xiv} and legislative loopholes.^{xv} The result of number of representation of women to the post of Deputy Mayor shrunk to 562 in 2022 elections compared to 700 in 2017 elections, while the increment of representation as Mayors were by six.

Birth Registration and Citizenship

5. The first amendment to the Nepal Citizenship Act 2006 was made in May 2023 resulting in issuance of citizenship certificates to more than 370,666 qualifying persons. However, an estimated 4.5 million Nepalis lack certificates^{xvi} due to various reasons^{xvii} including restrictive and discriminatory nationality laws and thereby have no access to the fundamental social, economic, and political rights of citizens. The 2021 Nepal Census reported 26% of children under 5 years of age in Nepal do not have birth registration certificates.^{xviii} This figure is higher among children between the ages of 6 and 15.^{xix}

6. The UNCT recommends that the GoN intensifies outreach and ensures timely issuance of legal identity documents (birth and citizenship certificates) to all eligible persons; expedite amendment of the Citizenship Act to enable citizenship documentation at birth; repeals gender discriminatory provisions for women, gender and sexual minorities including in its Constitution (2015) enabling them to confer nationality to their children and foreign spouses on an equal basis as men; and initiates measures to strengthen the accountability of enforcement agencies to the principle of equality under the law.

Gender-responsive budgeting

7. In the last ten years, the allocation of gender responsive budget has increased from 11.3% (2008/09) to 43.9% (2024/25) due to institutionalization of gender-responsive budgeting (GRB).^{xx} The effectiveness of the GRB allocations made is limited due to limited capacity of officials in modification of program strategies, actions or decisions more gender responsive.

8. The UNCT recommends promoting gender-responsive public finance management to increase gender equality including expansion of social security measures, and improved tracking and monitoring of expenditure across the three tiers in line with SDG localization.

Employment

9. The UNCT urges further measures to strengthen implementation of the *Elimination of Sexual Harassment in the Workplace* (2014) to the informal sector in addition to the formal sector. Women continue to face discrimination affecting hiring, retention, and conditions of employment.

Harmful Traditional Practices

10. The UNCT welcomes the criminalization of harmful practices^{xxi} and continues to support Government efforts to prevent and remedy discriminatory and harmful practices. The UNCT urges developing and implementing a comprehensive program including on social norm change aimed at eradicating harmful practices affecting women and girls, (including those with intersecting identities), with a focus on providing equal access to education, reproductive rights, and reproductive health services.

B. Rights of Children

Child Labour

11. There has been significant decline, over the period of one and half decade, in child labour in Nepal i.e. from 1.6 million in 2008 to 1.1 million children (a decrease of 15.3%).^{xxii} Among the children engaged in child labour, 3.2% were found to be engaged in hazardous work. The UNCT acknowledges prohibition of engagement of children below 18 years in hazardous occupation and review of the Hazardous Occupations list for children in 2023.^{xxiii}

12. The UNCT urges harmonization of inconsistent laws on child labor in Nepal that complicate enforcement efforts and protection of children from economic exploitation. The UNCT further encourages strengthening the monitoring and enforcement mechanisms to monitor the prevalence of child labor and provide support for integration and reduce the vulnerability to exploitation.

Child Marriage

13. In 2021 UPR, the GoN affirmed the need to abolish early and enforced child marriage and confirmed ongoing efforts.^{xxiv} Current data indicate that there has been modest decline in child marriage since 2016, 53.9% of women and 18.8% of men aged 20–24 was married before age 20, with 35.0% of women and 7.0% of men married before 18 years.^{xxv} UNCT acknowledges that the proposed Penal Code (First Amendment), 2025, maintains the minimum legal marriage age at 20 years. However, there are serious concerns about several provisions that could weaken existing legal protections, including legitimizing underage marriage, reducing accountability, increasing the risk of violence, early pregnancy, educational exclusion, and long-term socio-economic challenges for girls. The UNCT recommends effective monitoring of child marriage and using legal measures to prohibit under-age marriage, adopting diversion provisions for those who have married early, addressing unfair criminalization of minors, providing adequate remedies, healthcare support and legal aid, and psychosocial counseling including for married girls.

Justice for Children

14. While noting the importance of an independent mechanism to monitor child rights in UPR 2021, the Government indicated that the NHRC can effectively play this role.

15. The UNCT reiterates its recommendation to increase the age of criminal responsibility currently set at 10 years. Relying on a discretionary case-by-case approach to prosecuting children not only risks inconsistency but also exposes them to potential abuse and undermines the principles of child protection and rehabilitation. UNCT welcomes the decision of the GoN to establish the first Juvenile court at federal level and encourages the establishment of the fully functional juvenile benches, with availability of psychologists and social workers. It also recommends implementing restorative justice approaches within the juvenile justice system to promote rehabilitation and reintegration of children in conflict with the law.

