



# General Assembly

Distr.: General  
12 November 2010

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Tenth session**  
Geneva, 24 January–4 February 2011

## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

**Nepal\***

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## **I. Introduction**

1. Nepal is undergoing a profound socio-economic and political transformation within an overall framework of democratic polity following the peaceful People's Movement in April 2006. The mandate of the Movement was for peace, change, stability, establishment of the competitive multiparty democratic system of governance, rule of law, promotion and protection of human rights of people, full press freedom, and independent judiciary based on democratic values and norms. Human rights remain at the center of the peace process which in turn stands anchored in the principles of democracy, access, equity, inclusion and participation. The decision of the democratically elected Constituent Assembly (the "CA") to declare Nepal as a Federal Democratic Republic on 28 May 2008 represents a rare peaceful transformation in the contemporary history. The transformation process firmly establishes the political, economic, cultural and social rights of the people as the bedrock of Nepal's democratic process. People have come to the center stage from the periphery, exclusion, and disadvantaged zone. They now participate in decisions that shape their destiny. Nepal is presently engaged in building national democratic institutions to consolidate democratic gains, expedite the process of socio-economic transformation, and take the peace process to meaningful conclusion including the framing of a democratic constitution by the CA.

## **II. Methodology and consultation process**

2. A committee was formed by the Office of the Prime Minister and Council of Ministers (OPMCM), Government of Nepal (GON), with cross sectoral representation to prepare the National Report for the Universal Periodic Review (UPR). The committee conducted comprehensive inter-ministerial interactions on various aspects of UPR, and held extensive discussions and dialogue with governmental institutions, national human rights institutions including the National Human Rights Commission (NHRC), National Women Commission (NWC), National Foundation for Development of Indigenous Nationalities (NFDIN), and National Dalit Commission (NDC), and with various civil society actors including the media and non-governmental organizations (NGOs). Various regional level interaction programs were also held for deliberation on the contents of the Report.

## **III. Background**

3. Situated in South Asia between the Republic of India and the People's Republic of China, Nepal is a land-locked state, with an area of 147,181 square kilometers. Its population is 23,151,423, with annual growth rate of 2.25 percent. Senior citizens above 60 years account for about 6.5 percent, children below 16 years, 40.93 percent, and women, 51 percent.

4. Ethnic, cultural and linguistic diversity is the most characteristic feature of Nepal as a nation. Around ninety two languages are spoken as mother tongues. The Nepali language is the official language. Currently, 59 groups are recognized as indigenous/ethnic nationalities (*Adivasi Janajati*), accounting for 37.2 percent of the population.

5. Nepal endured a decade-long armed conflict from 1996 until 2006. On 21 November 2006, the conflict officially came to an end with the signing of the Comprehensive Peace Accord (CPA). The Interim Constitution of Nepal (the Constitution), promulgated on 15 January 2007, created an interim Legislature-Parliament and provided for a transitional government. The United Nations Mission in Nepal was established, vide Resolution 1740 (2007) of the UN Security Council, with the mandate to support the peace process. Election

to the CA<sup>1</sup> was held on 10 April 2008. Almost a third of its members (33.23 percent) are women and a record number of *Dalits* and people from various nationalities have been elected, making the CA the most reflective and inclusive of Nepal's social diversity in its history. The CA remains primarily engaged in the process of framing a democratic constitution and also serves as the Legislature-Parliament.

## IV. Normative and institutional framework

6. The normative and institutional frameworks for the protection and promotion of human rights in Nepal are set out in the Constitution, relevant laws, policies, and judicial decisions.

### A. Normative framework

#### 1. The constitution

7. The Constitution is the fundamental law. It keeps democracy, peace, prosperity, progressive economic-social changes and sovereignty, integrity, independence and dignity of the country as the central concern and provides a political system that fully upholds, *inter alia*, the universally recognized basic human rights and establishes rights of all citizens to education, health, housing, employment and food sovereignty. Its cardinal focus is on social and ethnic inclusion, constructive recognition of diversity and attainment of social justice through inclusive, democratic and progressive restructuring of the state.

8. The Constitution with a comprehensive catalogue of fundamental rights is the basic source of human rights. It incorporates almost all the rights set forth in the Universal Declaration of Human Rights (UDHR) and the rights and obligations enshrined in human rights instruments to which Nepal is a party. Concretely, it provides for twenty-one different rights as fundamental rights<sup>2</sup> including those enshrined in the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR).

9. A number of economic, social and cultural rights are also inscribed in the Directive Principles and State Policies, which include provisions for positive discrimination, reservations and other forms of special support for vulnerable or marginalized groups or communities in connection with education, health, housing, food sovereignty and employment, for their empowerment, protection and development.

10. A range of rights are recognized as absolute and non-derogable, which cannot be suspended even in the state of emergency. These rights include: the rights to life, equality, personal liberty, justice, social justice, environment, health, education and culture, employment and social security, labor, religion, freedoms to form political parties and associations, rights of the child and women, rights against torture, exploitation, exile, untouchability, racial discrimination and closure or seizure of media or press, and right to constitutional remedies and the remedy of *habeas corpus*. The Supreme Court has extraordinary powers to issue necessary and appropriate writs to enforce such rights or settle the dispute. A person is entitled to obtain compensation for any damage inflicted on that person from any act done in contravention of law or in bad faith during emergency.

#### 2. Laws

11. The Civil Liberties Act, 1954 and the *Muluki Ain* (Civil Code), 1963 are important general laws. The Civil Liberties Act guarantees various civil and political rights, including equality before law and equal protection of law, as well as right against discrimination on

grounds of religion, race, sex or otherwise. The *Muluki Ain* is a general law for both civil and criminal matters. It has repealed the traditional caste system and also attempted to end caste-based discrimination by eliminating untouchability and caste hierarchy. The 11<sup>th</sup> and 12<sup>th</sup> Amendments have made reforms in the existing provisions particularly on property, marriage, divorce and abortion in compliance with major instruments on women's rights.

12. The GON is currently drafting civil code, penal code, sentencing legislation and civil and criminal procedure codes, which will, upon promulgation, codify relevant laws, and abolish a range of laws and practices that are still perceived to be discriminatory.

13. Specific laws have been enacted to protect and promote other specific rights, for example, the rights of the child, women's rights, right against torture and rights of persons with disabilities (PWDs).<sup>3</sup>

### 3. Policies

14. Nepal has pursued separate policies and programs on human rights, with special focus on social inclusion of the marginalized or vulnerable groups or communities. The Three-Year Interim Plan, 2007/08-2009/10 (the TYIP) has set Nepal's long-term vision on poverty alleviation and human rights as to build an inclusive, just, democratic and prosperous nation based on human rights culture. The human rights policies aim to ensure human rights for all, by creating a favorable environment for all to live with human dignity, developing human rights culture, alleviating poverty and ending all forms of discrimination, violence and exploitation.

