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Nepal^{*, **}

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** The annex to the present document may be accessed from the website of the Office of the United Nations High Commissioner for Human Rights.



Abbreviations and Acronyms

ADB	Asian Development Bank
CA	Constituent Assembly
CAT	Convention against Torture, and Other Cruel Inhuman and Degrading Treatment or Punishment
COs	Community Organizations
CBS	Central Bureau of Statistics
CPA	Comprehensive Peace Accord
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CIEDP	Commission on Investigation of Enforced Disappeared Persons
CRC	Convention on the Rights of the Child
ESC	Employment Service Centre
FY	Fiscal Year (Nepali)
GEWE	Gender Equality and Women Empowerment
GBV	Gender Based Violence
GDI	Gender Development Index
GDP	Gross Domestic Product
GNI	Gross National Income
GNDI	Gross National Disposable Income
GPI	Gender Parity Index
GON	Government of Nepal
HDI	Human Development Index
HoR	House of Representatives
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
LDC	Least Developed Country
LGOP	Local Government Operation Act
MOLJPA	Ministry of Law, Justice and Parliamentary Affairs
MOWCSC	Ministry of Women, Children and Senior Citizens
MDGs	Millennium Development Goals
MEDEP	Micro Enterprise Development Program
MEDPA	Micro Enterprise Development for Poverty Alleviation
NA	National Assembly
NAP	National Action Plan
NDHS	Nepal Demographic Health Survey (2016)
NICRD	National Identity and Registration Department
NHRC	National Human Rights Commission
NPC	National Planning Commission

NPHC	National Population and Housing Census (2021)
NGO	Non-governmental Organization
NSO	National Statistics Office
NWC	National Women's Commission
OHCHR	Office of the High Commissioner for Human Rights
OPMCM	Office of the Prime Minister and Council of Ministers
PMEP	Prime Minister Employment Program
PWUP	President Women Upliftment Program
PRSP	Poverty Reduction Strategy Papers
SAARC	South Asian Association for Regional Cooperation
SC	Supreme Court
SDGs	Sustainable Development Goals
TRC	Truth and Reconciliation Commission
TJ	Transitional Justice
UN	United Nations
VAWG	Violence against Women and Girls
WCSCSC	Women, Children and Senior Citizens Service Centre

Glossary

<i>Dalit:</i>	<i>Dalit</i> is a term used to describe people who are considered to be the lowest caste in the caste system of Nepal. <i>Dalit</i> Community means the community as recommended by the <i>Dalit</i> Commission of Nepal to GoN.
<i>Khas Arya:</i>	<i>Khas Arya</i> is a term used to describe the four upper caste groups of <i>Bahun, Chhetri, Sanyasi/Dasnami, and Thakuri</i> in Nepal.
<i>Adivasi/Janajati:</i>	<i>Adivasi/Janajati</i> is a term used to describe heterogeneous tribal groups of Nepal and it includes those heterogeneous tribal groups of people as recommended by the Indigenous Commission of Nepal to GoN.
<i>Madhesi:</i>	<i>Madhesi</i> is a term used to describe the ethnic groups of people belonging to Nepal's Terai region and has a different culture.
<i>Chhaupadi:</i>	<i>Chhaupadi</i> is a term used to denote the practice of keeping the girls/women in isolation in a shed which is usually far from their homes during their menstrual cycles. The National Penal Code criminalizes the practice of <i>Chhaupadi</i> .
<i>Kamaiya:</i>	<i>Kamaiya</i> is a term to denote the type of bonded farm labors. The National Penal Code criminalizes the bonded farm labor.
<i>Kamlahari:</i>	<i>Kamlahari</i> is a term to denote the type of bonded farm labor. Penal Code criminalizes the bonded farm labor.

Introduction

1. This Common Core Document of Nepal (“Document”) is prepared based on the Harmonized Guidelines on Reporting under the International Human Rights Treaties including Guidelines on a Core Document and Treaty Specific Documents issued on the Report of the Secretary General (HRI/GEN/2/Rev.6) on 3 June 2009. Data provided in this report are drawn from the latest decennial Census of Nepal that began in 2021 and completed in 2023, Periodic Plans of Nepal, Government policies, annual surveys conducted by the concerned Government agencies and Constitutional bodies on different sectors and areas. The Document must be read in conjunction with and as forming part of periodic reports to be submitted by Nepal under the core United Nations human rights treaties.

2. Nepal has submitted for the first time Document as a forming part of the reports of States Parties on June 14, 1994 and now, the Government of Nepal, Council of Ministers has made a decision for submission of this new revised version of the Common Core Document of Nepal as forming part of the reports of States Parties. This Document is a comprehensive report with updated data, information and progress made in various aspects of governance since the submission of previous Document. Nepal is pleased to submit its Document to the Secretary General of the United Nations.

I. General Information

3. Nepal is one of the landlocked countries predominantly occupied by high mountains with beautiful nature and a nation with rich biological, cultural, ethnic and linguistic diversity. Nepal is an independent, indivisible, sovereign, secular (with religious and cultural freedom including protection of religion and culture practiced from the time immemorial), inclusive, democratic, socialism oriented, federal democratic state. The form of governance is pluralism based competitive multi-party, federal democratic republican, parliamentary system of governance. Nepal is commitment to peace, protection of human rights and upholding humanitarian values. Nepal is bordering with the Republic of India to the south, east and west. People’s Republic of China lies to the north of Nepal. The map of Nepal, National flag of Nepal and Coat of Arms of Nepal is attached in Annex-I.

Topography

4. Having occupied merely 0.03 percent of the total land area of the world, Nepal possess incredibly contrasting topography. Within a south-north axis of around 200 km., the elevation of the land ranges from 60 m. (*Kechanakawal, Jhapa* District) to 8,848.86 m., the highest point on the earth (Mt. Everest) from the sea level. The total area of Nepal is 1,48,007 Square Kilometers.¹

5. Broadly, the topography can be divided into three regions. The high Himalayan Mountain region (above 3,000 m.), comprising 15 percent of the total land area, which harbors eight of the fourteen highest mountain peaks in the world. The hilly region comprises 68 percent and the Terai (Gangetic plain) region (60 m. to 305 m.) occupies 17 percent of the total land area. The hilly region can be further divided into *Mahabharat* range (1,500 to 2,700 m.) and *Chure* range (700 to 1,500 m.). In between the *Chure* and *Mahabharat* ranges, there are stretches of plain lands in the form of duns and valleys, which are also called inner valleys, like *Chitwan, Dang* and *Surkhet*. Similarly, in the northern part of the *Mahabharat* range, there are beautiful mountain valleys like *Kathmandu* and *Pokhara*.

6. On the basis of the river systems, Nepal can also be divided into the *Kosi, Gandaki* and *Karnali* River basin systems from east to west. There are around 6,000 rivers and streams in Nepal, making it one of the affluent countries in inland water resources.

¹ As surveyed and mentioned by the Department of Survey, Government of Nepal.

Climate and Vegetation

7. As the elevation rises, there is a comparable contrast in climatic variation, on the basis of which Nepal can be broadly divided into five climatic zones: Sub-tropical monsoon climate (up to 1,200 m.); ii. Warm temperate climate (1,200-2,100 m.) iii; Cool temperate climate (2,100-3,350 m.); iv. Alpine climate (3,350 -5,000 m.); and v. Tundra (above 5,000 m.). This contrast in geography and climate goes in parallel with very rich biodiversity across the country.

8. Nepal has different types of forests sub-tropical evergreen forest, temperate deciduous forest, coniferous forest as well as Alpine and tundra type of vegetation in its varied climate zones.

9. At present, forest area covers about 44.74 percent of the total land area including protected area. Nepal maintains 23.39 percent of land under protected areas (national parks, conservation areas and wildlife reserves).

Historical Events

10. Nepal as a nation has been known from ancient time in religious scriptures, inscriptions and holy texts. However, Nepal established itself as a unified sovereign nation-state by King *Prithvi Narayan Shah*, the King of *Gorkha* in 1768 A.D. Nepal was never a part of the colonial rule; it always remained a sovereign independent State throughout the long passage of history.

11. It was subjected to the hereditary rule of the Ranas as Prime Ministers from 1846 to 1951 A.D. The Rana's governance system was unitary and all power of the state organs were vested in the autocratic *Rana* ruler whereas the Shah kings were nominal head of the state.

12. Nepalese people's awareness about people's rights led to a revolution against *Rana* regime in 1951 A.D., which changed the autocratic hereditary rules of *Rana* and ushered in the age of democratic era with Kings as a head of the state.

13. Nepal was ruled under the Interim Government of Nepal Act promulgated in 1951 A.D. for about a decade. Governments in various forms and configurations were formed during the period. Finally, the Constitution of the Kingdom of Nepal was adopted in 1959 A.D. A multi-party democratic election was held under this Constitution.

14. *Panchayat* System headed by the King was introduced by promulgating the Constitution of Nepal in 1962 A.D. Which has given absolute power to the King and banned the political parties in the country. Nepal joined the United Nations in 1955 A.D. and established relationships with number of countries across the globe over these years.