C. Right to an Effective Remedy

Transitional Justice

16. Nepal adopted the amendment to the Act on Truth and Reconciliation Commission and Commission on Investigation of Enforced Disappeared Persons (CIEDP) in August 2024 encompassing elements of truth, justice, reparations for conflict victims in Nepal. Concerns remain on “threshold” to qualify the grave violation of the human rights as “targeted or planned against civilian or civilian communities” and the leniency imposed on the sentencing for gross human rights violations. UNCT welcomes the provisions that categorizes rape and serious forms of sexual violence as serious human rights violations for which amnesty cannot be granted and lifts the statutory limitation to file these cases.

17. The UNCT notes the appointment of the commissioners to lead the TRC and CIEDP. The UNCT encourages ensuring meaningful participation and engagement of the victims in the design and implementation of the Act to secure maximum credibility, trust and confidence of victims. UNCT also encourages adoption of gender, social inclusion, child sensitive and disability responsive policies and guidelines, effective, accessible communication and outreach to affected population and marginalized groups, robust monitoring frameworks, and adequate financial and human resources for the implementation of the Act.

Remedies for Torture, Extrajudicial Executions and Use of Force

18. There is reluctance from the law enforcement officials to register the cases of torture, custodial deaths and extra judicial executions in Nepal. There have been reports of excessive use of force by the law enforcement officials during protests and demonstrations. Between 2023 October and April 2025, death of 5 persons has been reported because of use of force. The UNCT encourages the government to adhere to the Basic Principles on Use of Force and Firearms by law enforcement officials.

19. The UNCT reiterates its recommendation to establish an independent accountability mechanism^{xxvi} to investigate human rights violations by the law enforcement agencies. The UNCT encourages the Government to consider eliminating the statute of limitations for torture.

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Remedies for Trafficking in Persons

20. The UNCT welcomes Government efforts to strengthen remedies for persons who are victims of coercion and deception leading to labour and sexual exploitation, including cases

linked directly and indirectly to transnational organized crime. The bill to amend the Human Trafficking and Transportation Control Act (HTTCA) incorporates provisions such as broad categorization of trafficking including taking away a child from their home or caregiver from one place to another for labor exploitation and smuggling.

21. The UNCT notes the important link between the physical transportation of persons and the forms of coercion and deception used by perpetrators. The NHRC Nepal reported 95% of trafficking victims being women with 45% belonging to indigenous nationalities, who experience incrementally more coercive forms of exploitation as they are moved through domestic and transnational networks.

22. The UNCT urges more effective imposition of administrative and criminal accountability and penalties as deterrents to criminal behavior (including by local sub-agents), the protection of victims and witnesses, access to information in the language of their preference, access to counseling and gender and child friendly rehabilitation services, and programmatic linkages with livelihood strategies that can help to overcome the barriers of social stigma and exclusion.

Remedies for Gender-based Violence

23. The UNCT notes the importance of wider efforts to ensure effective remedies for victims of violence against women including sexual exploitation and abuse (SEA). About 23% of women aged 15-49 have experienced physical violence, and 8% have faced sexual violence.^{xxviii} The UNCT recommends total elimination of statutory limitation to report rape case.

24. The UNCT urges the government to prevent and protect women and girls (cis, trans and non-binary) from all forms of gender-based violence and ensure effective and unhindered access to GBV response services and justice particularly through the roll out of a comprehensive package of essential services. The national response plan should prioritize availability, accessibility and quality of safe shelters, hotlines, One Stop Crisis Management Centers (OCMCs), psychological counselling and referral services, legal aid, inclusive and girls and women's centered protection systems along with livelihoods recovery support.

25. There is also a general lack of integrated nation-wide data management system connecting major service providers from local, provincial to federal level that enables management of disaggregated data on GBV and strengthens legal enforcement and implementation of laws and policies to ensure access to justice, services and reintegration/rehabilitation of GBV survivors, their children, LGBTIQ+ and Persons with Disabilities (PwDs). UNCT also urges comprehensive legislation on addressing GBV including the emerging forms such as technology-facilitated and climate induced violence along with strengthening multi-sectoral response mechanisms and their capacities to provide effective gender responsive and child sensitive services to the GBV survivors.