15. Major strategies pursued by Nepal include incorporating the issues of human rights in all sectoral development policies and plans, implementing special programs for targeted groups to promote human rights, enhancing the capacity of national human rights institutions, and making social service delivery easily accessible and effective through comprehensive programs on human rights education and good governance.

16. Also in pursuance of the Vienna Declaration and Program of Action 1993, Nepal has been implementing a periodic national human rights action plan, formulated in collaboration with the civil society. It has developed collective ownership for the promotion of human rights through integration of human rights programs into development plans.

### 4. National jurisprudence

#### (a) *Domestication of international law*

17. The Nepal Treaties Act, 1990 provides that any provision of law that is inconsistent with a treaty ratified by Parliament is, for the purposes of that treaty, invalid to the extent of inconsistency, and the treaty applies.

#### (b) *Rulings and principles laid down by judiciary*

18. The Constitution recognizes the judiciary as one of the three pillars of the state. The Constitution specifies its powers, lays down a framework for its independence, and determines its basic features. It provides for structure of courts in a three-tier hierarchy-Supreme Court (the SC), Appellate Courts and District Courts. There are over 100 judicial bodies including regular courts, special courts and tribunals.

19. The Constitutional Council is a mechanism to recommend also for the appointment of the Chief Justice of the SC, while the Judicial Council is to make recommendation and advice on the appointment of, transfer of, disciplinary action against, and dismissal of, judges and other matters of the district courts and appellate courts, and the appointment of other justices of the SC.

20. The SC has played a lead role in promoting and protecting human rights through its various judgments. The principles and rulings laid down in such judgments, made in relation to a wide array of human rights including economic, social and cultural rights and the rights of the child and women, portray the human rights jurisprudence developed by the SC. The SC declared *ultra vires* many legal provisions relating to facilities in prisons, equality and non-discrimination. In a range of areas such as women's rights over parental property, rights against sexual harassment and marital rape, it has issued directive orders for formulating necessary enabling laws or streamlining laws to tune them with the constitutionally guaranteed rights.

21. The SC has also developed advanced public interest litigation (PIL) regime for the protection and promotion of public interest, enabling the public to seek redress against violations of human rights. An enormous wealth of jurisprudence has evolved on issues such as prisoner's rights, bonded labor, right to clean environment and custodial violence, among others.

22. The judiciary has adopted and enforced a strategic plan since 2004 in order to execute judicial reforms. The vision of the Judiciary is to maintain independent and efficient system of justice so as to ensure justice for all and through promotion of human rights, and independent and efficient system of justice. Its mission is to discharge fair and impartial justice in accordance with law and recognized principles of justice. Judicial reforms also focus on alternative dispute resolution mechanism as a vehicle for decentralization of justice and involvement of people in dispute resolution. Besides, Nepal is in the process of enacting umbrella legislation on mediation.

## **B. National institutional framework**

### **1. National human rights institutions**

23. The NHRC was established in 2000 as an independent statutory body.<sup>4</sup> The Constitution has upgraded it into a constitutional body consisting of one chairperson and four other members appointed for a six-year term, and the formation and mandate of which is in full conformity with the Paris Principles. In the appointments of the members of the NHRC, diversity and inclusion of women have been maintained. The NHRC Act defines "human rights" as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the treaties joined by Nepal. The NHRC is to ensure respect for protection and promotion of human rights, including their effective implementation. To this end, it can exercise a wide array of investigatory, supervisory, directive and recommendatory powers. Importantly, it can record any official or body defying its recommendation or direction as a violator of human rights, and issue an order for the provision of compensation to the victims. A bill to implement constitutional provisions on NHRC is being considered by the Legislature-Parliament.

24. The NFDIN was established as an autonomous statutory body, by the National Foundation for Development of Indigenous Nationalities Act, 2002, with the main objective of ensuring the overall welfare of the indigenous nationalities. Various provisions in the Constitution have boosted up the NFDIN in empowering the indigenous/ethnic nationalities for protection and promotion of their religious, linguistic, cultural and political rights.

25. The NWC was established as an autonomous statutory body, by the National Women Commission Act, 2007, for the protection and promotion of the rights and interests of women, including their effective inclusion in the development mainstream. It has recommendatory and investigatory powers. It consists of one chairperson and four members appointed by the GON, having due regard to inclusion from the minority communities.

26. The NDC was formed by an executive order of 2002, with primary objective to protect and promote the rights of the *Dalit* community and assist the GON in *Dalit* upliftment programs. It has carried out various important activities, including preparation of required legal measures, working plans, publication and dissemination of various literatures on *Dalits*. It has been implementing a Five-year Strategic Plan focusing on overall empowerment and political participation of *Dalits*, cultural vigilance and legal reforms.

**2. Office of the Attorney General**

27. The Attorney General represents the GON in all courts. On a petition or receipt of information that any person in custody is treated inhumanely or disallowed to meet his or her relative or legal practitioner, the Attorney General can inquire into the matter and give necessary directive to the concerned authority to prevent such act.

**3. Human Rights Committee in Legislature-Parliament**

28. The International Relations and Human Rights Committee of the Legislature-Parliament gives necessary direction and suggestion to the GON, and evaluates and monitors governmental activities on human rights. It considers and deliberates on annual reports of the NHRC and the Attorney General, and reports to the House of Legislature-Parliament indicating whether desirable progress has been made, whether violators of human rights have been brought to justice, whether status of implementation of human rights treaties joined by Nepal is satisfactory and what sorts of policies need to be implemented in this field.

**4. National Information Commission (NIC)**

29. The NIC is a statutory body established under the Right to Information Act, 2007. It hears appeals against decisions by public bodies in relation to citizens' demand to have access to information in such bodies. It is empowered to provide effective remedies on the enforcement of the right to information, by also ordering for making reasonable compensation to the aggrieved party and taking departmental action against the defaulter.

**5. Government institutions**

30. The OPMCM is the lead government agency responsible for the promotion and coordination of human rights related activities, including governance reform and effective implementation of relevant human rights treaties. It is also a liaison institution for NHRC and Office of the High Commissioner for Human Rights (OHCHR), among others. It coordinates and harmonizes human rights related matters with various line agencies.

