



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the third periodic report of Nepal\*

#### I. General information

1. Please provide information on steps taken to ensure that the National Human Rights Commission established in 2000 is in full compliance with the Paris Principles.
2. Please provide information on steps taken to prevent and combat corruption at all levels of public administration and its negative effect on the enjoyment of economic, social and cultural rights, as well as on the number of prosecutions and the sentences passed, if any, against high-level officials found guilty of such conduct.

#### II. Issues relating to the general provisions of the Covenant (arts. 1-5)

##### Article 2, paragraph 2 – Non-discrimination

3. Please provide information on steps taken to ensure that former *haliyas* and *kamaiya* (system of bonded labour) are free from de facto discrimination in accessing their rights to adequate food, health care, education and safe and healthy working conditions.
4. Please provide information on steps taken to address the widespread discrimination against persons with disabilities, including in their access to health care, education, employment and housing.
5. Please provide information on how steps taken to implement the Caste-Based Discrimination and Untouchability Act (May 2011) have addressed de facto discrimination against Dalits.

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\* Adopted by the pre-sessional working group at its fifty-second session (2–6 December).



### **Article 3 – Equal rights of men and women**

6. Please provide information on steps taken to increase the participation rate of women, in particular Dalit and indigenous women, in decision-making positions, public service, the judiciary and the foreign service.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Article 6 – Right to work**

7. Please provide information on whether the State party plans to adopt a national employment policy. Please also provide information on steps taken by the State party to reduce the informal sector of the economy and on measures taken to ensure that workers in the informal sector have access to basic services and social protection.

### **Article 7 – Right to just and favourable conditions of work**

8. Please provide information on measures taken to ensure that the legally guaranteed minimum wage is enforced in practice and clarify whether all sectors are covered by the provisions for a minimum wage.

9. Please provide information on steps taken to ensure that working conditions for factory workers, in particular those working in brick factories, are in line with the obligations of the State party under article 7 of the Covenant.

### **Article 8 – Right to form and join trade unions and right to strike**

10. Please clarify whether the Trade Union Act prohibits retaliatory action by employers against employees due to trade union membership or involvement in union activities. Please provide information on steps taken to promote collective bargaining. Please also clarify whether school teachers are allowed to form independent trade unions.

### **Article 9 – Right to social security**

11. Please provide information on the impact of measures taken to protect old age and disability under the social security system. Please provide information on which other groups are protected by the social security system and how. Please also clarify whether the State party is planning to introduce a national social security system to guarantee universal coverage

### **Article 10 – Protection of the family, mothers and children**

12. Please provide information on steps taken to prevent and combat child sexual abuse, in particular of boys, in the home and in educational facilities.

13. Please provide information on steps taken to address the continued prevalence of harmful traditional practices, such as that of consulting witch doctors instead of referring a child to regular medical care, as well as early marriage, *deuki* (offering girls to deities to fulfil religious obligations), *jhumas* (offering young girls to Buddhist monasteries to perform religious functions), *kamlari* (offering girls for domestic work to the families of landlords), *badi* (widespread practice of prostitution among the Badi caste) and *chhaupadi* (prohibiting women from participating in family activities, living in the home or eating food

other than dried foods during menstruation). Please provide information on the status of the draft bill aimed at combating these issues.

14. Please provide information on steps taken to address the root causes of the issue of street children, with the aim of their protection, rehabilitation and social integration, and ensure that they have access to education, shelter and health care.

15. Please provide information on the impact of measures taken, including those mentioned in paragraphs 238 and 239 of the State party report (E/C.12/NPL/3), to address the increasing trafficking of children for the purpose of sexual and labour exploitation, as well as forced begging, forced marriage, slavery and for the sale of organs.

16. Please provide information on the effectiveness of steps taken to implement and enforce the Domestic Violence Act (2009), in the light of the continued and rising prevalence of domestic violence, in particular against Dalit women.

17. Please provide information on whether the State party has adopted a national policy to combat child labour. Please also further clarify whether the State party has set a minimum age for access to work that is consistent with the fullest physical and mental development of young persons and what steps are being taken to effectively monitor the situation.

### **Article 11 – Right to an adequate standard of living**

18. Please provide updated information on poverty levels in the State party, disaggregated by year and region, population, age group and gender. Please clarify whether the planned reduction in poverty to 21 per cent, as mentioned in paragraph 258 of the State party report, has been reached. Please clarify whether efforts to reduce poverty also include persons living in remote hills and slums, indigenous peoples and the Madhesi communities.

19. Please provide information on the impact of steps taken, including those mentioned in paragraph 268 of the State party report, to ensure adequate sanitation and access to safe and clean water, in particular in rural areas.

20. Please provide information on steps taken to address the problem of food insecurity, reportedly faced by 3.5 million people, in particular disadvantaged and marginalized groups. Please also provide information on steps taken to combat child malnutrition.

21. Please provide disaggregated information on the number of forced evictions and the steps taken to guarantee that forced evictions do not occur and that victims can access an effective remedy.

22. Please provide information on the number of persons displaced during the armed conflict that are still unable to return. Please provide information on steps taken to ensure that they are provided with adequate rehabilitation support, including housing, food, health care and education for children, and with adequate compensation for damage suffered to their properties during the conflict.

### **Article 12 – Right to physical and mental health**

23. Please provide updated information on steps taken to improve the non-discriminatory access to, availability and quality of basic health-care services in rural areas. Please also provide information on steps taken to prevent and combat discrimination in access to health services based on ethnicity or caste status.

24. Please also provide information on steps taken to ensure the provision of physical and mental health care to victims of the armed conflict, including physical rehabilitation.
25. Please provide updated information on steps taken, and the impact measured, to address the high rates of infant and under-five mortality rates, as well as maternal mortality rates. Please clarify which steps have been taken to ensure the provision of emergency obstetric care and universal access to sexual and reproductive health services, including contraceptives.
26. Please clarify whether the State party has taken steps to enact effective laws and policies to reduce the exposure of women and girls to the risk factors for uterine prolapse and to implement the Supreme Court ruling in *Prakash Mani Sharma v. Government of Nepal* (2008).
27. Please provide information on steps taken to address the severe shortage of mental health facilities and psychiatrists in the State party. Please clarify whether the State party has introduced a national mental health policy.

### **Articles 13 and 14 – Right to education**

28. Please clarify whether primary education is compulsory in the State party and whether national legislation guarantees free secondary education.
29. Please provide information on steps taken to:
- (a) Address indirect costs of schooling and ensure that access to education, including to secondary education, is not impaired due to such costs;
  - (b) Ensure that all children of Dalits and children from indigenous groups and minorities are enrolled in primary schools;
  - (c) Improve the access to education in rural areas and address the high drop-out rate in primary and secondary education, in particular of girls;
  - (d) Improve the physical conditions in schools, in particular with regard to the availability of adequate sanitary infrastructure.
30. Please provide information on steps taken to ensure equal access to education for children with disabilities.

### **Article 15 – Cultural rights**

31. Please clarify whether the State party has taken steps to recognize the rights of indigenous communities to lands traditionally occupied by them and the natural resources of those lands and to seek their prior and informed consent before development projects which affect them are started.
32. Please elaborate upon the steps taken, in particular within the national culture policy, to guarantee that indigenous peoples are able to enjoy their identity and culture, including through the promotion and preservation of their traditional languages.
33. Please indicate the measures taken by the State party to improve affordable access to the Internet and other applications of scientific and technological progress, in particular for disadvantaged and marginalized individuals and groups in rural areas.