15. A new multi-party democracy with sovereignty vested in the people was established by the Popular movement against *Panchayat* System in 1989/90 A.D. It led to the promulgation of the Constitution of the Kingdom of Nepal, 1990 A.D. that embraced constitutional monarchy and parliamentary system of democracy, the rule of law, independent judiciary and human rights as its cardinal principles.

16. The expectation of Nepali people for change did not fulfill by the constitutional monarchy and parliamentary system of democracy within the provisions of the then Constitution. Therefore, an armed conflict ensued in 1996 A.D. by the Nepal Communist Party (Maoist). Subsequently, Comprehensive Peace Accord (CPA) was signed on 21 November 2006 A.D. between the Government of Nepal and the Maoist to resolve the conflict in a peaceful manner.

17. Following the CPA, an Interim Constitution was adopted in 2007. The first election to the Constituent Assembly to prepare a constitution by people's representatives was held in 2008. Following the election, the first meeting of the Constituent Assembly held on May 28, 2008 unanimously decided to abolish the monarchy and declared Nepal a Federal Democratic Republic.

18. The first Constituent Assembly could not prepare Constitution and was dissolved on May 27, 2012. The Second election to the Constituent Assembly was held in November 2013. The second Constituent Assembly promulgated the Constitution on September 20, 2015 with an overwhelming majority.

Demographic, Economic, Social and Cultural Characteristics of the State

Population

19. According to the National Population and Housing Census (NPHC) of 2021, the total population of Nepal stands at 29,164,578, by an increase of 2,670,074 since 2011. The male population comprises 48.9 percent (14,253,551) and the female population comprises 51.1 percent (14,911,027). The sex ratio is 95.59 males, per 100 females increased by 1.43 since 2011. Population density is 198 persons per sq. km, increasing 18 per sq. km in a decade. The annual population growth rate was registered at 0.92 percent, which is decreased by 0.43 percent since 2011. The total number of households is 6,666,937 which is 1,239,635 more households since 2011. But the average household size in 2021 is 4.37 which is decreased by 0.51 since 2011.

20. A comparison of the population in various ecological regions in 2011 and 2021 shows that the growth trend is declining in the mountains and hills, whereas it is increasing in the Terai.

Table 1

Population of Nepal as per ecological regions in 2011 and 2021

<i>Ecological region</i>	<i>2011</i>	<i>2021</i>	<i>Change in percent points</i>
Mountains	1781 792 (6.73 percent)	1 772 948 (6.08 percent)	- 0.65
Hills	11 394 007 (43.01 percent)	11 757 624 (40.31 percent)	- 2.7
Terai	13 318 705 (50.27)	15 634 006 (53.61 percent)	+3.34
Total	26 494 504 (100 percent)	29 164 578 (100 percent)	

21. The national population density is 198, with density of 34 in the Himali region, 192 in the hilly region and 460 in the Terai region. The urban population in 2021 comprised 66.17 percent of the total population, which is a multifold rise from a mere 17 percent recorded in the 2011 census. Further, the NPHC 2021 registers Kathmandu as the district with the highest population density of 5,169.

22. Life expectancy at birth in total is 69 years, while it is 71.17 years for women. Maternal mortality rate per 100,000 live births is 151, which is significantly lower than the mortality rate of 239 recorded in NDHS, 2016. Similarly, infant mortality rate came down to 28 per 1000 live births in 2022.

23. The share of child population (0-14 age group) is 27.9 percent. Working age population (aged 15-59 yrs.) increased from 57 percent in 2011 to 62 percent in 2021, signaling a rising demographic dividend for Nepal. The share of population aged 68 and above remained at 5.23 percent. Population of people with different sexual orientation (LGBTIQ+) is 2,928 persons, which is tiny minority of the total population.

24. Population with disability is 2.2 percent of the total population among them 2.5 percent of male are with disability whereas 2 percent of female are with disability. Physical disability is predominant by 37.1 percent of the total population with disability. Other disabilities include - impaired vision (17.1 percent), blindness (5.4 percent), deafness (7.9 percent), hard of hearing (8 percent), speech problem (6.4 percent), multiple disability (8.9 percent), and intellectual disability (1.8 percent).

Socio-Cultural & Linguistic Diversity

25. Nepal is a multi-ethnic, multi-cultural, multi-religious, multi-lingual and secular country inhabited by 142 ethnic/caste groups. Of the 124 languages spoken in Nepal, Nepali is spoken as a mother language by 44.86 percent of the population. It is spoken and understood by majority of the people, and serves as a *lingua franca* for social and official communication. Around 124 languages are spoken within the country as mother tongues. Among the 142 ethnic/caste groups registered by the NPHC 2021, *Kshetri* and *Hill Brahmin* as the largest groups comprise 16.45 and 11.29 percent of the population, respectively. These groups are followed by *Magar* (6.9 percent), *Tharu* (6.2 percent), *Tamang* (5.62 percent), *Biswokarma* (5.04 percent), Muslim (4.86 percent), *Newar* (4.6 percent), *Yadav* (4.2 percent), *Rai* (2.2 percent), *Pariyar* (1.94 percent) and *Gurung* (1.86 percent). The details of other ethnic groups are given in Annex-II.

26. The National Foundation for Upliftment of *Aadibasi/Janajati* (indigenous nationalities) Act, 2002 recognized 59 *Aadibasi/Janajati*, and enlisted them under the schedule of the Act. The list includes 60 *Aadibasi/Janajati* at present (See Annex-III).

27. In terms of religious faiths, there are 10 religious communities in Nepal. Out of them, a predominant 81.19 percent of the population consists of the Hindus, followed by the Buddhists who comprise 8.21 percent. Islam (5.09 percent), *Kirat* (3.17 percent), Christianity (1.76 percent), *Prakriti* (0.35 percent) and Bon (0.23 percent) are minority religious groups. Other minor religious groups comprise Jainism, Bahai and Sikhism. Religious harmony and tolerance have been a distinct feature of Nepal since time immemorial. The places of worship of Hinduism and Buddhism stand side by side in many places, and are equally respected by both the religious groups. Other faiths are also tolerated and respected in society. Unity in diversity has been a longstanding cultural characteristic of the Nepali society.

Cultural Heritages

28. Nepal is very rich in both tangible cultural heritage and intangible living heritage of the people in various ecological settings. There are four natural and cultural heritage sites of Nepal enlisted in the UNESCO World Heritage list. These comprise the *Kathmandu valley*, *Lumbini*, *Sagarmatha National Park*, and *Chitwan National Park*. The *Kathmandu valley* is a manifestation of the very ancient roots of the Nepali heritage as seven enlisted cultural heritage sites are located here. These sites are *Kathmandu*, *Patan* and *Bhaktapur Durbar Squares*; *Pashupatinath* and *Changu Narayan* temples; and *Swayambhunath* and *Boudhanath* Stupas. The *Swayambhunath* stupa is believed to be around three thousand years old. *Changu Narayan* temple was built around the third century A.D. *Lumbini* is the sacred place where the proponent of peace, Lord Buddha, was born in 623 B.C. The *Durbar Squares* are dotted with ancient palaces, temples, artifacts, and icons. There are several temples, monasteries and places of reverence in various parts of Nepal.

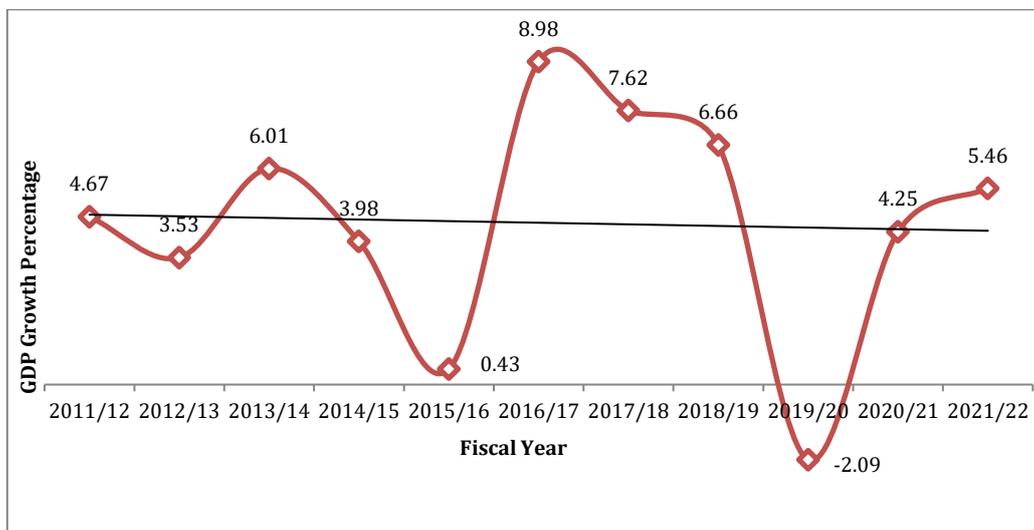
29. Belief in spirituality is still a strong motivational force for many Nepali people. Festivals based on the rituals and commemorative events of the Hindu and Buddhist traditions are spread all over the year. People also observe festivals in appreciation of nature, cycle of seasons, victory over the evil forces, and ancestor worship. Nature worship, animistic and shamanistic traditions of certain ethnic groups also contribute to the living heritage. Folklore, traditional knowledge and traditional cultural expressions also enrich the living cultural traditions of the society. The festivals of Islam, Christianity, and other minority faiths are equally respected and observed.