31. The Ministry of Peace and Reconstruction (MOPR) has supported initiatives for constructive conflict management, promotion of participation of all spheres of society in the peace process, forging international support to sustain the peace process and ensure transitional justice to conflict victims. The MOPR has reconstructed 1,411 out of the 5,560 infrastructures damaged due to conflict, provided financial assistance to the families of 14,064 out of 16,729 deceased, distributed reliefs to 25,000 out of 78,689 internally displaced persons, reliefs to 1,179 out of 1,327 disappeared persons, and subsistence allowance to 23 persons injured in the People's Movement. Bills on the constitution of two high level commissions on truth and reconciliation and disappearance are being considered by the Legislature-Parliament.

32. The Ministry of Women, Children and Social Welfare (MWCSW) is responsible for the formulation, implementation, monitoring and evaluation of policies, plans and programs on women, children and social welfare, and also for the protection and security of orphans, helpless children, women, senior citizens, persons with disabilities. It mobilizes and

coordinates with national and international NGOs in their activities within its purview. A national CEDAW committee is putting in place necessary measures to effectively implement the CEDAW. The MWCSW prepared a strategic document on gender and social inclusion in 2006, which has been instrumental in mainstreaming gender and promoting equality at the national level organizations.

33. The Ministry of Law and Justice (MOLJ) is the sole governmental agency responsible for drafting legislation, and reviewing and reforming legal system, administration of justice and judicial system. It also provides legal opinions to other line ministries on joining international treaties, acquisition of membership of international organizations and international legal obligations.

34. The Ministry of Home Affairs (MOHA) is basically responsible for the maintenance and enforcement of law and order. It is executing a Special Program for Effectiveness of Peace and Security, End to Impunity and Defending Human Rights, 2009 accompanied by a code of conduct founded on the norms of human rights, for security personnel and employees involved in the enforcement of this Program. It operates the institutions of Nepal Police, Armed Police Force and National Intelligence Department. Both Nepal Police and Armed Police Force have central human rights units, and human rights cells at their regional and local level offices. The contents of human rights are included in training manuals for police employees at all levels. These institutions have mechanisms to examine petitions against police employees for human rights violations and publish the results of such examination.

35. The Ministry of Foreign Affairs (MOFA) seeks to ensure that the overall commitments and obligations of Nepal under relevant treaties are met to the best of ability in coordination with different government organs and other relevant agencies. In addition to being actively engaged in preparation of reports to be submitted by Nepal to various human rights treaty bodies, the MOFA also performs the coordinative and liaison roles.

36. The Ministry of Defense (MOD) has a lead role in framing necessary defense policies, legislations, and managing the institution of Nepal Army. It has adopted a range of measures to ensure civilian authority over, and inclusiveness of, army, and training of armed forces in accordance with the norms and values of human rights.

37. The Nepal Army (NA) established a Human Rights Directorate in 2006, with basic mandate to impart knowledge to the armed forces about human rights and enable them to fully carry out commitments on human rights. Moreover, there is a human rights division in each Regional Headquarters and human rights sections at the Brigade level, and this provision is planned to be extended up to the operational level. The NA has been incorporating human rights and international humanitarian law (IHL) package in all trainings (basic, career and special curricula) conducted within it. A separate training package, *inter alia*, is also conducted at various locations of Division Headquarters and Brigade Headquarters periodically. In the period between 2006 and 2009, a total of 37,354 persons were given human rights and IHL package, sensitizing all staff in basic norms. Under the Military Act, 2007, an investigation committee has been formed to investigate into allegations of corruption, theft, torture and disappearance and file cases in the military special court.

## **6. Anti corruption bodies**

38. Cognizant of the fact that corruption is a great threat to good governance and development efforts, a number of anti corruption bodies have been established with varying, yet complementing, scope and nature of mandate. The Commission for the Investigation of the Abuse of Authority (CIAA) is a constitutional body mandated to investigate and prosecute the cases of corruption and improper conduct. Likewise, the

National Vigilance Centre, the Special Court, Office of the Attorney General, Judicial Council, Revenue Investigation Department, Central Arrears Collection Office, Parliamentary Committees and the Office of the Auditor General serve the various functions of ombudsmen against corruption.

#### **7. The media**

39. Media exercise full freedom of expression. The GON firmly believes that a fully responsible media is the nerve of any democratic polity. A good number of daily newspapers, weeklies, fortnightlies and monthlies in English and vernacular languages are being published. There is also a remarkable growth of private satellite TV channels, radios and print media. The media is active in disseminating information on various issues of national importance such as human rights, development and good governance, with the fundamental aim of generating dialogue and consensus on such issues.

#### **8. Civil society**

40. The civil society has also evolved as a vibrant institution significantly contributing to the establishment of a sound democratic system. Voluntary action by citizens, in particular the PIL, has played a supportive role in safeguarding human rights. Such action is reinforced by the NGOs and CBOs through their diverse programs including awareness raising, income generation, access to justice, environment conservation and participation in development process. Nepal has a strong tradition of NGOs and CBOs.

### **C. Scope of international obligations**

41. Nepal strongly upholds the rights set forth in the UDHR and principles enunciated in the UN Charter. Nepal is also a party to almost all core universal human rights treaties<sup>5</sup>, eleven ILO conventions,<sup>6</sup> and many other human rights related treaties.<sup>7</sup> It is also a party to the Four Geneva Conventions of 1949. It ratified the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002 and SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002.

42. Nepal is committed to make the Human Rights Council a strong and effective body. It has extended exemplary cooperation to all mechanisms of the UN, including the Human Rights Council. It continues to remain constructively engaged with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which maintains a country office in Nepal since 2005. The Agreement between the GON and the OHCHR was revised in June last to reflect democratic changes and respect constitutional provisions.

43. At the invitation of the GON, various special procedures, mandate holders visited Nepal, namely, the Working Group on Arbitrary Detention in 1996, the Special Rapporteur on extra-judicial, summary or arbitrary executions in 2000, the Working Group on Enforced or Involuntary Disappearances in 2004, the Representative of the Secretary General on the human rights of internally displaced persons in 2005, Special Rapporteur on the question of torture in 2005, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples in 2008, and Special Representative of the Secretary General for Children and Armed Conflict in 2008 and 2009.

## **V. Promotion and protection of human rights on the ground**

### **A. Civil and political rights**

44. The Constitution serves as a shield against any infringement of civil and political rights. Most of the rights guaranteed by the ICCPR have been recognized as fundamental rights.<sup>8</sup> The Constitution confers on every person the right to life with dignity and liberty, and the right against death penalty. This right is essentially the foundation of human rights jurisprudence in Nepal. The Constitution sets the objective of the State as to maintain peace and order, protect and promote human rights, promote public welfare in the society, and create opportunities for maximum public participation in the governance, and the political objective as to build prosperous and affluent Nepal by institutionalizing democracy.

