

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: *Fourth Cycle, 51<sup>st</sup> Session***

**NEPAL**

**I. BACKGROUND INFORMATION**

Nepal has not ratified the *1951 Convention relating to the Status of Refugees* nor its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Neither has Nepal ratified the *1954 Convention relating to the Status of Stateless Persons* nor the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively).

Nepal lacks a national legal refugee or statelessness protection framework, and its nationality laws do not fully comply with international standards relating to the prevention and reduction of statelessness. Nevertheless, Nepal has demonstrated its commitment to human rights principles by acceding to or ratifying other major international human rights treaties such as the ICCPR and CAT (which incorporate the principle of non-refoulement implicitly or explicitly) and CRC, CEDAW, CESC, CRPD, and CERD.

Nepal has a longstanding tradition of admitting and hosting refugees. Tibetan refugees arrived in 1959 and Bhutanese refugees arrived in 1990/1991. Of the 1,009 urban refugees residing in Nepal, the majority are Rohingya refugees who arrived between 2012 and 2017. Between 2007 and 2016, more than 100,000 Bhutanese refugees were resettled from Nepal to eight countries as part of a group resettlement programme; those who opted not to be resettled at that time had expressed their wish to remain in Nepal until they could return to Bhutan.

As of 31 December 2024, Nepal hosted a total of 19,914 refugees of whom approximately 32 per cent were children and 52 per cent were women. Of this 12,540 were Tibetan refugees, 6,365 were Bhutanese and 1,009 were urban refugees from 15 different nationalities.

Nepal has created a National Unit for the Coordination of Refugee Affairs (NUCRA) within the Ministry of Home Affairs, headed by the NUCRA Coordinator/ Joint Secretary. There is also a Refugee Coordination Unit in Jhapa district, Koshi Province, headed by the Chief District Officer (CDO) mainly to look after Bhutanese refugee issues.

All refugees have access to public education and healthcare at the same cost as nationals; however, they do not have the right to legally engage in work, and for the most part, they must labor in the informal sector leaving them vulnerable to exploitation.

The Government of Nepal is responsible for the issuance/renewal of refugee documentation to long-stayer Tibetan and Bhutanese refugees. However, no refugee or identity documentation has been provided to Tibetan refugees since 1995. Issuance of travel documents are increasingly restricted and only issued to those among these populations that possess refugee documentation according to restrictive criteria, after a cumbersome process.<sup>1</sup>

Birth registration which was previously available to Bhutanese refugee children was stopped in 2024, as the new online system automatically assigns applicants with a number linked to the National Identity Number of Nepalis and therefore prevents non-nationals from accessing

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<sup>1</sup> Only for spouse, children and parents.

the service. Birth registration has never been available to Tibetan and urban refugees, with Tibetan refugees only receiving a “Nissa” or proof of birth which has no legal status.

The biggest challenge for refugees in Nepal remains that over half of the refugee population do not possess any Government of Nepal identity documentation and are hence formally excluded from most basic rights and services and from legally accessing livelihoods.

In addition, many Nepalis lack citizenship certificates<sup>2</sup> due to various<sup>3</sup> reasons including restrictive and gender discriminatory nationality laws. According to the 2021 census, 1,688,886 children are living with single mothers<sup>4</sup> and these children are currently at risk of statelessness as a Nepali woman cannot independently confer her citizenship to her child due to gender discriminatory citizenship laws.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

UNHCR welcomes a number of positive developments since Nepal’s 3rd Cycle UPR, including:

- In November 2021, the Government of Nepal, through its Cabinet, adopted the Bhutanese Refugees’ Solution Measures allowing Bhutanese refugees to access public services including education and health and to engage in small trade/businesses and agricultural activities within the refugee settlements.
- With UNHCR’s support, the Government of Nepal renewed Refugee Identity Cards for 2,882 Bhutanese refugees in 2023.
- Nepal amended the Nepal Citizenship Act, 2006 to align with its 2015 Constitution in 2023 and tabled a second Amendment Bill in the Federal Parliament in 2025 to ease the issuance of citizenship certificates, particularly for children of Nepali citizen mothers where the father is unidentified.

## III. KEY RECOMMENDATIONS FOR FURTHER IMPROVEMENT

### Issue 1: Access to legal identity documentation

Nepal does not have universal birth registration. The births of refugee children are not registered nor are they issued with birth registration certificates. Birth registration of Bhutanese refugee children, which was previously taking place, has been stopped since 2024. Tibetan refugee children are only issued with a “Nissa” or proof of birth which has no legal validity, and the births of urban refugee children are not registered, and neither are they issued with any birth document.