Overview of Economy

30. Nepal achieved an average economic growth rate of 4.2 percent per annum over the last two decades from the start of the millennium. An average growth rate of 7.5 percent per annum was achieved between 2016 A.D. and 2019 A.D., but the rate declined after the COVID-19 pandemic and in the aftermath of the series of events that led to global economic crisis. In the beginning of the third decade, yearly economic growth has ranged from 3 to 5

percent. Even in the post-pandemic period, the macroeconomic indicators have led the national economy in a right way.

Figure 1
Yearly GDP growth trend in percentage



31. The GDP at current price stood at about US \$ 41 billion in FY 2022/23. The primary sector’s contribution to GDP is decreasing, whereas the contribution of the tertiary sector is on the rise. The primary sector contributed 32 percent to GDP in FY 2012/13 but its share came down to 24.5 percent in FY 2021/22. During the same period the tertiary sector’s contribution rose from 53.5 percent to 62 percent. Total value addition from secondary sector has stagnated at around 14 percent over the period. Available data show that Gross National Disposable Income (GNDI) has remained at higher level in comparison to GDP and GNI, due primarily to the remittances flow.

Figure 2
Contribution of primary, secondary and tertiary sectors to GDP

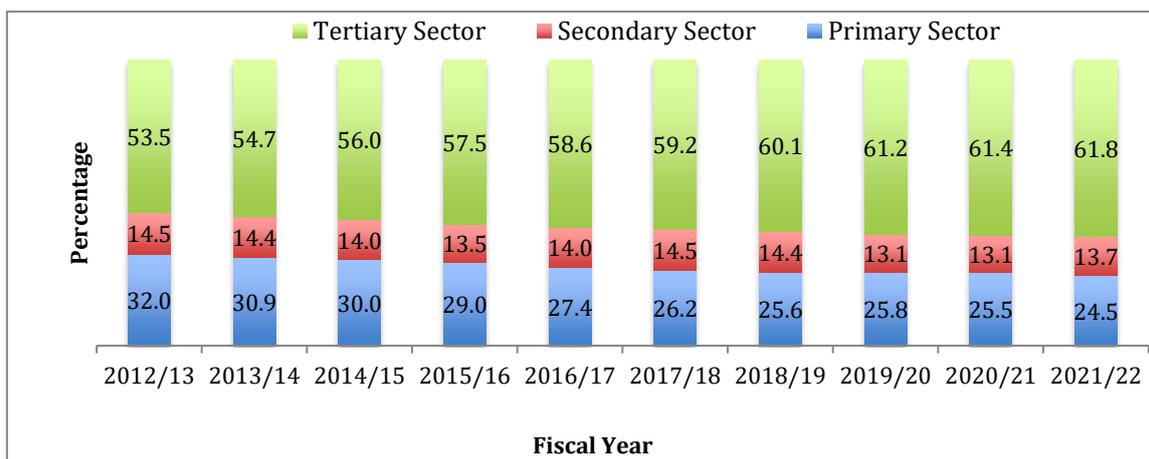
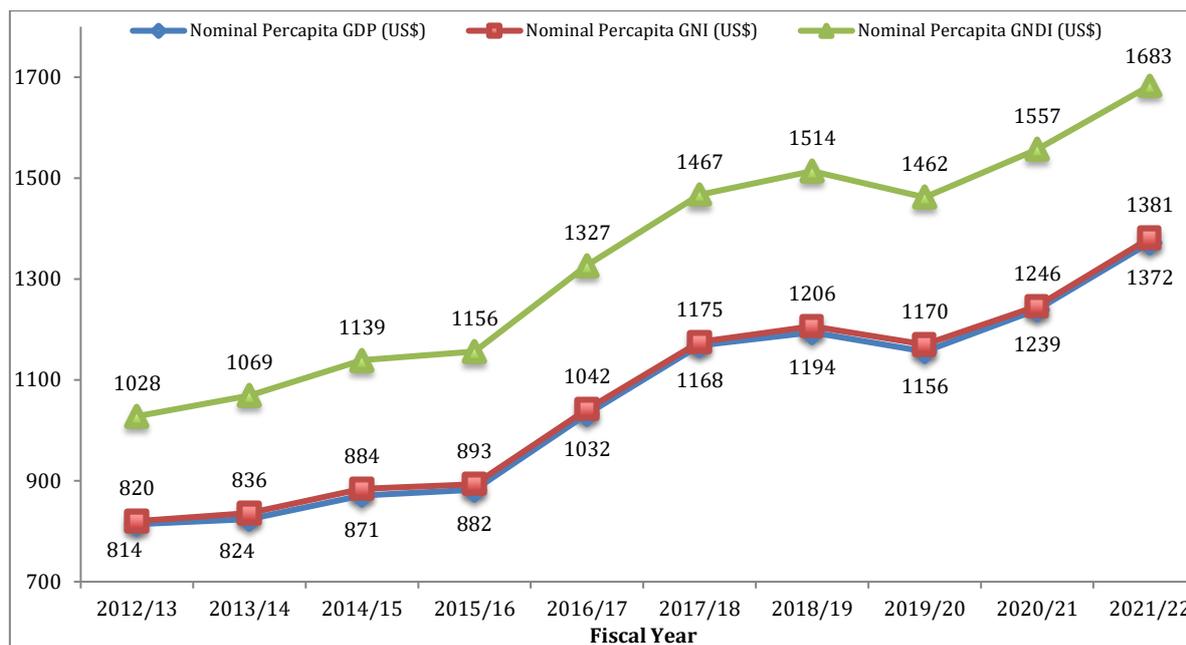


Figure 3
Per capita GDP, GNI and GNDI



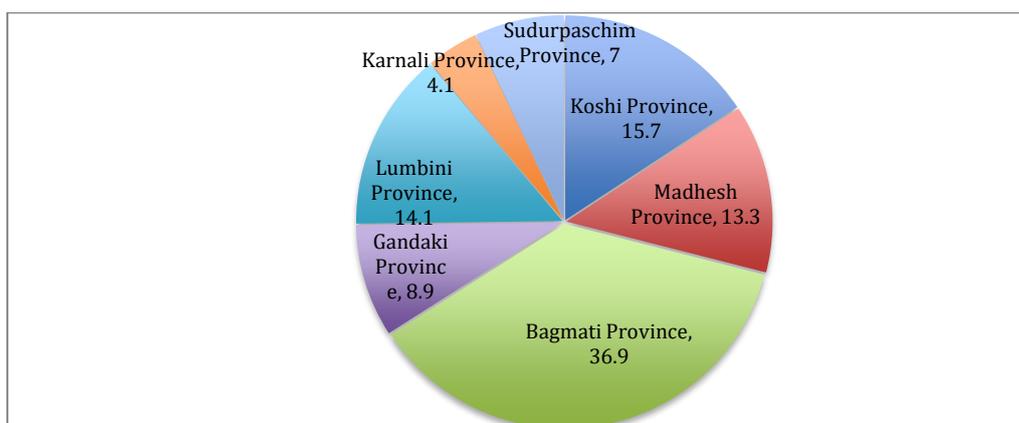
32. Average inflation rates between the period 2016 to 2021 remained at 5 percent. However, it has shown rising trends after the COVID-19 pandemic, not surpassing the single digit ceiling. The gross national saving remained 36 percent of GDP on an average over the last decade, but declined to 31.7 percent in 2022. Sovereign debt was maintained at 26.5 percent of GDP on an average between 2011 and 2020. However, it surpassed 41 percent by 2022.

33. Nepal was able to bring down the rate of absolute poverty from 42 percent in 1996 to 25.2 percent in 2011, and from 21.6 percent in 2015 to 16.7 percent in 2019 (NPC, 2020 a, b). Multi-dimensional poverty index (MPI) was lowered from 30.1 percent in 2014 to 17.4 percent in 2019.

34. The per capita gross national income rose from US \$ 820 in FY 2012/13 to US \$ 1,381 in FY 2021/22. It showed further growth of US \$ 1410 in 2023. The World Bank upgraded Nepal from a low-income to lower-middle income country in June 2020. Having met the United Nations' threshold criteria for graduation in 2021, Nepal is coming out of the LDC status in 2026. In human development index, Nepal currently carries a value of 0.602.