45. A specific legislation, the Press and Publication Act, 1992 is designed to safeguard the freedom of opinion and expression. The Right to Information Act, 2007 has further reinforced Nepal's commitment to promote freedom of information and the right of access to information.

### **B. Right against torture**

46. Nepal is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Constitution recognizes the right against torture as a fundamental right. Any form of physical or mental torture or cruel, inhuman or degrading treatment for any reason is prohibited, and legally punishable. A victim of torture is entitled to compensation as specified by law. The Torture Related Compensation Act, 1996, is a special legislation in this respect. A bill to criminalize the act of torture is being considered by the GON.

47. The GON views any alleged acts relating to torture in any part of the country with serious concern. It has carried out investigations of allegations of such acts. Necessary punitive measures have been taken subject to law against those found indulged in such act. The GON is seriously considering the recommendations made by the Special Rapporteur on Torture for making necessary legal reforms.

### **C. Economic, social and cultural rights**

48. Nepal is a party to the ICESCR, and reaffirms that all human rights are universal, indivisible and interdependent. A range of economic and social measures, including the provision of basic food, health service, educational facilities, housing and other essential services have been adopted, in order to ensure a high quality of life for its people. The GON believes that the progressive realization of economic, social and cultural rights is largely dependent on the availability of requisite infrastructures and resources at the domestic level as well as on positive international cooperation and technical assistance.

#### **1. Economic development and poverty alleviation**

49. Poverty alleviation has been a major priority of successive governments in Nepal. Development plans have strived to reduce poverty and achieve wider economic growth. Currently, the economic growth rate is 3.4 percent, which is a reflection of existing problems including unemployment, poverty and increasing income disparity. In order to address this situation, the GON has strived to achieve the state's fundamental economic objective of transforming national economy into an independent, self-reliant and progressive economy, also through equitable distribution of economic gains based on social

justice and elimination of economic inequalities. The GON is determined to attain the MDG goals. It implemented the Poverty Reduction Strategy Paper (2002–2007) focusing on, *inter alia*, structural reforms, broad-based economic growth and social inclusion through participation and empowerment of the marginalized or vulnerable groups and communities.

50. Consequently, Nepal has achieved a significant progress in poverty alleviation. The absolute poverty has gone down from 42 percent in 2000 to 31.4 percent in 2005 and further down to 25.4 percent in 2009. In keeping with this achievement, the GON is further streamlining its measures to narrow down the gap between the rich and the poor.

## **2. Right to health**

51. The Constitution has safeguarded the right to environment and health as a fundamental right, entitling each person to live in a healthy environment. Each citizen has the right to free basic health services from the state, as provided in law.<sup>9</sup> The GON recognizes that the enjoyment of right to health is intrinsic to the dignity of human being. The national health policy adopted by Nepal since the 1990s is governed by a commitment to provide free essential health service to all. The GON is implementing the Second Long-Term Health Plan 1997-2017 and other population and sanitation related policies.

52. The GON has implemented the free health service in primary health care institutions and district hospitals. People have free access to 40, 33 and 23 kinds of medicines at district hospitals, primary health centres and health posts, and sub-health posts, respectively. Pregnant women are entitled to free maternity service at all governmental hospitals and private hospitals making agreement with the Ministry of Health and Population (MOHP). A transportation allowance is provided to those women who give birth at a health institution. Moreover, the poor, indigent, disabled and women volunteers are entitled to free medical service in entirety.

53. The GON is making efforts to increase the rate of child immunization from the existing 83 percent to 100 percent. The achievement in the immunization service has been appreciated by the international community and development partners. Nepal is committed to the "health for all" as pledged in the Alma-Ata Declaration of 1978 and to the achievement of MDGs by 2015. Significant achievements have been made in several areas. Maternal mortality rate has gone down to 281, total fertility rate to 3.1, under five mortality rate to 61, and infant mortality rate to 48. The average life expectancy has gone up to 63.3 years. The GON believes that it is on the right track to achieve health related MDGs.

## **3. Right to food**

54. The Constitution recognizes food sovereignty as a fundamental right. The GON recognizes that food security implies physical and economic access of each person each day to adequate, hygienic and nutritional food, according to his or her requirement and desire. Government policies in this sector focus on four basic aspects of food sovereignty: availability of food, access to food, proper use of food, and food stability.

55. In remote districts, the GON is making food available through the Nepal Food Corporation, a government undertaking, and other means which include 'Food for Work' and 'School Feeding' programs.

## **4. Right to education**

56. The Constitution safeguards the right to education and culture as a fundamental right. Accordingly, every community has the right to basic education in its mother tongue, and preserve and promote its language, script, culture, cultural civilization and heritage, and every citizen to free education up to secondary level, as provided in law. The education

policy has been structured to achieve this fundamental right and directive of state policy, and MDG 2 by 2015. The prevalent education policy aims at democratic, inclusive and egalitarian quality education for all. The GON has made education free up to secondary level. A bill to provide free and compulsory basic education is under consideration. Communities are encouraged to get permission to run primary schools in their mother tongue; and course-books have already been prepared in 16 mother tongues.

57. The GON has implemented the School Sector Reform Plan (2009–2016). It restructures the school education covering education from grade one to twelve, while specifying education from grade one to eight as basic education, which is the basic right of the child. The National Action Plan on Education for All (2001–2015) has identified goals of elementary child education and development programs, based on four pillars, namely, survival, development, protection and participation. The literacy rate of 6 plus year population is 63.7 percent. There are altogether 32,130 schools where 7,575,880 students are studying. The net enrolment rate of primary level (grade 1–5) is 93.7 percent. Currently, a total of 29,089 early child development centres are engaged in imparting child education, of which 24,773 are community-based and the rest are institutional school-based. The GON has incorporated civic education and concepts of human rights into school curricula with a view to promoting human dignity.

58. To ensure inclusiveness and gender mainstreaming in education, various programs have been launched. These include reservation of 45 percent of scholarship for higher education in medical sciences that are available to the GON for indigent students from community schools and belonging to vulnerable groups, provision of scholarship to indigent girls in Terai who wish to pursue technical education on auxiliary nurse midwifery; extension of day nutrition program to 35 districts to mitigate drop-outs; provision of scholarship to 50 percent girls at the primary level and to all school girl students in Karnali Zone; allocation of quota for 40,000 girl students under annual 60,000 secondary education scholarships; mandatory recruitment of women teachers in a specific ratio; and income and skill generating trainings to women. A literacy campaign with the slogan of "let us be literate and enhance capacity" is being launched with local level participation. Now, women teachers account for more than 27 percent (42000) in community schools.