D. Right to an Adequate Standard of Living and Housing

Housing

26. The *Right to Housing Act* (2018) aims to address homelessness, however the housing gap is widening with decreasing affordability. The UNCT reiterates its recommendation from 3rd cycle to formulate statutory and regulatory measures capable of targeting the specific needs of safe and affordable housing for Dalits, Indigenous Peoples, urban poor, including communities on the verge of extinction, ex-Kamaiyas, ex-Haliya, and others. Providing access to land and secured land tenure to landless and unmanaged settlers is a prerequisite for safer housing and human settlements. The Land Act amended in 2020 provides for land to the landless and regularization of informal tenure, but the process has been slow.

Water, Sanitation and Hygiene

27. Substantive progress is made in access to WASH. 95.5% of households have access to basic sanitation facilities exceeding the national target of 89.9%.^{xxix} However, safely managed water and sanitation stands at 16% and 51% respectively.^{xxx} The disparities between various social, economic groups have implications on people living under poverty, especially children who are from low-income families. Children, particularly girls' right to WASH mainly in schools, have remained a major challenge. The UNCT welcomes and encourages effective implementation of Drinking Water and Sanitation regulations 2025. The UNCT reiterates its recommendation on removing barriers to accessing water supply with attention to the girls and traditionally excluded groups and address gaps in its continuous use.

E. Right to Food

28. Substantial progress has been made towards eliminating hunger and malnutrition. Nepal ranked 68th in the Global Hunger Index in 2024 compared to 81st in 2022 departing from serious hunger level in 2016 (21.2%) to 2022 (14.7%). Nepal is on course to meet SDG target for stunting, with the prevalence of child stunting having declined from 36% in 2016 to 25% in 2022. More effort is required for total eradication of the same. Recent reports indicate that 13% of *de jure* population experienced moderate or severe food security in the 12 months period while 1% experienced severe food insecurity.^{xxxi} The prevalence of food insecurity is highest in Karnali province (32%), the socio-economic condition remained one of the factors affecting food security as 27% who experienced moderate or severe food insecurity and 4% who experienced severe food insecurity come from lowest wealth quintile.^{xxxii} The UNCT recommends development of the guidelines and commencement of the process to identify food insecure households and adopt targeted assistance to the most vulnerable/food insecure households.

29. The GoN has adopted an Agriculture Development Strategy (ADS) (2015-2035) and adopted Multi Sector Nutrition Plans since 2013 to combat hunger and malnutrition. However, there is inadequate coordination among stakeholders and a lack of synergy and complementarity among the policies. The UNCT recommends the development of a coordination mechanism to integrate and actively coordinate the zero-hunger agenda and harmonize it with the ongoing implementation of the Multisectoral Nutrition Plan. Continuous efforts need to be made to address all forms of maternal and child malnutrition, including wasting and micronutrient deficiencies.

30. The bylaws for the Right to Food and Food Sovereignty Act (2018) were adopted only in 2024. The UNCT recommends the establishment of institutional architecture to strengthen coordination between the three tiers of the Government and strengthening the capacity of the

local level.

F. Right to Work and Conditions of Employment

31. In 2018, the GoN adopted the *Right to Employment Act*, that adopted the policy goal of ensuring at least 100 days of employment for eligible categories of workers, raised the minimum wage by 40%, and adopted an occupational health and safety policy. While welcoming these and other measures, the UNCT is concerned that implementation is weak, and accountability mechanisms are inadequate. The UNCT urges measures to strengthen labour inspection and enforcement by strengthening human resources and their capacity.

32. A recent survey on Nepal's industrial and service sector indicates that only 69.93% of the workers were issued employment contracts by the competent authority. Furthermore, 15.13% of workers receive wages below the legal minimum, only 21.89% of enterprises have an OSH policy in place, and just 14.71% maintain an OSH committee indicating weak labour administration and inspection system.^{xxxiii}

33. While formally not working as bonded labourers, *Haliyas, Kamaiyaas, Haruwa, Charuwa*, continue to live in deplorable conditions. They lack adequate access to land, food, housing, health, education and fair conditions of employment. The UNCT reiterates recommendations made in previous UPR cycles to address these longstanding issues.^{xxxiv}

34. The *Labour Act (2017)* and *Social Security Act (2018)* offer the opportunity to balance the interests of employers and workers. These measures include provisions regarding accidents, maternity, unemployment, health, and pensions. The Labor Act primarily governs the formal sector, while 80% Nepal's Labor Force is comprised of informal sector who are denied of minimum wages, social security benefits and proper contracts.

35. The Government's contribution-based Social Security Scheme has expanded its coverage from the formal sector to the informal as well as self-employed sector. Yet, reluctance remains from among the informal sector to enroll in the contributory SSF due to procedural hurdles and complex registration process. UNCT urges measures to introduce simplified registration process and strengthen awareness regarding the SSF.