35. The Government of Nepal (Government at the federal level) has established revenue sharing arrangements with the provinces and local levels. The Government of Nepal also transfers cash to the provincial governments and local levels under financial equalization grants; conditional, complementary and special grants. The seven provinces have different capacities for GDP contributions. Bagmati Province with the federal capital produces the highest, while *Karnali* province produces the lowest. The newly established provinces and local levels require capacity-building support in various proportions so as to fulfill their respective responsibilities in a coordinated manner on the basis of exclusive and concurring powers conferred by the Constitution.

Figure 4
Contribution of Provinces to GDP



Financial Access

36. People's access to financial institutions has substantially increased over the last two decades. According to Nepal Rastra Bank, the central bank of the country, as of mid-March 2023, there were 102 banks and financial institutions in operation through their network of around 11,629 branch offices spread all over the country. The networks of microfinance institutions and savings and credit cooperatives have also come up in large numbers, facilitating financial inclusion of the marginalized population. Sixty-one percent of the citizens have had at least one personal account in a bank or financial institution.

Trade

37. Nepal's external trade remains skewed, with increasing imbalances between exports earnings and imports expenditure. Data available from the Ministry of Industry, Commerce and Supplies (MOICS) show that the export-import ratio was 1:2.55 in FY 2004/05 when Nepal joined the WTO, but the ratio ballooned to as high as 1:16 in the middle of the last decade. Currently, the ratio hovers around 1:10. Merchandise exports, for example, reached an equivalent of NRs. 200.03 billion, while imports registered an equivalent of NRs. 1920.45 billion in FY 2021/22 (Nepal Rastra Bank). Most of the service outputs are non-tradable across border, except for tourism, Business Process Outsourcing and few other entities. Nepal has thus become a highly import-dependent and consumption-oriented country. Income from remittances earned by migrant workers have been helpful in upsetting the imbalances.

38. Narrow export base and basket, lack of diversification of export items and markets, high cost of transport and transit, low level of logistics support and a number of other supply side constraints have had impact on export trade.

Employment and Labor

39. The Nepal Labor Force Survey (2017/18) showed that the national labor force participation rate (15 years and above) was 38.5 percent, with female participation rate at 26.3 percent and male participation rate at 53.8 percent. Employment to population ratio was 34.2 percent. Labor in the informal sector was 62.5 percent, while formal employment was registered at 37.8 percent.

40. Average unemployment rate was 11.4 percent female unemployment rate being slightly higher at 13.1 percent (CBS: NLFS, 2017/2018). The rate of underemployment was put at 39 percent on average. About 31.8 percent of male and 48.7 percent of female labor force remained underemployed (Economic Survey, 2019/20).

41. According to 2021 census, more than 2.2 million Nepali are living abroad. Most of the Nepali who lives abroad are engaged in foreign employment. And, migration for foreign employment and remittances has become a prominent feature of the socio-economic life over the years. The Economic Survey (2022/23) carried out by the Ministry of Finance reveals that 11 percent of the working age population (15-59 years) was engaged outside the country.

Remittances as a share of GDP peaked at 30 percent in FY 2015/16, and has come down to the level of 20.4 percent in FY 2021/22. According to the Nepal Living Standards Survey carried out in 2011, about 56 percent of the households in Nepal received money through remittances, making it an important driver of social sector development. Although remittances have made little contribution to capital formation, their role in poverty reduction and human and social development has been widely acknowledged. Challenges remain to make labor migration safe, secure, predictable and dignified. There is a predominance of low-skill workers in labor migration (about 75 percent).

Table 2
Selected Socio-economic Indicators

<i>S. No.</i>	<i>Socio-economic Indicators</i>	<i>Unit</i>	<i>Measurement</i>
1.	Average economic growth	Percent	4.2
2.	Per capita gross national income	US \$	1 410
3.	Contribution of primary sector to GDP	Percent	25
4.	Contribution of secondary sector to GDP	Percent	13
5.	Contribution of tertiary sector to GDP	Percent	62
6.	People below absolute poverty	Percent	15.1
7.	People below multi-dimensional poverty	Percent	17.4
8.	Labor force participation rate	Percent	38.5
9.	Unemployment rate	Percent	11.4
10.	Proportion of formal sector in employment	Percent	37.8
11.	Installed capacity of hydropower	MW	2 666
12.	Life expectancy at birth (men)	Year	68
13.	Life expectancy at birth (women)	Year	71.13
14.	Length of highways (black-topped)	Km.	17 232
15.	Maternal mortality rate (per 100,000 live births)	Heads	151
16.	Under-5 mortality rate (per 1000 live births)	Heads	33
17.	Households with access to electricity	Percent	95
18.	Literacy rate (national average)	Percent	76.2
19.	HDI	Indicator	0.602
20.	GDI	Indicator	0.886
21.	People covered under social security	Percent	20

Constitutional, Political and Legal Structures

Constitutional Structure

42. Nepal has so far tried and tested seven different Constitutions ever since the first Constitution-the Government of Nepal Act was promulgated in 1948 A.D during Rana Regime. Interim Government Act, 2007 (1951 A.D.) was repealed by the Constitution of the Kingdom of Nepal, 2015 (1958 A.D.). Constitution of Nepal, 2019 (1962 A.D.) continued until the Constitution of Kingdom of Nepal, 2047 (1991 A.D.). Interim Constitution of Nepal, 2063 B.S. was transitional arrangement and lasted almost for 9 years. The 7th and latest Constitution, The Constitution of Nepal has been drafted by the Constituent Assembly and promulgated on September 20, 2015 A.D.

43. The preamble to the Constitution, in recognition of the multi-ethnic, multilingual, multi-cultural and diverse regional characteristics of the nation, resolves to build an egalitarian society founded on the principles of proportional inclusion, rule of law and non-discrimination. It further upholds the proven principles of constitutionalism and commits to the values of a multiparty democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, full freedom of the press, and

independent, impartial and competent judiciary. Seeking a decisive departure from the feudalistic, autocratic, centralized and unitary system of governance practiced in the past, it sets the background for federal democratic republican system of governance.

44. The sovereignty and authority of the state is vested in the Nepali people by the Constitution of Nepal, 2015 A.D.

Respect for Human Rights

45. The Constitution commits principles of human rights in the preamble of the constitution and ensures to implement them in the development of the nation. Part-3 of the Constitution specifically and comprehensively incorporates the provisions of the international human rights treaties to which Nepal is a party as fundamental rights of the citizen. Altogether 31 thematic and sectoral human rights issues are laid out in specific details from Article 16 to Article 46 (see Report section 2.5). Nepal is a party to the seven out of nine core Human Rights Conventions.

Federal Republic

46. Article 4 of the constitution declares Nepal as a federal democratic republican state and Article 56 further reiterates that the fundamental structure of the federal democratic republic of Nepal consists three levels including federal, provincial and local level. The Constitution institutionalizes the republican set up by incorporating the provisions of President and Vice-President in the part-6. Article 61 mentions that President as the Head of the State. Similarly, Article 67 provides provisions for Vice-President. An electoral college composed of the members of the Federal Parliament and the Provincial Assemblies elect the President and the Vice-President. The President, is reposed with the responsibility of promotion of national unity and protection of the Constitution. The President is supposed to perform any other functions on the recommendation and consent of the Council of Ministers, except the functions categorically mentioned in the Constitution or federal law.

Government Structure

47. There is a provision for three-tier of government as the federal, provincial, and local levels. The power of the three tier governments has clearly defined in the Constitution. The power listed in the Schedule-5 is exclusive power of the federal government, whereas, Schedule-6 describes the power of the provinces. Similarly, Schedule-8 provides a list of powers of the local levels. Schedule-7 provides list of concurrent power of federal and the provinces, whereas Schedule-9 provides a list of concurrent power to be shared among federal, provincial and local levels. Thus, the Constitution embodies exclusive and shared power structure for the federal, provincial and local levels. The residual power which is not listed in any schedule is provided to the federal government.

48. The power conferred to the Federal, Provincial and Local levels are exercised by the executives and legislative branches of the respective governments. The judicial power of the State is not divided among the different tiers of governments. So, the judiciary and other independent constitutional bodies exercises delineated powers, duties and responsibilities by the constitution and federal legislation to them, complemented by a mechanism of accountability of governance structure and system as well.

49. The clause (6) of Article 56 of the Constitution has adopted the principle of shared responsibilities of the three tiers of governments. It states that, the federal, provincial and local level must protect the freedom, sovereignty, geographical integration, independence and national interests of Nepal, overall development, multiparty competitive democratic republican federal governance system, human rights and fundamental rights, rule of law, separation of power and check and balance, egalitarian society based on pluralism and equality, inclusive representation and identity.

Inclusive and Participatory Principles

50. The Constitution ensures one-third seats in the Federal Parliament and the Provincial Assembly as well as forty percent seats at the local Assembly for the inclusion of women. Similarly, participation of Women, *Dalit*, *Adibasi Janajati*, *Khas Aarya*, *Madhesi*, *Tharu*, *Muslim*, backward region, minority community is ensured through the proportional inclusive seats in the Federal parliament and Provincial Assembly. The Constitution also ensures proportional inclusion in the state organs, including the constitutional bodies. The Constitution allows special provisions to be made by law for the protection, empowerment and development of the disadvantaged and marginalized groups with a long list of beneficiaries including women and persons with disabilities.