## 5. Right to housing

59. The Constitution has adopted a policy of establishing the right of all citizens to housing, and uplifting and providing shelter to marginalized communities through reservation, and a policy of implementing a scientific land reforms program. The GON is implementing the national housing policy, founded on the concept of "housing for all", and with the objective of providing government support to low-income groups and ensuring planned human settlement. The TYIP has committed to provide safe and affordable housing facilities while promoting planned settlement.

60. A series of programs have been adopted to ensure right to housing, which include housing program targeted to low-income families, physical improvement of habitation of landless squatters, rural housing development program, land and housing development program and rehabilitation of displaced families.

61. Soft interest housing loans are being provided through finance companies, revolving funds and income-generating funds to the backward families including women, Dalit, bonded labourers and indigenous nationalities. Certain lands are being provided to freed bonded labourers for housing purpose. A total of 4403-05-010 *Bigaha* of land has already been provided to 21,639 families and a sum of 112 million 278 thousand rupees provided to 12,034 families for housing. Out of 27,570 emancipated bonded labours, 21,639 families have already been rehabilitated, and the rest are in the process.

## **6. Right to work and just and favorable conditions of work**

62. The Constitution recognizes the right to employment and labor related rights as fundamental rights. Each citizen is entitled to employment as provided in law, and each worker and employee to appropriate labor exercise, form and join trade unions and engage in collective bargaining, as provided in law. The State is obliged to pursue policies designed to establish this right and provide employment to the labor force. Each person has the right against exploitation, and against work contrary to his or her will and desire, except in relation to compulsory service for public purposes.

63. The Labor and Employment Policy, 2006 is designed to provide productive, non-discriminatory and decent work opportunities for citizens, through building and managing a labor market that is contributive to national economy and competitive globally. The Labour Act, 1991 and Regulation, 1993, Foreign Employment Act, 2007 and its Regulation, 2007, Trade Union Act, 1992 and Regulation, 1993 are core legal measures to institutionalize these rights as well as relevant ILO Conventions ratified by Nepal. There are also specific laws to prohibit child labor. Provision of equal pay for equal work is in place. The GON has specified minimum wages for workers and employees, including agro labors. Inspection visit by factory inspectors is a mechanism to ensure compliance with statutory provisions including occupational health and safety. A tripartite consultation mechanism has been established, which makes suggestions in policy and legal reforms in the field of labor and employment.

64. The GON has entered into bilateral labor agreements with some countries, which will promote dignified and decent working environment in relation to foreign employment. The GON has also implemented provisions of labor desks, insurance, orientation training, inquiry desk in the foreign employment department, examination and inquiry into complaints in relation to foreign employment so as to promote the right to safe migration.

## **D. Women's rights**

65. Nepal is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol. It maintains that implementation of the Security Council Resolution 1325 (2000) on Women, Peace and Security, is highly important. A separate action plan is being prepared to forge participation of women in conflict resolution and other activities.

66. Nepal has identified gender mainstreaming, inclusion and equality as a priority in its national development plan. Policy and legal reforms, leadership development, social rehabilitation of women affected by the conflict, legal aid, gender awareness and advocacy are some important activities being carried out to this end. The TYIP sets the target of 33 percent women's participation in overall state machinery. Under the Women Development Program, women have been united against domestic violence and human trafficking, and involved in entrepreneurship and skill development income generation related activities by means of revolving fund operation. Women's cooperatives have become an effective vehicle for uniting women engaged in unorganized sectors, and conducting campaigns against various malpractices. Since 2002, the Gender Responsive Budget Initiative has been implemented. The allocation of gender budget in the current fiscal year is 17.3 percent.

67. The National Plans of Action on CEDAW and Beijing Platform of Action framed in 2004 are being practically implemented. The GON has adopted temporary and special measures for full development and advancement of women. More than 150 laws provide for affirmative provisions for women in education, health and employment, and strive to secure gender justice.

68. The Human Trafficking and Transportation (Control) Act, 2007 and its Regulation, 2008, which cover both cross border and internal trafficking for any purpose, are a strong law to address the issue of trafficking in person. It also incorporates important provisions to provide justice to the victims, including compensation, in-camera hearing and establishment of a rehabilitation fund. The Domestic Violence (Crime and Punishment) Act, 2009 aims to end domestic violence which is in its implementation.

69. In pursuance of the recommendations of the CEDAW Committee, 65 discriminatory legal provisions have already been eliminated. A law review committee under the MWCSW is working out toward further elimination of laws perceived to be still discriminatory.

## **E. Rights of the child**

70. Nepal is party to the Convention on the Rights of the Child (CRC) and both of its Optional Protocols. The Constitution protects children's right as a fundamental right and incorporates: right to identity and name; right to nurture, basic health and social security; right against physical, mental or other form of exploitation; right of helpless, orphan, mentally retarded, conflict victim, displaced, vulnerable and street children to special facilities from the State; right of minors against their employment, engagement or use in a factory, mine or similar other hazardous work or in army, police or conflict.

71. The TYIP aims to abolish all forms of exploitation, abuse, violence and discrimination against children through promotion of child-friendly environment for the physical, emotional, mental and intellectual development of, and protection of the rights of, the child. The GON has implemented a 10-year National Plan of Action (2004/05–2014/15), covering areas of health, protecting children against abuse, exploitation and violence, and combating HIV/AIDS.

72. Nepal has a comprehensive legal regime for the protection of the rights of the child. The Act Relating to Children, 1992 incorporates almost all the rights of the child, defined as one who is below 16, as enunciated in the CRC, and is based on a child friendly approach. This Act as well as criminal justice system of Nepal is geared towards the rehabilitation of child offenders, through various institutions including children reform homes. Juvenile justice related regulation has prescribed child-friendly procedures to be adopted while trying cases involving children. There are juvenile benches in 28 out of 75 district courts. Six courts are implementing the program for the improvement of legal and institutional framework for the protection and promotion of the rights of the child, which will be gradually extended to other courts.

73. The Child Labour (Prohibition and Regulation) Act, 1999 outlaws the engagement of a child below 14 in work as a labourer and provides for a stringent punishment. A committee of child labor prevention and a child labor prevention fund have also been established under this Act. These measures are also in tune with the Worst Forms of Child Labour Convention, 1999. Exploitation of children for pornography, sexual exploitation and trafficking is strictly outlawed, in keeping with Nepal's commitment under the two Protocols to the CRC.