G. Right to Health

36. Over the reporting period, significant progress was made in reducing morbidity and mortality among women and children. This relates in part to successful immunization coverage during the last 5 years (> 90% for all major antigens), interventions to reduce malaria, HIV and other neglected tropic diseases and expansion of maternal and newborn care programme.^{xxxv}

37. Public Health Service Regulation, 2020 further elaborates basic health services and emergency care which is state responsibility to be provided free of cost as per the constitutional mandate. Moreover, it also regulates health systems and promotes establishment and mobilization of multi-sectoral platforms to address social determinants of health. During the period, Nepal Health Sector Strategic Plan 2022-2030 with health sector priorities and key indicators has been approved and under implementation.

38. UNCT acknowledges the adoption of the national adolescent health and development strategy 2018 and calls for institutionalization and national scale-up of Comprehensive Sexuality Education (CSE) and adolescent-friendly sexual and reproductive health services. It also welcomes the national mental health strategy and action plan 2020 considering the COVID-19 induced exacerbated mental health concerns that surged 40 per cent teenage suicide rates adding to the trauma experienced by victims of violence, including gender-based violence. Mental health issues remain stigmatized, affecting the take-up of psycho-social counselling and emerging mental health services. These should be considered during the review and updating of the current National Mental Health Strategy planned for 2025/26.

39. The Safe Motherhood and Reproductive Health and Rights Act (2018) responds to the policy goal of better servicing marginalized and vulnerable groups through decentralization of health services and should be complemented with investments in midwifery-led care and targeted outreach to underserved communities. Although 80% of births are attended by skilled providers and 79% occur in health facilities, quality concerns persist as 57% of maternal deaths occurred in health facilities and 17% while enroute or during referrals.^{xxxvi} Neonatal mortality remains stagnant at 21 deaths per 1,000 live births, accounting for 64% of under-five deaths, largely due to gaps in postnatal care. Significant disparities exist across regions and communities. Vulnerable and marginalized groups face compounded barriers due to socio-cultural norms and systemic exclusion.

40. The UNCT recommends enhancing planning and budgeting processes by streamlining human resource management between different tiers of government to address existing challenges in maternal, newborn and child healthcare delivery. Targeted interventions to overcome socio-cultural and structural barriers that hinder disadvantaged groups from accessing maternal health services, incorporating an intersectional.

H. Right to Education

41. Although enrolment in primary education remains constant at around 97%, there is a steady decline in the completion rate from 82% at primary level to 73% at lower secondary and only 27% at upper secondary. The completion rate for girls is higher at primary and lower secondary level while the decrement is reported in the upper secondary level. The socio-economic conditions and inequities play a prominent role as the completion rate of rural children is 19% less than urban children.^{xxxvii}

42. The School Sector Development Plan 2022- 2032 aims to address many challenges in education to ensure equitable access to education by the socio-economically disadvantaged groups and children with disabilities, improve quality education, promote lifelong learning, enhance capacities of all institutions and individuals in delivery of quality education. The UNCT recommends making basic education free and compulsory and taking necessary measures to ensure education to accessible to all in their mother tongue or familiar language. It also recommends passing the new federal Education Act that would resolve issues around governance, resource allocation, teacher management and language of instruction. UNCT also

encourages targeted interventions for inclusive education.

43. UNCT recommends that the GoN “reinforce actions to promote equality and inclusion in education, including by enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to “lower castes”, Indigenous groups and religious and linguistic minority groups and girls with disabilities, by training teachers on inclusive pedagogies schools and by monitoring the implementation of those measures in the framework of the government’s school education sector plan and in line with Education Policy 2019. It also urges targeted interventions for out-of-school adolescents, particularly girls from excluded and disadvantaged groups.

I. Rights of Persons with Disabilities

40. The UNCT acknowledges the adoption of the regulation in 2020, the Disability Policy in 2021, welcomes collection of disability-disaggregated data in National Census held in 2021. UNCT encourages the disaggregation of data to reflect the intersectionality and complexity of diversity based on caste, gender ethnicity, class, geography and age. PwDs are affected disproportionately by hindered access to hygiene materials, health services, medicines, access to quality health care and justice. UNCT recommends establishing safe, accessible, and confidential mechanisms to report and address discriminatory practices within the health system, ensuring accountability and promoting equitable access to quality health care for PwDs.

41. The UNCT reiterates its recommendation on removing legal and practical barriers such as physical infrastructure, widespread stigma, inadequate registration, limited resource allocation, lack of access to inclusive services, and employment for PwDs as well as aligning the Education Act with the Convention on the Rights of Persons with Disabilities.