Political Structure

51. Nepal has multiparty competitive democracy comprising parliamentary democratic system of governance in Federal and provincial level whereas directly elected executive system of government in local level. Political parties must follow the democratic norms and values and they must register the party in the election commission to contest the election. As of July 2023, eight parties have been recognized as political party at the National level and twenty-eight parties at the provincial and local levels, whereas, one hundred twenty-nine parties are registered at the Election Commission to participate in the periodic elections.

52. Nepal is politically divided into seven provinces, 77 districts and 753 local levels. Local levels are categorized as rural municipalities, municipalities, sub-metropolitan cities and metropolitan cities. There are also 77 district coordination committees for coordination among the local levels within the district.

Federal Legislature

53. The Federal Legislature is bicameral comprising House of Representatives (HoR) and the National Assembly (NA). HoR has altogether 275 members, 165 of them elected from electoral constituencies delimited for the purpose on *First Pass the Post* basis, whereas, 110 are elected through proportional electoral system from among the candidates of participating political parties, taking the whole country as a single constituency. The proportional electoral system makes it mandatory for each political party to elect women in at least one-third of the seats of the Federal Parliament (Article 84.8). Political parties are also obliged to file candidates on the basis of population characteristics to include minorities and backward communities. The tenure of the HoR is for five years. The Members of the HoR elect a Speaker and a Deputy Speaker from among them.

54. NA of the Federal Parliament is a permanent house which consists of 59 members, out of whom 56 members are elected by an electoral college comprising members of the Provincial Assembly and chairpersons and vice-chairpersons of the rural municipalities as well as mayors and deputy mayors of the municipalities of each province on the basis of their different voting weightage as per the federal law. It is mandatory to elect at least three women, one *Dalit* and one from persons with disabilities or minorities. The remaining three, including one woman, get appointed by the President. NA elects one chairperson and one deputy chairperson for the conducting the meetings. One third of the NA members are changed in every two years. The normal tenure of the NA members is for six years. The houses of federal parliament may form various thematic committees for in-depth discussion

Federal Executive

55. The executive power of Nepal, pursuant to the Constitution and law, is vested in the Council of Ministers. The leader of the political party commanding majority in the HoR is appointed as the Prime Minister by the President. In case no party has a majority in the HoR, the President may appoint any member of the HoR who can supposed to command a majority in HOR. A vote of confidence is necessary under such circumstances. The President appoints

the Council of Ministers, comprising a maximum of 25 members, on the recommendation of the Prime Minister. The Prime Minister keeps the President informed on important business and plans of the Government.

Provincial Legislature

56. The Provincial legislature is unicameral and has 60 percent of its members elected by FPTP electoral system and the rest 40 percent on the basis of proportional electoral system as specified by the constitution. The FPTP seats are arranged in such a way that the number of members elected to the Provincial legislature is twice the number of the members elected from the Province to the HoR. The political parties contesting for Provincial Legislature requires to elect at least one third women as members of the PA. While nominating candidates under the proportional election, representation of disadvantaged and minority communities must be ensured looking at the characteristics of the population composition of the province. The Provincial Legislature elects a Speaker and a Deputy Speaker. The term of the Provincial Assembly is for five years.

57. The provincial Legislature exercises the power as mentioned in Schedule-6, Schedule-7 and Schedule-9 of the Constitution, provided that while enacting the legislation on the matters listed in Schedule-7 and Schedule-9, the legislation must not contradict with the federal law.

Provincial Executive

58. The President appoints a Chief of the Province for each province. Nepal has been divided in seven provinces namely *Koshi, Madhesh, Bagmati, Gandaki, Lumbini, Karnali* and *Sudur Pashchim*. The executive power of the province is vested in the Provincial Council of Ministers, pursuant to the constitution and the province law (Article 162). The Provincial Council of Ministers is responsible for issuing general directives, controlling and regulating the governance of the province, subject to the constitution and other laws.

59. Subject to this Constitution, the executive power of the province is as mentioned in Schedule-6, 7 and 9. The executive functions of the province is performed in the name of the Province Government. The leader of the parliamentary party, commanding majority in the Provincial Assembly is elected as the Chief Minister and a Provincial Council of Ministers is formed under his/her chairmanship.

Local Legislature

60. The legislative power of the Local Level is vested in the Rural Municipal Assembly and the Municipal Assembly, pursuant to the constitution. The Legislative power of the Local Level is as mentioned in the list of Schedule-8 and 9 of the Constitution (Article 221).

61. The Rural Municipality Assembly comprises, among others, chairpersons and vice-chairpersons of the Rural Municipality, Ward Chairperson and four members elected from each ward and members of Rural Municipal executive elected from the *Dalit* or minority communities pursuant to clause (4) of the Article 215. At least two women are required to be elected from each ward and among them at least one woman must be from *Dalit* community. Every person completing the age of 18 years and included the name in the voter list of the rural municipality or municipality have right to vote as per the federal law.

62. Each Municipality have Municipal Assembly and the Municipal Assembly consists of the Mayor and Deputy Mayor of the Municipal Executive, Wards Chairpersons, and four members elected from each ward and member of the municipal executive elected from *Dalit* and minority communities (Article 216 clause (4)). Each municipal ward also requires at least two women members to be elected.

63. A Rural Municipal Assembly and Municipal Assembly may make necessary laws on the matters enumerated in the lists contained at the Schedules-8 and 9 of the Constitution and

the law-making process is as provided in a Provincial law and the concerned Provincial Legislature have enacted such law.

Local Executive

64. The executive power of Rural Municipality and Municipality is, in accordance with the Constitution and the Federal law, vested in the Rural Municipal Executive and Municipal Executive (Article 214). The Rural Municipal Executive and Municipal Executive is responsible for issuing general directives, controlling and regulating the governance of Rural Municipality and the Municipality, subject to the constitution and other laws. All executive functions of a Rural Municipality and Municipality are carried out in the name of Rural Municipal Executive and Municipal Executive.

65. There is a chairperson in Rural Municipal Executive, and in each Rural Municipality, the Rural Municipal Executive is formed under his/her chairmanship. The Chairperson and Vice Chairperson and Ward Chairpersons are elected by secret ballots under the FPTP system are members of Executive. There are also four women members elected among from rural municipal assembly members and two *Dalits* or minority members elected by rural municipal assembly in executive.

66. In each Municipality, a Mayor is a head of the Municipal Executive. The Mayor, Deputy Mayor and Ward Chairpersons are elected by secret ballots under the FPTP system are members of executive. There are also five women members elected among from municipal assembly members and three *Dalits* or minority community members elected by municipal assembly in executive.

District Assembly

67. In every District, a District Assembly is established for co-coordinating between the Rural Municipalities and Municipalities within the concerned district (Article 220). The District Assembly comprises the chairpersons and vice chairpersons of the rural municipalities and mayors and deputy mayors of the municipalities. A District Coordination Committee is formed in each district, comprising nine members, which is inclusive of one chief, one deputy chief as well as at least three women and one *Dalits* or minority member.

Judicial Committee

68. A three-member Judicial Committee is coordinated by the Vice chairperson in every rural municipality or deputy mayor of every municipality in order to settle the disputes under their respective jurisdictions in accordance with the law. The two members of the Judicial Committee are elected by the rural municipal assembly or municipal assembly from among themselves.

The Judiciary

69. The Constitution enshrines principles and mechanisms for an independent and competent judiciary. The independence, competence and impartiality of the Judiciary are ensured by institutionalized mechanisms. Five-member Judicial Council chaired by the Chief Justice is responsible for the recommendation of appointment, transfers and disciplinary actions against judges. The Judicial Council is supposed to ensure independence in selection, placement and transfer of judges of the High Courts and District Courts. The Chief Justice appoints the Chief Judges and other Judges of the High Courts and judges of the District Courts on the recommendation of the Judicial Council. It also recommends for departmental actions against judges who deviate from their duties and responsibilities. The Chief Justice thus has a significant role in effectively steering the administration of justice by the judiciary.

70. There is a defined legal process for the appointment of the Chief Justice of the Supreme Court in the Constitution. The Constitutional Council constituted under the

chairpersonship of the Prime Minister recommends an eligible candidate for the post of the Chief Justice of the Supreme Court of Nepal. Then the candidate has to pass through a procedure of parliamentary hearing by a joint hearing committee of the federal parliament. If the committee passes the nomination of the candidate, then the candidate is appointed to the post of Chief Justice by the President of Nepal. Other Justices of the Supreme Court are appointed by the President on the recommendation of the Judicial Council. The qualifications, experience and the terms and conditions along with the tenure of the justices and judges are provisioned by the Constitution and Federal Legislation. The Chief Justice and other Justices of the Supreme Court cannot be engaged in or deputed to any other functions except in the responsibility of judicial enquiry or judicial investigation. The Justices cannot be removed from their office until and unless the two-third majority of the Federal Parliament passes the motion of impeachment against them.