74. The GON has adopted a zero-tolerance strategy in relation to child recruitment. Efforts are directed to protect children and ensure that children recruited in armed conflict have access to rehabilitation and reintegration measures. An exodus of 4,008 non-qualified combatants, including 2,973 minors, has already been made from various cantonments, and they have been integrated into society. The GON is preparing a national policy on children associated with armed forces and armed groups.

## **F. Rights of persons with disabilities (PWDs)**

75. Nepal has ratified the Convention on the Rights of PWDs. The GON has been enforcing the National Policy and Plan of Action on Disabilities, 2006, in tune with the Extended Decade Work Plan for Asia Pacific Region PWDs 2003–2012. Legislative reforms, promotion of awareness on disability prevention, free education and medical care, family and community based rehabilitation and employment are major areas of intervention. Required resources are being channeled to the Local Bodies for the development and empowerment of PWDs and their enhanced participation in development plans. The right based and inclusive approach is the bedrock of the GON's policies and plans in this field. Privileges in relation to education, health, skills-based training and transport services, among others, are some examples of positive discrimination in favor of the PWDs. A national coordination committee oversees and coordinates activities in this field, also in collaboration with the civil society.

76. The Protection and Welfare of Persons with Disability Act, 1983 and Regulation, 1994 are major legal measures to give effect to the Convention. The GON is working out for timely improvements in the policy and legal regimes in the field of rights of PWDs. It has also framed building codes requiring public buildings to be PWD friendly.

## **G. Rights of dalits**

77. Nepal is party to the Convention on the Elimination of Racial discrimination (CERD) and has recognized Durban Declaration and Program of Action. The Constitution has recognized the right against untouchability and racial discrimination on any ground as a fundamental right. Any such discriminatory treatment is outlawed and also entails compensation to the victim. A person has the right against deprivation of use of public facilities or access to religious sites on ground of caste or race. Any act depriving any person of a particular caste or tribe of services or facilities or reflecting any superiority or inferiority of persons belonging to any caste or race or justifying social discrimination on ground of caste or race is punishable.

## **H. Social security of senior citizens and other vulnerable groups**

78. The Constitution has guaranteed the right of vulnerable groups to social security as a fundamental right. The Act Relating to Senior Citizens, 2006 provides legal base to various social security schemes for senior citizens. The GON has been providing a monthly allowance to senior citizens above 70 years of age, with 65 years of age for those in the Karnali Zone. Senior citizens above 75 years of age are entitled to free medical treatment of severe diseases like heart, kidney and cancer.

79. A range of public service employment and labor related laws and policies provide for social security measures including provisions of gratuity, pension and compulsory provident fund for employees and workers, with special focus on those from vulnerable or marginalized groups or communities.

## **I. ILO Convention 169 on rights of indigenous and tribal peoples**

80. Nepal has ratified the ILO Convention 169. The GON is working out to adopt a national action plan on its implementation to ensure indigenous peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country.

## **VI. Achievements, best practices, challenges and constraints**

### **A. Achievements**

#### **1. Holistic approach to human rights**

81. Nepal has been able to adopt a holistic and multi-faceted approach for the protection and promotion of human rights against the backdrop of its diverse social and cultural ethos, development imperatives and over a decade long armed conflict, which has resulted in the death of about 16,729 persons, displacement of about 78,689 persons, disappearance of about 1,327 people, and devastation of public infrastructures valued at about 5 billion Rupees.

82. Peace, justice and democracy are indivisible and they never thrive in isolation from each other. The signing of the CPA was demonstration of the commitment of all political parties to establish a lasting peace premised on the value of democratic pluralism in the country, and with pledge to protect and promote human rights under all circumstances. The Constitution, incorporating the CPA as an integral part, has directed the State to provide for economic, social and cultural justice through democratic, progressive and inclusive restructuring of State.

#### **2. Human rights as an overriding issue**

83. The issue of the protection and promotion of human rights has become an overriding priority agenda of the GON in its governance system. The right-based approach has gradually gained momentum in national policies, plans and laws; and all the relevant stakeholders have been increasingly positive towards inclusion of human rights in national plans and development process. Various national institutions importantly NHRC, NWC, NFDIN and NDC are actively involved in the protection and promotion of human rights for all, particularly those of marginalized groups. The GON values the feedback from the non-governmental sector institutions on human rights situation.

#### **3. Increased level of awareness about human rights**

84. A great level of awareness about human rights has been attained. Now, a great majority of people have broad awareness about the right-based approach and are able to argue and advocate for their rights. Various sensitization programs have been instrumental in bringing about behavioral change in governmental officials and security personnel.

#### **4. Human rights policy incorporated into development plans**

85. In pursuance of the state obligations in the field of human rights, the TYIP has committed to ensure human rights guaranteed by the Constitution and international treaties subscribed to by Nepal, and to support poverty alleviation. These commitments have been implemented through a range of important measures, including harmonizing human rights programs with national development programs, institutional strengthening of the judicial system, and implementation of national human rights action plan. Similarly, with wider participation of stakeholders, national plans of action in areas of education and health, in women empowerment, in the rights and development of the child, the PWDs and senior citizens are being implemented. Consequently, each government institution is obliged to develop its policies, plans and programs guided by the right-based approach and in consonance with the human rights action plan.

**5. Engagement with international mechanisms**

86. In keeping with commitments made by it at times, Nepal has demonstrated a high level of openness and transparency through constructive engagements with various UN human rights mechanisms including treaty bodies and the special procedures mandate holders, and maintained open and constructive dialogue with the OHCHR and other international institutions.

**6. Legislative framework of good governance**

87. In recognition of the fact that good governance is fundamental for the protection and promotion of human rights, the Good Governance (Management and Operation) Act and Regulation have been promulgated. A code of conduct for civil service employees has also been implemented under this legislation. Enactment of Money Laundering Act, Public Procurement Act and Amendment to the Civil Service Act, issuance of Guidelines for Making Effective Government Service and Facilities, and provisions of citizen's charter are some other important measures. Policy and institutional reforms have been made in the civil service to establish transparency, accountability and participation. The Public Service Commission Act has given impetus to these reform initiatives. In the nutshell, the issue of human rights has been crystallized by law and practice as an integral part of the governance system in the country.