J. Gender and Sexual Minorities

42. Despite several advances made in LGBTIQ+ rights, including prescription of affirmative actions, and the right to social justice as fundamental rights, there are still notable gaps in the implementation of laws. LGBTIQ+ communities continue to face discrimination, stigma, and violence remain widespread in the communities. Legal provisions on rape (act imposed by men upon women; marriage as a union between a man and a woman etc.) are still exclusionary and discriminatory against LGBTIQ+. There are legal and procedural barriers for accessing citizenship, self-determined gender identity.

43. The June 2023 interim order of the Supreme Court directed the government authorities to undertake temporary marriage registration of the same sex couples until amendment is made in the National Civil Code guaranteeing the freedom to marry. The UNCT urges legalization of same-sex marriage in line with the 2007 Supreme Court ruling^{xxxviii} and the recommendation made by the government appointed committee on the study of same sex marriage in 2015^{xxxix}. The UNCT further urges to review, amend, and repeal laws, policies and procedures that are discriminatory towards LGBTIQ+ communities ensuring effective prosecution and penalization of violence and discrimination against them along with the guarantee of effective remedies and measures to improve their representation at all levels.

K. Indigenous Peoples

44. Despite positive efforts made in amendment of several laws in spirit of constitutional guarantees for inclusion and proportional representation, many of the provisions related to indigenous peoples such as right to preserve and promote own language, script, culture, cultural civilization and heritage etc. are not translated into policies, acts, rules and regulations.^{xi} The UNCT urges to transparently assess existing laws that affect the rights of IPs with the participation of right holders and to take necessary measures to refine or make new laws in line with ILO Convention No. 169, UNDRIP and other international instruments.

45. Despite the requirement for community engagement in planning and rollout of local infrastructure projects and conservation areas- various development projects have been implemented without Free, Prior and Informed Consent (FPIC) of the IPs. Reports have indicated that the application of the FPIC processes has either been limited to performative tasks that fail to uphold the right to withdraw consent on projects and activities that affect IP rights. There have been incidents involving retaliation, detention, false criminal charges as well as use of forces etc.

46. The UNCT recommends ensuring full-fledged meaningful participation and engagement of IPs while making any decisions that affect their rights over natural resources such as land, water and forest. The UNCT recommends revision to the draft National Action Plan to implement the ILO 169 Convention in consultation with the IPs to fully reflect the new governance structure of the country, ensure allocation of adequate resources, and monitoring and effective mechanism.

L. Rights of Migrant Workers and their Families

47. The UNCT welcomes the government's initiatives in making labor migration process transparent, digitized and decentralized, through roll out of Foreign Employment Information Management System (FEIMS). This system will also record information of returnee migrants and enable them to file their complaints/grievances online. The FEIMS has potential to track rising third country migration such as from GCC and Malaysia towards Europe.^{xii} The UNCT encourages to ensure easy access of migrant workers to correct information on labor migration processes and obtain labor permits in stepwise migration processes.

48. The amended Foreign Employment Act (2007) and Rules (2008) intends to make private recruitment agencies more responsible and accountable towards migrant workers. Practices such as excessive recruitment fees and contract substitution remain prevalent due to weak enforcement of accountability provisions. The UNCT encourages a 'whole of government and society' approach while reformulating the Foreign Employment Act and negotiating labor agreements, deploying requisite labor attaché at destination countries.

49. Government efforts to reduce the exploitation and vulnerability of women migrant workers in the domestic sector of work continues to have negative unintended consequences. Women have resorted to irregular channels and become even more exposed to exploitation and harm. In receiving countries, Nepali migrant workers lack adequate consular support services. The UNCT recommends lifting the restriction on domestic workers while strengthening administrative and criminal enforcement.

50. The government has undertaken efforts to support the reintegration of the returnee migrant workers, including by mandating the local Employment Service Centers to support returning workers socio-economic reintegration.^{xliii} Further, the coverage of the Social Security Fund has also been extended to the migrant workers. UNCT recommends alignment of new Labor Migration Policy with the Global Compact on Safe, Orderly and Regular Migration and in adherence to the UN Guiding Principles on Business and Human Rights.

51. The UNCT welcomes the adoption of the National Action Plan on Business and Human Rights (2023), aligning with international standards to ensure labour rights, migrant protection, consumer rights, and social inclusion. UNCT recommends the institutionalization of the NAP on business and human rights, build capacity for its implementation at all levels, engagement of the private sector, and effective monitoring of the action plan.