71. The Supreme Court is the Court of Records with the ultimate authority for the interpretation of the Constitution and laws. It may inspect, supervise or give necessary directives to subordinate courts, specialized courts or other judicial bodies under its jurisdiction. It may transfer cases from one court to another or acquire certain cases for its own adjudication when deemed necessary on judicial grounds. It may launch certain legal principles in the course of hearing a case by interpreting the prevailing laws and such legal principles must be followed by all. Supreme Court may prosecute any person who commits contempt of the court or subordinate courts by obstructing the process of dispensation of justice or denying the orders or decisions of the courts.

72. The Supreme Court plays an important role in enforcing the human rights provisions conferred by the Constitution, for which it may exercise extraordinary jurisdiction. Any laws passed by federal, provincial or local legislatures, if found inconsistent with the provisions of the Constitution, may be declared null and void by the Supreme Court.

73. The High Courts also have jurisdiction for enforcement of fundamental rights and other legal rights conferred by the Constitution. They may determine the question of adequacy of potential remedies and look into any legal question of public interests or concerns.

74. The District Courts are courts of the first instance for hearing the most of the disputes but they have also subsidiary role, to hear appeal on the decisions made by the Judicial Committees, which are judicial mechanisms institutionalized at the local levels by the constitution.

II. General Framework for Promotion and Protection of Human Rights

Acceptance of International Human Rights Norms

75. Nepal has ratified of/ acceded to thirteen International Human Rights Treaties out of eighteen core human rights treaties including conventions and Protocols associated with them. The pace of ratification of or accession to human rights and related treaties remained intense after the political change of 1990. Being a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, 1966, Nepal has established itself as an adherent advocate for abolition of the capital punishment. The list of the international human rights treaties, humanitarian law and labor law related treaties ratified or adopted by Nepal is given in Annex IV.

Legal Framework for the Protection of Human Rights at the National Level

76. The Constitution of Nepal stipulates that the State shall make legal provisions for implementation of the fundamental human rights within three years of the commencement of the Constitution. Accordingly, some new Acts have been enacted and some existing laws have been amended by the Federal Parliament. Now all the laws related to implementation

of the fundamental rights are enforced. The Constitution also establishes National Human Rights Commission as an independent Constitutional Commission for protection and promotion of Human Rights. The Constitution further establishes National Women Commission, National *Dalit* Commission, National Inclusion Commission, Indigenous Peoples Commission, Madhesi Commission, Tharu Commission, and Muslim Commission for protection and promotion of human rights in their respective sectors.

77. Section 9 of Nepal Treaty Act, 1990 has a provision that if any provision of the domestic law is inconsistent with the provision of the international treaty it is void to the extent of inconsistency and the treaty provision prevails over it. The Supreme Court has made several landmark decisions on human right issues when public interest litigation is filed in such cases.

Constitutionally Conferred Fundamental Rights

78. Part 3 of the Constitution has guaranteed the following rights as the fundamental rights:

- Article 16. Right to dignity: Ensures right to live in dignity and prohibits death penalty.
- Article 17. Right to freedom of opinion and expression, peaceful assembly; forming political parties, unions and associations; freedom of movement, freedom to do a business or a practice profession.
- Article 18. Right to equality: Ensures equality and equal protection of the law and no discrimination on any ground, including equal inheritance rights without gender discrimination.
- Article 19. Right to communication: No media will be censored, except on reasonable ground in the public interest.
- Article 20. Rights relating to justice: Ensures that persons deprived of liberty require to be produced before adjudicating authority within 24 hours, and they have right to consult with the legal practitioner of own choice and right to get information about investigation and proceedings of the case; right against double jeopardy; provision ensuring free trial and free legal aid for the incapable person.
- Article 21. Right of the victim of crime: The victim of crime shall have right to get information on the investigation and proceedings of the case and entitlement to social rehabilitation and compensation.
- Article 22. Right against torture: Ensures no torture, physical or mental, to be inflicted to a person who is under detention; any act of torture punishable by the law and the victim has the right to compensation.
- Article 23. Right against preventive detention: No preventive detention except sufficient ground prevails for such detention, detainee's condition must be notified to the family immediately; any detention contrary to the law is compensated.
- Article 24. Right against untouchability and discrimination: untouchability and discriminatory treatment in public and private places, including workplaces is prohibited; ensures that any contravention to this provision is liable for punishment on criminal offence, and the victim to be compensated.
- Article 25. Right relating to property: The right to personal property is guaranteed, subject to law.
- Article 26. Right to freedom of religion: Ensures freedom to profess, practice and protect religion of own heritage with conviction; prohibits enforced conversion.
- Article 27. Right to information: Every citizen has right to information of his/her interest or that of public interest.
- Article 28. Right to privacy: Personal privacy is inviolable except in accordance with law.

- Article 29. Right against exploitation: Ensures no slavery and servitude or practice of forced labor.
- Article 30. Right to clean environment: Everyone has right to live in clean environment; ensures balance between environment and development and also the right to obtain compensation by the victim of environmental pollution.
- Article 31. Right to education: Right to access to free and compulsory education up to the primary level, right to free education up to the secondary level; right to free education to the persons with disabilities and economically deprived citizens as per the law; braille and sign language education for those who have visual or hearing impairments; the right to get education in the mother tongue.
- Article 32. Right to language and culture: Ensures right of communities to use their own languages and preserve and promote their own culture.
- Article 33. Right to employment: Every citizen has right to employment, the terms and conditions of which will be as per the federal law.
- Article 34. Right to labor: Every laborer has right to practice appropriate labor.
- Article 35. Right relating to health: Ensures free basic health services, equal access to health services and access to clean drinking water and sanitation.
- Article 36. Right relating to food: Ensures right to remain safe from food scarcity and the right to food sovereignty.
- Article 37. Right to housing: Ensures right to appropriate housing.
- Article 38. Rights of women: Ensures equal heredity rights without discrimination; no violence or exploitation of any sort, perpetrator of violence liable to punishment and the victim to be compensated; right to participate in all bodies of the State on the basis of the principle of proportional inclusion; special opportunity to be provided in education, health, employment and social security through affirmative action; equal spousal right.
- -Article 39. Rights of the Children: Ensures fundamental children rights; prohibits child labor, hiring children in security forces and any form of abuse and exploitation and, provides the provision of protection and compensation.
- Article 40. Rights of Dalits: Ensures proportional participation in all bodies of the State; special provisions in education and employment; preservation and modernization of traditional skill and occupation; provision of land and settlement for the landless Dalits, etc.
- Article 41. Rights of senior citizens: Ensures right to special protection and social security from the State.
- Article 42. Right to social justice: Reiterates proportional participation and inclusion for all segments of the disadvantaged and marginalized population; ensures special provision of protection, empowerment and development for the indigent persons and endangered tribal community citizens; right to live with respect and self-dignity and equal access to public service and utilities to the persons with disabilities with their diverse identity; and right to access to land and right to protect and select traditionally used local seeds and agriculture varieties for farmers.
- Article 43. Right to social security: Mention of social security entitlement to the vulnerable and marginalized groups according to the law.
- Article 44. Rights of the consumer: Ensures right to obtain quality goods and services; any person falling victim to substandard goods or services to obtain compensation according to the law.
- Article 45. Right against exile. No citizen shall be exiled.
- Article 46. Rights to constitutional remedies: Fundamental rights are guaranteed to the citizen and if not provided, they have right to remedy as per Article 133 and 144 of the Constitution.

Laws Enacted to Implement the Fundamental Rights

79. Pursuant to Article 47 of the Constitution, Nepal enacted and/or made amendments to existing laws for coherent implementation of the fundamental rights conferred by the Constitution. These are the list of some laws for the implementation of the fundamental rights:

- The Lands Act, 1964;
- Public Security Act, 1989;
- The Environment Protection Act, 2019;
- Caste and other Social Untouchability and Discrimination (Offence and Punishment) Act, 2011;
- The Act Relating to Right of Persons with Disabilities, 2018;
- The Right to Safe Motherhood and Reproductive Health Act, 2018;
- The Consumers Protection Act, 2018;
- The Public Health Act, 2018;
- The Right to Housing Act, 2018;
- The Right to Food and Food Sovereignty Act, 2018;
- The Privacy Act, 2018;
- The Act Relating to Free and Compulsory Education, 2018;
- The Right to Employment Act, 2018;
- The Social Security Act, 2018;
- The Crime Victims Protection Act, 2018;
- The Act Relating to Children, 2018 and;
- Senior Citizen Act, 2006;
- The Food Hygiene and Quality Act, 2024.

80. The range of legal framework covers civil, political, economic, social, cultural and other rights and fundamental freedoms acknowledged by modern democratic society and as embodied in the international Conventions. These laws have been the dynamic documents supported by further delegated legislations and policy initiatives in areas where reforms are desired. Coupled with legislations such as the National Penal Code and the National Civil Code, these Acts provide a sound basis for protection and promotion of human rights.