**B. Best practices**

**1. Inclusive and balanced development approach**

88. The Government has introduced a policy of inclusion in pursuit of making the society equitable through elimination of existing regional, class and caste-based, ethnic and other disparities and discriminations. The Tenth Plan enunciated inclusion as a strategic pillar for poverty alleviation. The Constitution has included various important provisions on inclusive development in all sectors including economic, social, political and ecological ones so as to ensure human rights and fundamental freedoms for all castes, ethnic groups, gender, religions, regions, ages, and classes by restructuring the State. As envisaged in the TYIP, a series of policies and other measures are being implemented to make Nepal an inclusive nation.

89. Nepal believes that such an inclusive and just statehood is a *sine qua non* for the protection of human rights, and for fulfillment of the physical, emotional and basic needs of all. It has to be achieved by respecting their dignity and their own culture and also reducing the gap in access to existing opportunities in all state mechanisms. The GON considers inclusion as a tool supportive and contributive to building a just society by ensuring rightful share in power and resources.

**2. Human rights and social justice as interlinked issues**

90. The GON believes that social justice is of critical significance to marginalized or vulnerable communities or groups. Policy, legal and institutional measures adopted in the field of human rights are premised on the reality that there are many communities for whom the fundamental issues of reforms process relate to issues of basic livelihood, health and quality of life. Improvement of social, human and cultural status of these communities or groups by mainstreaming them into development has been a central focus of development plans.

### **3. Independence of judiciary as foundation for justice and human rights**

91. An independent judiciary is a core element of Nepal's policies on human rights. The concept of independent judiciary has been recognized by the Constitution that has further consolidated the judicial system, which enjoys full independence in its functioning in imparting justice and protecting the rights of the people.

### **4. Collaboration with civil society**

92. Departing from the traditional centralized governance approach, governmental policies have increasingly been focusing on collaboration with civil society including NGOs and private sector in development process. A range of policies are being adopted to activate NGOs in economic and social development processes and bring about transparency and efficiency in the mobilization of their resources.

### **5. Gender mainstreaming**

93. The GON's policies have accorded high importance to gender mainstreaming through empowerment and development of women. Various institutions including the NWC are in place to contribute to the mainstreaming of women in governance and development process. Empowerment of rural women is an issue running across all relevant government measures. Gender responsive budgeting and gender auditing systems are also in place.

### **6. Legislative reforms**

94. The GON has always focused on legislative measures as an important vehicle to carry out Nepal's commitments on human rights. Consequently, a range of laws have been enacted or revised on important areas, such as the right to information, gender equality, public procurement, anti-money laundering, legal aid, labour, good governance, corruption prevention, and prison reforms. The GON is also drafting comprehensive civil and penal codes and procedures codes based on the human rights approach. A bill on the prohibition of sexual harassment at workplace is also under consideration.

### **7. Zero tolerance against gender based violence**

95. A special program has been launched to observe the year 2010 as a year against gender based violence (GBV). The GON has adopted a National Plan of Action for Year against Gender Based Violence, 2010, which is a single policy document, and a longer-term plan will be developed based on learning from this. It details a health sector response to GBV, and recognizes that a concerted effort on different dimensions like health, education, legal rights, protection and security is necessary to address GBV. A Central Level Complaint Management Unit has been established in the OPMCM so that immediate action can be taken in cases where concerned agencies refuse to register complaints or when they are unresponsive.

### **8. Community forestry**

96. The community forestry (CF) concept was incepted in 1978. The Master Plan for Forestry Sector 1989, a 25-year policy and planning framework, has aimed to conserve ecosystem, and contribute to economic growth at local level. It envisioned transfer of government forests to community forest users groups, an independent and self-governing entity. The Forests Act, 1993 and its Regulation 1995, together with the Forest Sector Policy, 2000, give substantial rights to local people in managing community forests. As a result of this innovative process, forest areas have now been expanded to 39 percent of total land area of the country.

### C. Challenges and constraints

97. Despite a range of policies, and legal and institutional measures that have been taken, people's ability to enjoy human rights is constrained by a number of factors, which also relate to governance and structural and functional capabilities of the state organs.

98. Nepal is passing through a transitional phase, which by nature is a mixture of uncertainty and instability. This has consequently impacted in maintaining stability in public policies and political, social, and economic sectors, and also resulting in the delayed implementation of adopted policies. Secondly, consensus building is the pillar of Nepali peace process with democracy and human rights at its center. The national agenda based on wider national consensus in relation to political, economic, social transformation and development remains a work in progress. Thirdly, more needs to be done in the areas of poverty alleviation and social justice by, *inter alia*, ensuring peace, security and socio-economic development. Fourthly, the State has been significantly resource constrained to honor its obligation to provide basic services to marginalized or vulnerable communities or groups, and build national institutions to institutionalize social and economic transformation within the democratic framework. Fifthly, rehabilitation of women, children and the families of those affected by the armed conflict is yet to be fully achieved.

99. Various economic and social issues such as poverty and environmental degradation remain growing threats to the enjoyment of human rights. Nepal has devised a multi-pronged policy and strategy to alleviate poverty. However, poverty alleviation remains as elusive as ever. The rate of population growth is still high. Thus, despite some achievements, alleviating poverty as well as bridging the increasing gap between the poor and the rich remains a central development challenge for Nepal. Around 25.4 percent of people still live below the poverty line. Agriculture sector harbors rampant disguised unemployment because of illiteracy, poverty and malnutrition. The GON is concerned that its target of achieving a wider economic growth might be inhibited by a range of factors, including political instability, effects of climate change, wider consequences of globalization, and increasingly competitive and uncertain world trade environment. Nepal is facing multi-dimensional challenges in keeping up with its commitment to human rights owing to lack of resources and human rights infrastructures such as the existence of strong and matured national democratic institutions.

100. The trade base of Nepal, a least developed land-locked country, is narrow and transactions costs are exorbitantly high. The devastating impact of rising prices, food shortages and global economic and financial crises has aggravated the plight of vulnerable and marginalized sections of society and adversely affected the enjoyment of human rights of the Nepali people.

101. Climate change remains a growing threat to development. Deforestation, melting of Himalayan glaciers, looming glacial lake outbursts, soil erosion, decrease in productivity and desertification, flood, landslide and decrease in biodiversity are causing unexpected and severe environmental crises endangering the lives and livelihoods of people, and are detrimental to the enjoyment of human rights. Given that Nepal is predominantly a mountainous and agricultural country; the impacts of climate change may be catastrophic in future.

102. Transitional phase is a delicate and difficult period. Challenges like corruption and impunity also stare any state in this phase. Establishing the rule of law remains a supreme task as an essential foundation of any democratic society. Nepal firmly believes that a strong and inclusive democracy can help meet these challenges in a comprehensive and lasting manner. Accordingly, the GON has undertaken, and will undertake, a range of measures to address these issues. Such measures include: enhanced respect for rule of law, focusing on more effective implementation of relevant laws, of human rights treaties, and

of directives and recommendations by the Supreme Court and NHRC, revamping relevant institutions and security bodies with adequate resources, and formulating commissions on disappearance and truth and reconciliation.