M. Rights of Refugees

52. Nepal has a longstanding tradition of admitting and hosting refugees. In 1995, Nepal last issued documentation to Tibetan refugees above 16 years who arrived from 1959 – 1989. Today, an estimated 75% of 12,540 Tibetan Long Stayer refugees lack documentation, posing problems in every aspect of their life. Aprox. 6,365 Bhutanese refugees remain in Nepal. In 2021 the GoN adopted policy on Bhutanese refugee solution measures granting them access to public services mainly to health and education and to do general trade and business. However, it has yet to be implemented fully including to enhance Bhutanese refugees' access to legal employment in and outside the settlements. In 2023, GoN started issuing refugee identity cards solely to Bhutanese refugees. However, some categories of Bhutanese refugees including those in detention on various charges, those married to Nepalis or foreigners and their children and those who turned 16 since March 2022 remain without Refugee ID cards. Moreover, there are some resettled Bhutanese who have been recently deported by the United States of America to Bhutan who have been directed to come to Nepal and who were detained by Nepalese authorities. They are at risk of being refouled to Bhutan where they could face persecution.

53. Nepal considers refugees of other nationalities to be irregular migrants^{xliiii} and imposes an eight USD/ per day fine^{xliiv}. The Government may wave fines, ad hoc, for UNHCR mandate refugees departing on resettlement or voluntary repatriation. However, this process is long and complex.

54. The UNCT reiterates its recommendation that the GoN registers and documents all Tibetan Long Stayer refugees; continues providing access and safe passage through its territory for new Tibetan arrivals; engages with Bhutan on the voluntary repatriation of refugees; issues identity documentation for all refugees in Nepal granting the right to work and own businesses, ensures equal access to public education, health, and social protection ensures birth registration for all including to all refugee children and issue birth registration certificates without discrimination on country of origin or parent's legal stats; puts mechanisms in place to ensure respect for the principle of non-refoulement and non-penalization for irregular entry or stay; and adopts national refugee legislation in line with international standards.^{xliv}

N. Right to Development and Climate Change

55. UNCT acknowledges adoption of National Climate Change policy 2019 and National Adaptation Plan (NAP) 2021-2050, third Nationally Determined Contribution (NDC3.0^{xlvi}) aligning commitments under Paris Agreement and integrating GEDSI. However, implementation remains weak due to limited financial resources, lack of technical capacity, insufficient public awareness and poor implementation reaching out to vulnerable populations including women, children, PwDs and elderly. The UNCT recommends effective implementation of NAP and NDC3.0 by effective coordination across sectors and accessing national and international climate finance resources.

56. UNCT reiterates its recommendation to review the Act and regulation in line with the international laws and effective implementation of the recommendations made by EIA and IEE to ensure environmentally friendly and sustainable development. The UNCT recommends the adoption of separate climate change legislation and effective coordination between all relevant agencies.

57. The UNCT recommends the greater use of demographic intelligence in national planning, budgeting, and monitoring. Investments in population data systems, including census follow-up, vital statistics, and geospatial mapping, are essential to effectively respond to Nepal's evolving demographic profile - particularly in addressing aging, urbanization, youth bulges, and migration patterns.

ⁱ The drafting process was coordinated by UN RCO with contributions from FAO, ILO, IOM, UNICEF, UNDP, UNESCO, UNFPA, UNHCR, UN Women, WFP, WHO, UNODC, UNOPS.

ⁱⁱ Human Rights Council, *Report of the Human Rights Council on its thirty-first session*, A/HRC/31/2 (22 July 2016), paras 686-688.

ⁱⁱⁱ Human Rights Council, *Report of the Working Group on the Universal Periodic Review Nepal* A/HRC/47/10 (28 April 2021), paras 159.2,159.6,159.4,159.8,159.15,159.16,159.17,159.18,159.19,159.20,

^{iv} *Ibid.*, paras 159.4,159.11,159.12,159.13,159.14,159.31, 159.36,159.107, 159.37, 159.46, 159.57,159.89,159.205,159.76,159.87,159.87,159.86, 59.218

^v *Ibid.*, paras 159.218.

^{vi} Human Rights Council, *Report of Working Group* (8 March 2011), A/HRC/17/5, para 47; and UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Nepal – Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review* (24 February 2016), A/HRC/31/9/Add.1, para 18; Report of the Working Group on the Universal Periodic Review (28 April 2021), A/HRC/47/10/Add.1, paras 159.4,159.15,159.16,159.17,159.20.