81. Further, The Province Governments and Local Governments are also entrusted with law-making power in the matter enlisted in the Schedules of the Constitution. Subject to the principles and parameters set by the Constitution and the Federal laws, the Provinces and Local Governments have enacted a number of legislations, which have further strengthened the human rights regime in the country.

Legal Measures Taken for the Promotion and Protection of Human Rights

82. There is a large body of legal measures taken by Nepal for protection and promotion of human rights. They can be further categorized like the following:

National Civil and Criminal Codes (Measures to curb crimes, violence and discrimination and maintain economic and social order)

83. The enactment of the National Criminal Code, 2074 (2017 A.D.); the National Civil Code, 2074 (2017 A.D.); the Criminal Offences (Sentencing and Execution) Act, 2074 (2017 A.D.); the National Criminal Procedure Code, 2074(2017 A.D.) and the National Civil Procedure Code, 2074(2017 A.D.) has set a milestone in transformation of the criminal and civil law systems. These laws came into effect from August 2018. The National Criminal Code has particularly strengthened the criminal justice system and, therefore, ensured

congenial environment for the enjoyment of rights. The National Criminal Code has criminalized a large number of offences and established norms in line with international human rights standards.

84. The National Criminal Code, 2074 (2017 A.D.) criminalizes several types of offences that violate the rights of the person or community as well as social bad practices, which deem discriminatory and abusive. It corroborates with several individual sectoral legislations that contribute to prohibition of human rights violations and discrimination, including harmful social practices. The National Penal Code sets forth punishments in accordance with the gravity of the offences and lists down the following categories of punishments for the offenders: imprisonment for life; imprisonment; imprisonment and fine; compensation; imprisonment for the failure to pay a fine or compensation; and community service in lieu of imprisonment. There are statutes of limitations to make complaints for different kinds of crimes, ranging from three months to no limits.

85. The National Criminal Code, 2074 (2017 A.D.) prohibits forced labor (Section 162); slavery, serfdom and bonded labor (Section 163, 164); untouchability and discriminatory treatment on the ground of caste (Section 166); torture (Section 167), including prohibition on torture in custody and in the process of investigation by law enforcement authorities; degrading inhuman treatment. The National Criminal Code, inter alia, covers the following offences in different chapters:

86. Chapter 11 deals with offences related to marriage, which prohibits marriage without consent, child marriage (legal marriageable age is 20); dowry system (transaction in marriage); bigamy and polygamy.

87. Chapter 11 provides provisions for abortions, forced abortion is illegal even though pregnancy up to 12 weeks of gestation can be aborted with the consent of the pregnant woman, and in situations of fetal distortion and grave health threat to the pregnant woman or the fetus, pregnancy up to 28 weeks of gestation can be terminated. The condition of termination also applies to pregnancy due to rape or incest.

88. Chapter 15 deals with unlawful detention, and prohibits incommunicado detention by any law enforcement authority, making such offences punishable and with entitlement of compensation to the victim. Minimum humane facilities have to be provided in lawful detention.

89. Chapter 16 criminalizes enforced disappearances and makes it a grave violation of human rights. The offender is liable for 15 years of imprisonment and a fine of up to NRs. 500, 000. The person holding office who gives order or directs the commission of such offence is liable for punishment as the principal offender. A superior who cannot take measures to prevent enforced disappearance committed by junior official is also considered to have committed the offence. An accomplice in the crime also gets the same punishment as the principal offender. Use of government vehicles, buildings or arms for perpetration of crime results in extra year of imprisonment to the perpetrator, and goods related to offence is supposed to be forfeited.

90. Chapter 17 prohibits kidnapping and taking hostages. An accomplishment, attempt and conspiracy for such crime is also criminalized.

91. Chapter 18 deals with sexual offences. The perpetrator of rape is punished in accordance with age of the victim. Stricter sentences are imposable on the offender in accordance with the age of the victim. The lower the age of the victim, the more is the punishment. Sexual intercourse with girls below 18 years of age even with consent is regarded as rape. Unnatural sex is also deemed as rape. Section 219 (4) criminalizes marital rape, which makes the perpetrator liable for a maximum of 5 years of imprisonment. Crimes of incest as well as rape of persons in detention, rape of person in protection or care or rape of a client or service seeker is also criminalized in this chapter. Sexual harassment and pedophilia are also criminalized as serious offences.

92. The National Civil Code, 2074 (2017 A.D.) reiterates the constitutional provision of equality of every citizen before the law and equal treatment of the law. It prohibits any sort of discrimination on any ground. It, however, corroborates with the constitutional provision of making special provisions for protection, empowerment and development of the citizens

who are socially and culturally backward. Chapter 10 of the Civil Code ensures equal inheritance of parental properties among sons and daughters. Section 205, stipulates that husband, wife, father, mother, son and daughter is deemed as parceners for the purpose of the partition of common property.

93. The Criminal Procedure Code, 2074 (2017 A.D.) stipulates that any citizen can make first information report (FIR) to the nearest police office. If no action is taken on the FIR, complaints can be lodged with a senior police officer or at the district attorney office. The complaint procedure can also go to the chief district officer as a next step, if action fails further. These provisions make sure that criminal offences do not go unnoticed or unreported. The Sentencing Act is implemented subject to the criminal Code and the Civil Code and the Criminal Procedure Code.

Special Laws (Specific measures to end violence, discriminations and exploitations)

94. Domestic Violence (Offence and Punishment) Act, 2066 (2009 A.D.): Domestic violence has been criminalized by this law. The victim or anybody with knowledge of commission of crime may lodge a complaint with National Women Commission, the Local Levels or the police for quasi-judicial or judicial actions. The Government is plaintiff in such cases. The law attaches importance to the sensitivity of the victim, and provisions for close door hearings in the court through summary procedure. Depending upon the severity of the offence, the law recognizes domestic violence as a public health emergency case with provision of medical and psychosocial treatment for the victim for which the cost is borne by the perpetrator. The court can also order compensation to the victim from the perpetrator. On the basis of need, safe shelter can be provided to the victim at the service centers. A Gender-based Violence Elimination Fund has been established in 2010 under the law and now the scope of such fund is expanded after the amendment in 2019 to the province and local level of governments.

95. Sexual Harassment at Workplace (Prevention) Act, 2071 (2015 A.D.): This Act ensures secure, dignified and decent working environment for women by protecting them from sexual, physical and psychological harassment at workplaces. Serious offences of sexual harassment, and failure of the authorized person to address complaints proven by investigation, are liable for punishment by imprisonment or fine.

96. Human Trafficking and Transportation (Control) Act, 2064 (2007 A.D.): This Act criminalizes trafficking in persons for prostitution, organ extraction and engaging women and girls in prostitution or sexual exploitation. Complaints of crime can be lodged by anybody who knows about the commission of crime or its likelihood. The police can search the property in which the incident has occurred for evidences and can take the alleged person under judicial custody and conduct an investigation (Sections 7 and 8). The burden of proof lies on the perpetrator (Section 9). In Section 3, there is a provision of rescue, rehabilitation and reunion of the victims for which mutual legal assistance treaties can be signed with the cross-border or trafficking destination countries. A Rehabilitation Fund is established for compensation to the victim as well as for running the cost of the rehabilitation center and the scope of such fund is expanded after the amendment in 2019 to the province and local level of governments. Section 27 provides in-camera court proceedings for offences of human trafficking and transportation. The Act has provisions for witness protection and rewarding the informer under Section 5. The gravity of sentence increases by 25 percent if the offender is a person holding public office.

97. Witchcraft Accusation (Offence and Punishment) Act, 2072 (2016 A.D.): Under the provision of this Act, no person is accused of witchcraft. Any verbal abuse, atrocity, cruel or inhuman treatment perpetrated on any person in the name of witchcraft is deemed illegal, and punishable by the law. Instigators of this offence and those who gather people in the pretext of witch-hunting are also liable for punishment under the law. The police are required to take action within 24 hours after complaints are lodged. The victim gets compensated and admitted to hospital for medical treatment, looking at the severity of the offence perpetrated. On a need basis, the victim also receives psychosocial counseling and rehabilitation at the service center. An offender who commits the same offence repeatedly is liable for double punishment, each time the crime occurs.

98. Caste-based and other Social Untouchability and Discrimination (Offence and Punishment) Act, 2068 (2012 A.D.): This Act criminalizes activities that discriminate people on the basis of castes and other social untouchability practices. Any act in this regard on the ground of tradition, religion, culture, ritual, caste, ethnicity, heredity, community or profession is deemed a criminal offence. The law punishes perpetrators or instigators of such crimes and those who bar people from utilizing public places, services and utilities on ground of untouchability. The complaints can be lodged by anyone who knows about the incidence of such crimes. The victim of such incidence is entitled to compensation, and the cases are prosecuted with the Government as plaintiff. Any person holding public office committing such crimes is liable for 50 percent more punishment.