103. The GON considers the Local Bodies as the first point of contact with the people. Local Bodies, which are the vehicle of devolution, decentralization and good governance at the local level, have remained out of political leadership for long. This has adversely affected the delivery of basic services to the people effectively and efficiently. Though the GON has made alternative arrangements for the purpose of delivering services to the people through a team of dedicated officials, it still feels that there can be no substitute to elected bodies.

## **VII. Key national priorities, initiatives and commitments**

104. In order to address the problems and constraints, the GON has identified various activities as key national priorities and commitments, particularly: institutionalizing the rule of law, bringing the on-going peace process to a meaningful conclusion; framing a new constitution, carrying out a democratic, federal, inclusive and progressive state restructuring; rehabilitation and integration of Maoist combatants; achieving wider economic growth to expedite the process of socio-economic transformation, and balanced and inclusive development; making necessary legal reforms and effective implementation of relevant laws; effective implementation of human rights action plan, and other national action plans, including on CEDAW and on the rights of PWDs; formulation and implementation of action plan on the ILO Convention 169; institutional strengthening of national human rights institutions; support for judicial reforms and law enforcement agencies.

105. Similarly, capacity building on treaty body reporting; carrying out further measures to end impunity in any form; providing transitional justice; ending caste-based discrimination in all forms; effective implementation of ICERD; ending GBV; national monitoring of status of implementation of human rights treaty obligations; improvement in prisons and detention facilities; and enhanced human rights education to law enforcement agencies, armed and police forces are also the key priorities and commitments. Commitments also include continued constructive engagement with UN, human rights mechanisms and international community and close collaboration with the civil society.

## **VIII. Capacity building and technical assistance**

106. In view of the nature of problems and constraints, domestic efforts alone would not be sufficient to achieve a desired level of protection and promotion of human rights on the ground and fulfill international treaty obligations, despite a range of achievements made in this regard. The GON believes that a proper implementation of policies, plans and strategies is crucial to achieve sustainable results. Nepal has been able to obtain development assistance from various international institutions and foreign governments. Such assistance has made a significant contribution to social and economic development, which has resultantly supported the human rights related measures.

107. The GON feels a need for capacity building and technical assistance in order to, *inter alia*, forge further effective collaboration with the civil society, to engage further with the UN human rights treaty mechanisms, to make legislative and institutional reforms, to provide further training to the judiciary, law enforcement personnel, local authorities on the importance of applying the principles of human rights, to enable the civil society to be further effective in contributing to the promotion and protection of human rights.

108. Nepal is making a democratic transition. Nurturing the roots of democracy particularly in post conflict societies also requires continued international goodwill, understanding and support. While appreciating the valuable cooperation and support from the international community, the GON hopes to continue receiving even an enhanced level of support in its efforts to firmly institutionalize peace building efforts, create a web of national democratic institutions and expedite the socio-economic transformation.

### Notes

- <sup>1</sup> It consists of 601 members, out of whom 240 were elected through first-past-the-post electoral system, 325 through proportional electoral system, and 26 were nominated by the Cabinet.
- <sup>2</sup> The Interim Constitution of Nepal, 2007, part 3, arts 12 through 32. The fundamental rights are: right to freedom, right to equality, right against untouchability and racial discrimination, right relating to publication, broadcasting and press, right to environment and health, right to education and culture, right to employment and social security, right to property, rights of women, right to social justice, rights of the child, right to religion, right to justice, right against preventive detention, right against torture, right to information, right to privacy, right against exploitation, right relating to labor, right against exile, and right to constitutional remedies.
- <sup>3</sup> These laws include: Libel and Slander Act, 1959; Prisons Act, 1964; Some (Public Offenses and Punishment) Act, 1969; Marriage Registration Act, 1972; Disabled (Protection and Welfare) Act, 1982, Protection and Welfare of Persons with Disability Act, 1983; Nepal Treaties Act, 1990; Labor Act, 1991; Press and Publication Act, 1991; Social Welfare Act, 1992; Act Relating to Children, 1992, Trade Union Act, 1992; State Cases Act, 1992; Civil Service Act, 1993; Torture Related Compensation Act, 1996, Human Rights Commission Act, 1997; Legal Aid Act, 1997; Consumer Protection Act, 1998; Local Self-governance Act, 1999; Child Labor (Prohibition and Regulation) Act, 1999, Bonded Labor (Prohibition) Act, 200, Nepal Citizenship Act, 2006; Human Trafficking and Transportation (Control) Act, 2007.
- <sup>4</sup> It was established by the Human Rights Commission Act, 1997.
- <sup>5</sup> International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR); First Optional Protocol the ICCPR; Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Optional Protocol to the CEDAW; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child (CRC); Optional Protocol to the CRC on the involvement of children in armed conflict; Optional Protocol to the CRC on the sale of children, child prostitution and child pornography; Convention on the Rights of Persons with Disabilities (CRPD); and Optional Protocol to the CRPD.
- <sup>6</sup> They are: Weekly Rest (Industry) Convention, 1921 (No. 14), Forced Labor Convention, 1930 (No. 29), Right to Organize and Collective Bargaining Convention, 1949 (No. 98), Equal Remuneration Convention, 1951 (No. 100), Force Labor Abolition Convention (No. 105), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Wage Fixing Convention, 1970 (No. 131), Minimum Age Convention, 1973 (No. 138), Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144), Worst Forms of Child Labor Convention, 1999 (No. 182), and Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- <sup>7</sup> They include: Slavery Convention; Protocol Amending the Slavery Convention; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; Convention on the Prevention and Punishment of the Crime of Genocide; Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others; Convention on the Political Rights of Women; International Convention on the Suppression and Punishment of the Crime of Apartheid; International Convention against Apartheid in Sports.
- <sup>8</sup> These rights include: right to freedom of speech, peaceful assembly, association, movement and occupation, business or trade, right to equality and equal protection of law, with provision for affirmative action in favor of women, children or other backward classes, right not to be discriminated on grounds of religion, color, race, sex etc., right against untouchability and racial discrimination on grounds of race, community or occupation, right to publication, broadcasting and

press, right to religion, freedom from arbitrary arrest, detention and punishment, right in relation to criminal justice including the right to fair trial by a competent court or judicial body, right against torture, right to information, right to privacy, right to property and right against exile.

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