^{vii} UN Human Rights Council, *Compilation by the Office of the UNOHCHR* of 31 August 2015, A/HRC/WG.6/23/NPL/2, para 9 and 29 October 2020 A/HRC/WG.6/37/NPL/2, para 8.

^{viii} As also referenced by the Supreme Court in 2007 - Mahmood Rashid vs. the Ministry of Home Affairs et.al. Writ no. 0040 of 2064 BS (2007).

^{ix} Recommendation 159.10 on Cooperation and follow-up with Special Procedures

- ^x The National Human Rights Commission is a constitutional body that retained its ‘A’ accreditation by GANHRI in March 2019. This status owes in part to the GANHRI Sub-Committee’s recognition of NHRC efforts to strengthen the independence of the commissioner selection process, to ensure the NHRC’s financial independence, and to advocate for implementation of its recommendations. See: GANHRI, *Sub-Committee on Accreditation Report* (March 2023), pp. 26-29 available at [SCA-Report-march-2025-session_13052025_EN.pdf](#).
- ^{xi} Human Rights Council, *Report of the Working Group on the Universal Periodic Review Nepal A/HRC/31/9* (23 December 2015), paras. 114, 121.10-13, 122.15-16, 131.; Report of the Working Group on the Universal Periodic Review (28 April 2021), A/HRC/47/10/Add.1.
- ^{xii} Human Rights Council, *Report of the Working Group on the Universal Periodic Review Nepal A/HRC/31/9* (23 December 2015), para. 12, 63, 122.17. ; Report of the Working Group on the Universal Periodic Review (28 April 2021), A/HRC/47/10/Add.1. The thematic constitutional human rights bodies are either not functioning or unable to fulfill their mandates due to acute resource, personnel, and operational problems.
- ^{xiii} Dalit Civil Society Organizations’ Coalition for UPR, Nepal and International Dalit Solidarity Network (IDSN), Submission to Nepal’s 2nd Cycle of the UPR (2015), para. 13.
- ^{xiv} Particularly at the intersection of gender, caste, and cultural identity (Indigenous, Madhesi and other ethnic groups), women representatives are marginalized from traditional patriarchic and elite decision-making processes. The UNCT will continue to support Government or civil society-led initiatives to build capacity and to develop mechanisms of accountability to address any direct or indirect forms of discrimination.
- ^{xv} A loophole in article 70 of the Constitution pertaining to the election of the President and Vice-President (specifying that they should be from a different sex or community) resulted in both the President and Vice-President being men from different communities. Similarly, the Local Elections Act Article 17. 4, explicitly states that when political parties are filing 8 for Mayor, Deputy Mayor, Chair, Vice-Chair, and Chair and Vice-Chair of District Co-ordination Committees, 50 percent of candidates must be women. The next sentence in the same article states that if political parties file only one candidate, then the 50 percent provision for women shall not prevail. As a result, the number of women representations has decreased significantly.
- ^{xvi} Forum for Women, Law and Development (FWLD), ACQUISITION OF CITIZENSHIP CERTIFICATE IN NEPAL: ESTIMATION AND PROJECTION 2023, indicates that there are approximately 4.53 million eligible people in Nepal who lack citizenship certificates. This is the 19.6 per centage of Nepal's total population.
- ^{xvii} <https://fwld.org/wp-content/uploads/2019/06/Acquisition-of-Citizenship-Certificate-in-Nepal.pdf>
- ^{xviii} Population | National Population and Housing Census 2021 Results. <https://censusnepal.cbs.gov.np/results/population>
- ^{xix} Citizenship laws of Nepal set age of 16 to acquire citizenship certificate.
- ^{xx} GoN, 2019, “Gender Equality in Nepal: Facts and Figures” 2024, p.61.

^{xxi} Including child marriage, dowry, preference for male children, polygamy, discrimination against

widows, accusations of witchcraft. Other practices include *chhaupadi* (a form of menstrual exile practices in Nepal, is a Hindu tradition where women and girls sleep in small huts or animal sheds during menstruation and immediately after childbirth); *jhuma* (a woman or a girl who has been forced into nunhood, through a cultural practice observed amongst Sherpas where the second girl child of the family is offered as a gift at a monastery to god, to offering young girls to Buddhist monasteries to perform religious functions); and *deuki* (the offering of young girls to temples for ceremonial purposes). Despite criminalization, the culture of son preference leads to a high sex-selective abortion rate, with 112 boys born for every 100 girls in 2021. Chhaupadi, dowry violence, and caste discrimination persist, fueled by entrenched religious and cultural beliefs. Menstruating women are isolated in huts, and witchcraft accusations have surged, with a 79% increase in registered cases from 2020 to 2021. Inadequate police resources and poor enforcement of anti-discrimination laws exacerbate these issues, especially for Dalits.