The Government of Nepal has granted refugee status on a prima facie basis on humanitarian grounds only to the Tibetan long-stayer and Bhutanese refugees. Refugees from other countries are considered illegal migrants if they do not have a valid visa for Nepal and are subjected to a visa fee and a US\$ 8.00 per day late (overstay) fine per person once their visas expire. Urban refugees and asylum seekers are required to pay this fee and fine to exit Nepal.

Tibetan long-stayer and Bhutanese refugees are issued refugee documentation by the Government of Nepal, while urban refugees are issued refugee documents by UNHCR as they are not recognised by the Government.

<sup>2</sup> 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 lack citizenship certificates. This is 19.6 per cent of Nepal’s total population.

<sup>3</sup> <https://fwld.org/wp-content/uploads/2019/06/Acquisition-of-Citizenship-Certificate-in-Nepal.pdf>

<sup>4</sup> <https://censusnepal.cbs.gov.np/results/downloads/national?type=data>

Tibetan long-stayer refugees were last issued documents by the Government of Nepal in 1995<sup>5</sup>, when all those who were aged 16 and above during the last verification in 1993 were issued with refugee cards. As a result, of the 12,540 Tibetan long-stayer refugees, an estimated 75% or all those below the age of 16 in 1993 or born thereafter, do not possess Government documentation nor any kind of legal identity documentation. This leaves these individuals in a vulnerable situation, unable to access many services and at risk of becoming stateless.

While the majority of Bhutanese refugees are issued official refugee documents, there are categories of Bhutanese refugees who are yet to be issued documents or to have their expired documents renewed.

In 2023, the Government of Nepal renewed the Refugee Identity Cards of 2,882 Bhutanese refugees. However, Refugee Identity Cards have not been issued to Bhutanese refugees (a) who turned 16 years of age after March 2022 (220 individuals); (b) detainees on various criminal charges in Nepal (47 individuals)<sup>6</sup> and (c) refugees in mixed-marriages and their children (2,434)<sup>7</sup>. In addition, there are delays in the issuance of travel documents and, despite Government directives and circulars issued from the central level in 2003, the registration of other vital events of Bhutanese refugees - namely marriage, death, and divorce - has yet to be implemented.

In November 2021, the Government of Nepal through a Cabinet decision decided to allow Bhutanese refugees to engage in general trade and business and access public services such as education and health. However, the formal right to work has not been granted to refugees and the 2021 Cabinet decision is yet to be fully implemented.

#### Recommendations:

- (a) Issue legal identity documents to all refugees, including official birth certificates to all children born in the territory of the country,<sup>8</sup> and grant them the right to lawful permanent residency status and to work and establish businesses, in order to facilitate their inclusion and self-reliance<sup>9</sup>.
- (b) Urgently address the lack of legal identity faced by Tibetan refugees who have resided in Nepal for several decades or are born in Nepal.

#### **Issue 2: Continued protection for refugees and asylum-seekers**

The Government of Nepal should be commended for generously hosting Tibetan and Bhutanese refugees for decades, as well as refugees from 15 other countries as it has been providing protection and security to these refugees and asylum-seekers. Appreciating this, Nepal should be urged to continue providing this protection and to continue to respect the principle of non-refoulement in line with its international human rights obligations and recommendations from the previous UPR cycle.<sup>10</sup>

#### Recommendation:

- (a) Continue providing protection to asylum-seekers and refugees in Nepal, including non-Tibetan and non-Bhutanese refugees, in full respect of the principle of non-

<sup>5</sup> Ministry of Home Affairs/ National Unit for the Coordination of Refugee Affairs (MOHA/NUCRA), REFUGEES IN NEPAL: A SHORT GLIMPSE, October 2019.

<sup>6</sup> Letter sent by UNHCR to MOHA on 7 May 2024 with Bhutanese refugees' detention list (Ref. NEP/065/2024).

<sup>7</sup> As per UNHCR Annual Statistics Report (ASR) 2020, there are total of 553 refugee men married to non-refugee women (Nepali 343 and Indian 210). Data as of July 2018, there are total of 431 refugee women married to non-refugee men (Nepali 220 and Indian 211) married to refugee women. There are total of 1,450 children from both mix-marriages.

<sup>8</sup> Per its obligations as a State party to the Convention on the Rights of the Child. See also [CMW/C/GC/4-CRC/C/GC/23](#) ("urg[ing] States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents").