^{xxii} [Nepal Child Labour Report-2021 Final.indd](#)

^{xxiii} Ministry of Labor, Employment and Social Security (MoLESS) in 2023 amended the list of Hazardous Occupations for Children. As per the new list children below the age of 18 years are not allowed to be employed in the new sectors like Brick Production, Adult Entertainment Industry and Domestic work in debt bondage conditions. Similarly, the Government has adopted a Directive - Child Labour Free Local Level Declaration Procedure, 2020 to initiate a holistic approach to tackle child labour through local governments. So far, 10 local governments have completed the process to declare themselves as child labour free municipalities.

^{xxiv} Human Rights Council, *Report of the Working Group on the UPR* (28 April 2021).

^{xxv} Nepal Demographic and Health Survey, 2022, available at [FR379.pdf](#)

^{xxvi} Human Rights Council, *Report of Working Group* (8 March 2011), A/HRC/17/5, para 108.15; Human Rights Council, *Addendum* (1 June 2011), A/HRC/17/5/Add.1, para 108.15; Human Rights Council, *Report of the Working Group on the Universal Periodic Review Nepal* (23 December 2015), A/HRC/31/9, paras 124.15, 131.

^{xxvii} UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Nepal – Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review* (24 February 2016), A/HRC/31/9/Add.1, para. 24.

^{xxviii} National Demographic and Health Survey, 2022, Ministry of Health. In cases related to sexual violence, 64.6 % of the victims were girls (Nepal police data [FY 2080-81 Annual Infographics - EN](#))

^{xxix} Voluntary National Review of Sustainable Development Goals, Nepal June 2024, p 33 available at [cqcvxyd8msowlpij.pdf](#)

^{xxx} SDG 6 snapshot in Nepal available at [Country \(or area\) | SDG 6 Data](#)

^{xxxi} Nepal Demographic and Health Survey, 2022, Ministry of Health.

^{xxxii} Nepal Demographic Health Survey, 2022, Ministry of Health, p 18.

^{xxxiii} Labor Audit Report, 2022, Status of implementation of Labor Law, GEFONT.

^{xxxiv} Human Rights Council, *Report of Working Group* (8 March 2011), A/HRC/17/5, paras. 106.49 (enjoyed

support of Nepal), 107.20 (already being implemented); and Human Rights Council, *Report of the Working Group on the UPR* (23 Dec 2015), A/HRC/31/9, para. 122.82.

^{xxxv} Leprosy, Kala-azar, Lymphatic filariasis, Soil-transmitted Helminths etc.

^{xxxvi} Nepal Demographic and Health Survey, 2022,

^{xxxvii} Nepal Education Fact Sheet, 2022, Government of Nepal and UNICEF.

^{xxxviii} The 2007 Supreme Court decision in Pant V. Nepal in which the bench ordered the government to legally recognize a third gender category, audit all discriminatory against LGBT people, and form a committee to study legal recognition of same-sex relationships.

^{xxxix} The 2007 Supreme Court decision in Pant V. Nepal in which the bench ordered the government to legally recognize a third gender category, audit all discriminatory against LGBT people, and form a committee to study legal recognition of same-sex relationships.

^{xi} Monitoring report on Indigenous rights and Development, LAHURNIP, 2019 available at <https://www.lahurnip.org/uploads/articles/Monitoring%20Report.pdf>

^{xli} As per the data of Department of Foreign Employment, Labor, the Labor Approval Record for Fiscal Year 2024-2025- the number of Nepalis leaving for employment in European nations surged by 46 percent during the first eight months of current fiscal year 2024/25 and a total of 34,366 individuals obtained labor permits to work in Europe

^{xlii} Reintegration Programme (Operation and Management) Directives for returnee migrant workers (2022), Integrated Labour and Employment Service (Operation and Management) Procedure, 2023.

^{xliii} By the end of 2019, UNHCR Nepal had registered 60 asylum-seekers and recognized 638 refugees under its mandate from over ten nationalities.

^{xliv} Section 29 and Schedule 9 of the Immigration Rules, 1994 has provisions: Tourist visa extension is done for minimum 15 days with USD 45 and USD 3 per day for additional days and in the case of delay less than 150 days additional USD 5 per day as late fine.

^{xlv} As also referenced by the Supreme Court in 2007 - Mahmood Rashid vs. the Ministry of Home Affairs et.al. Writ no. 0040 of 2064 BS (2007).

^{xlvi} <https://unfccc.int/sites/default/files/2025-05/Nepal%20NDC3.pdf>