<sup>9</sup> Also in light of the 3<sup>rd</sup> Cycle UPR recommendation: 159.232 Register and verify all Tibetan, Bhutanese and other refugees followed by issuance of identity documents with the formal right to work and access services (United States of America) (A/HRC/47/10/Add.1 - Para.17)

<sup>10</sup> A/HRC/47/10/Add.1 - Para.17 (159.229, 230 & 233)

refoulement.

### **Issue 3: Accession to international legal instruments**

Nepal is not party to the *1951 Convention* and has not enacted national refugee legislation despite the Supreme Court of Nepal drawing the attention of the Government to this issue in 2007<sup>11</sup> and the fact that Nepal has been hosting refugees at least since 1959.

Nepal has also not ratified the *1954 Convention* nor the *1961 Convention*. The *1961 Convention* establishes safeguards to prevent statelessness at birth and protects against statelessness among women arising from any changes in their personal status while the *1954 Convention* is also an important instrument to ensure non-discrimination in the enjoyment of human rights by stateless persons, including stateless children. It provides a number of rights that allows stateless children to overcome their marginalization, such as, the right to an internationally recognized legal status, travel documents and identity papers. Accession to the *1954 Convention* would establish a framework to protect the human rights of stateless children.

#### **Recommendations:**

- (a) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact relevant domestic refugee legislation to enhance refugee protection in the country.
- (b) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness<sup>12</sup>, and strengthen efforts to prevent and reduce statelessness.

### **Issue 4: Universal birth registration and civil documentation**

Despite the Constitutional guarantee of the fundamental right of every child in Nepal to birth registration with identity in Article 39(1) of the Constitution of Nepal, relevant laws governing vital events registration, mainly the National ID Card and Civil Registration Act, 2020 and the National ID Card and Civil Registration Regulation, 2021, require the citizenship certificate of the father or mother and their national ID number to register the birth of their child.<sup>13</sup> This poses a barrier to universal birth registration and leads to the systematic exclusion of certain refugee children and children whose parents lack citizenship from both obtaining national identity cards and birth registration.

Birth registration practices are also inconsistent, owing to the lack of a clear policy on birth registration and documentation of refugee children. Proof of birth (*Nissa*)<sup>14</sup> is the only birth document issued to Tibetan refugee children whose parents hold refugee cards. The issuance of "*Nissa*" is not based on any legal provision and therefore does not have legal validity and cannot be used as a legal identity document in their daily lives. Children of Tibetan long-stayer refugees<sup>15</sup> who do not have refugee cards are not issued any documentation. Due to the lack of a birth registration certificate, they have no legal identity documentation and cannot establish their legal identity and status in Nepal or even their existence. Accordingly, they cannot exercise their basic rights including access to education.

Registration of the births of Bhutanese refugee children, which was taking place previously, has been stopped since 2024 leaving them vulnerable and hindering their access to basic

<sup>11</sup> *Mahmood Rashid vs. Ministry of Home Affairs et al.* Writ No. 0039 of 2064 decided on 24 September 2007. Available at: <https://supremecourt.gov.np/web/assets/downloads/sampadan/Landmark%20Decisions%20of%20the%20Supreme%20Court%20of%20Nepal%20related%20to%20Refugee%20Protection%202023%20English.pdf>

<sup>12</sup> Please see para 34 (b and c) of the CEDAW Concluding Observations to Nepal issued in February 2025. (CEDAW/C/NPL/CO/7)

<sup>13</sup> Section 3, 4, 18 and 20 (2) of National Identity and Civil Registration Act, 2020 and Rule 16 and 17(3) of the National Identity and Civil Registration Regulation, 2021 prevent the registration of birth of children born to parents without citizenship.

<sup>14</sup> Circulars issued by the Government of Nepal in 2003 and 2014.

<sup>15</sup> Exact number of such children is not available as it has not been documented by the Government of Nepal

rights including education and legal identity.

The Government of Nepal considers all refugees, other than Bhutanese and Tibetan refugees, to be illegal migrants and does not register their vital events including the births of urban refugee children. There are 380 urban refugee children, registered by UNHCR under its mandate, who are impacted by this.

Though Section 19(9) of the National ID Card and Civil Registration Act, 2020 and Rule 18 of the National ID Card and Civil Registration Regulation, 2021 sets out provisions to register the vital events of foreign nationals in the country, there are no specific provisions for refugee children, leaving them in a vulnerable situation depriving them of basic rights.

Further, a mother's right to register the birth of her child has been restricted through administrative procedures. The online application form mandatorily requires the information of the father of the child,<sup>16</sup> without which the application for registration cannot be submitted. Annex 10 of the National ID Card and Civil Registration Regulation states that if the father is missing or unidentified, a police report is required for the birth of the child to be registered. This limits the ability of a Nepali mother to register the birth of her child independently, whereas there is no such restriction imposed on a Nepali father to register the birth of his child. It should also be noted that the Committee on the Elimination of Discrimination against Women, in its previous concluding observations<sup>17</sup> on Nepal, expressed serious concerns regarding the absence of universal registration of all children at birth, including for refugee and asylum-seeker children.

Recommendation:

- (a) Ensure universal birth registration for all children in its territory irrespective of the parents' nationality and status, including of refugee children, and fully respect a mother's independent right to register the birth of her children.<sup>18</sup>

**Issue 5: Gender discrimination in nationality laws and risks of child statelessness**

A Nepali mother's right to confer citizenship to her children and to register the births of her children independently is restricted by Article 11 of the Constitution of Nepal, the National ID Card and Civil Registration Act, 2020, and the National ID Card and Civil Registration Regulation, 2021.

Several provisions in the Constitution discriminate against women, limiting a woman's ability to confer citizenship to her children. In the case of parents who are Nepali citizens by descent or are naturalized, the Constitution does not allow the conferring of citizenship through the mother alone, requiring the child to establish either that the father is a Nepali citizen (Article 11.2b), unidentified (Article 11.5) or a foreign national (Article 11.7).

The amendment to the Nepal Citizenship Act, 2006 which took place in 2023, allows children whose fathers have not been identified to obtain citizenship in their mother's name. However, if the father is later identified as a foreign national, after acquiring citizenship, the mother shall be subjected to a three-year prison term for having provided false evidence and if sentenced, the citizenship of her children shall be revoked (Section 21(3A) of the Nepal Citizenship Act, 2006). But a Nepali father can confer citizenship on his child regardless of the status of the mother of the child.

<sup>16</sup> See: <https://public.donidcr.gov.np/BirthRegistrationMain/BirthRegistrationMain?p=ob%2BACF2rxqibas5x2EjHVA%3D%3D>

<sup>17</sup> CRC/C/NPL/CO/3-5

<sup>18</sup> Please see para 34(b) and 35 (e) of the CEDAW Committee Concluding Observations to Nepal issued in February 2025. (CEDAW/C/NPL/CO/7). See also [CMW/C/GC/4-CRC/C/GC/23](#) ("urg[ing] States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents").

Further, a mother's right to register the birth of her child has been restricted through administrative procedures as the online application form mandatorily requires the information of the father of the child<sup>19</sup> without which, the application for registration cannot be submitted. Annex 10 of the National ID Card and Civil Registration Regulation, 2021 states that if the father is missing or unidentified, a police report is required for the birth of the child to be registered. Therefore, a mother cannot register the birth of her child independently whereas there is no such restriction imposed on a father to register the birth of his child.

Nepal has not initiated a process to repeal and/or amend gender discriminatory citizenship provisions in the Constitution and citizenship related laws. The most recent proposed amendment to the Nepal Citizenship Act is currently (as of mid-2025) pending in Parliament and seeks to ease the procedures for children of a single mother, where the father is unidentified, to acquire citizenship. However, this amendment would not repeal/amend the gender discriminatory provisions in the Constitution.

We also note that statelessness can occur for children who are born to parents who acquired citizenship of Nepal “by birth” (which was granted between 2006-2007). For a child born to a Nepali citizen “by birth”, it must be shown that both parents are citizens of Nepal. If one of the parents lacks Nepali citizenship, the child is rendered stateless.

Recommendation:

- (a) Take urgent steps to amend or repeal all gender discriminatory provisions and to prevent the risk of statelessness in its Constitution and laws related to citizenship<sup>20</sup> and civil registration<sup>21</sup>.

**UNHCR**  
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<sup>19</sup> <https://public.donidcr.gov.np/BirthRegistrationMain/BirthRegistrationMain?p=ob%2BACF2rxqibas5x2EjHVA%3D%3D>

<sup>20</sup> Please see para 34 (a) and 25 (b, c and d) of the CEDAW Concluding Observations to Nepal issued in February 2025. (CEDAW/C/NPL/CO/7)

<sup>21</sup> Please also see para 34 (b) and 35 (e) of the CEDAW Concluding Observations to Nepal issued in February 2025. (CEDAW/C/NPL/CO/7)