99. Child Labor (Prohibition and Regulation) Act, 2056 (1999 A.D.): This Act and associated Regulations prohibit employment of underage children as laborers. Any action in contravention to this legislation is punishable. Any enterprise or employer who require to hire children for work must follow certain specific guidelines according to the age of the child, required physical stamina, nature of job, terms of hiring, time of work, remuneration and non-discrimination, among others. Inspection for control of child labor practices and action against violations are provisioned in the Act. Nepal has decided to eliminate child labor by 2025, and regular consultations are being held between the federal and local levels towards this end. The second phase of Child Labor Elimination Master Plan (2018 – 2028) is being carried out with joint efforts of the federal and local bodies through a multi-stakeholder approach.

100. Bonded Labor (Prohibition) Act, 2058 (2002 A.D.): Nepal abolished every practice of bonded labor in 2002 by enacting the Bonded Labor (Prohibition) Act. The Act freed Kamaiya and relieved them from debt bondage. The Act provides for rehabilitation, skill development and employment of the freed bonded workers and ensures their welfare (Chapter 4 and 5). Practice of Kamhlari, or girls hired as household workers, was brought to an end by enactment of a law in 2013. The rehabilitation, resettlement and welfare of the freed bonded girl workers are ongoing according to the law.

101. The Labor Act, 2074 (2017 A.D.): The Labor Act prohibits forced labor, child labor and bonded labor and any form of discrimination in employment. It ensures equal pay for equal value of work for both men and women. It provides for 12 days of paid sick leave for all workers and paid maternity leave for pregnant women. The Act prescribes signing employment contract that specifies the terms and conditions of hiring, except in case of casual work. It also enlists elements of good labor practices such as fixing minimum basic wages and daily hours of work. Moreover, the Act allows the workers the right to collective bargaining (Section 106), and harsher measures such as lockdown, blockade and demonstration to push collective demands, with prior information (Sections 124, 125).

102. Acid and Other Lethal Substance (Regulation) Act, 2079 (2022 A.D.): This legislation was enacted to regulate safety in production, import, export, transport, packaging and repackaging of acids and other corrosive and lethal substances so that they are used only for commercial and professional purposes, and not to misuse or wrong use such as acid or lethal substance attacks on any persons, or unsafe destruction and disposal of these hazardous substances. Any untoward harm caused by such substances is the liability of the source person as much as that of any offender, and such person is subject to legal punishment as well as require paying compensation to the victim.

Special Laws (Specific measures to protect and promote fundamental rights)

103. The Right to Safe Motherhood and Reproductive Health Act, 2075 (2018 A.D.): This Act firmly establishes the right provided to women by the Constitution. Every woman has right to education, information, counseling and receiving services in regard to sexual and reproductive health (Section 3). Section 13 provides the right of 98 days of paid maternity leave to women employees in the Government, NGOs or private offices, along with an arrangement for breast-feeding to the baby within the office premises for two years. Under Section 15 of the Act, women can undergo safe abortion with their consent up to 12 weeks of pregnancy. In case of pregnancy due to rape or incest, abortion up to 28 weeks of gestation period is permitted. Similarly, on severe morbidity condition of the mother or the fetus, and on the expert advice of the licensed medical practitioner, termination of pregnancy up to 28

weeks of gestation is permissible. Women get free antenatal check-ups and obstetric services at government-funded health institutions. Forced and sex-selective abortions are illegal. Women with reproductive health morbidity conditions have rights to get treatment in the public hospitals.

104. The Contribution-based Social Security Act, 2074 (2017 A.D.): The Labor Act is complemented by Contribution-Based Social Security Act, 2074, which is applicable to employees in organized formal private institutions as well as informal sectors, migrant workers and to self-employed persons as well. The Act and the regulations thereunder make provisions for a joint contributory social security plan with contributions from the employer (20 percent) and the worker (11 percent) based on the monthly salary of the worker, or similar other emoluments. The contribution is deposited in a special account in the bank designated by the Social Security Fund. The plan covers welfare schemes such as medical and health protection; maternity protection; accident protection; old age protection; dependent family protection and unemployment protection. The worker who has made contribution to the Social Security Fund for the different schemes on offer would derive benefits from them after meeting the specified conditions and timeframe. Eligibility for a pension would require 15 years of contribution and having reached the age of 60. The contribution-based social security plan has become a mutually beneficial alternative social security plan in the interest of both the private employer and the employee.

105. The scope of the Social Security Fund has been expanded to cover migrant workers and self-employed persons. Since the enforcement of this Act, 600,059 workers and 17,969 employers were enlisted in this plan until June 2023.

106. The Right to Employment Act, 2075 (2018 A.D.): This Act recognizes the right to employment and right to select employment. The State makes provision for support services to the unemployed, including skill and orientation trainings, which are relevant for exposure to the labor market. Section 10 of the Act envisages one Employment Service Centre in each of the 753 Local Levels. Employment Service Centre updates data for unemployed people every year and provides labor and employment supports, including minimum employment guarantee to those who are the poorest and most vulnerable. The guaranteed employment consists of 100 days of work, with condition that the household of the registered unemployed would be paid 50 percent of the wage of the entitled days as subsistence allowance.

107. The Social Security Act, 2075 (2018 A.D.): This Act makes provision for social security allowance for the indigent, incapacitated and helpless persons, helpless single women, persons with disability, children, person incapable to take care of oneself, senior citizens and the peoples of tribal communities whose existence is endangered.

108. The Act Relating to Children, 2075 (2018 A.D.): For the implementation of the international conventions, Nepal enacted the Act relating to the Children and the Act ensures every child's right to live in protection and love of father, mother and family members. It prohibits discrimination between the son and the daughter in upbringing, education and health care (Section 5). No children under the age of 14 may be employed in risk-sensitive jobs or domestic work. Children have rights to participation, freedom of expression and information, peaceful gathering and forming associations. They are given assurance of nutritional and health rights, sports, entertainment and cultural rights and right to education. The family, State and media have to play respective roles to provide priority to promotion of the best interest of the children. Children with disability have special protection to live a life of dignity and non-discrimination (Section 12).

109. The Act makes special provisions to ensure a system of juvenile justice. Section 30 envisages establishing juvenile courts for the purpose, and as an interim arrangement, juvenile benches to be set up in the regular courts. The juvenile bench comprises a district judge, a social reformer and a child psychologist or child expert.

110. For children in difficult situation or for those who have fallen in conflict with law, rehabilitation homes have been provisioned. Psychosocial and psychological studies are to be conducted on children in legal recourse through investigation, prosecution, court hearing and judgment phases.

111. Children whose rights have been violated or abused by offenders are entitled to compensation (Section 73). The perpetrators are liable for punishment looking at the seriousness and gravity of the crime. Children under 14 who commit punishable crimes are either set free after advice, put in jail for six months or in a rehabilitation home for one year. This is the nominal degree of punishment for children who committed the punishable crime and it has incorporated in the Act for making social harmony and good behavior by consideration the child right and dignity.

112. Children in the age group of 14 -16 are liable for half of the punishment of an adult offender for a similar crime, whereas those in the age group 16-18 are liable for two-third punishment.

113. Institutionally, a National Child Rights Council has been provisioned under the chairmanship of the relevant minister, and children's rights committees are to be established at provincial and local levels. Section 63 institutes a Children's Fund for rescue, relief, rehabilitation and compensation of children at risk or in distress. Section 46 provisions a central Juvenile Justice Committee to coordinate with various agencies working for juvenile justice.

114. The Act Relating to Right of Persons with Disabilities, 2074 (2017 A.D.): The persons with disability enjoy all constitutionally guaranteed rights without discrimination as provisioned by chapter 3 of the Act. The schedule under the Act puts disability in four categories: complete disability, severe disability, intermediate disability and modest disability. Disability Identity cards are distributed to the persons with disability from the local governments. Section 29 stipulates that person with complete disability and intellectual disability, who are helpless, are entitled to rehabilitation. Section 30 makes provision for a rehabilitation fund which is supposed to be utilized for the purpose.

115. Free or sponsored access to education, provisions of vocational and technical training as well as concessional loans for start-ups and entrepreneurial jobs are other special provisions. Disabled friendly buildings and infrastructure are to be set up progressively. Persons with disability are provided with quota in public sector jobs and in proportional electoral system of elections. The organized sector is to fulfill its social responsibility as for providing jobs or other support to the persons with disabilities.

116. Chapter 10 lists down responsibilities that has to be fulfilled by all stakeholders in effectively implementing the rights of the persons with disability. Apart from the family's role, the role of the federal, provincial and local level governments, educational institutions, medical professionals, transport service providers and development partners have been spelt out. The Chief District Officer can be approached for enforcement of these rights. Cases can be directly filed at the district court if the rights provided by the Act are not honored.

117. Section 38 makes provision for a National Disability Steering Committee under the chairmanship of Minister for MOWCSS for providing guidelines and directives to implement disability rights.

118. For the protection of the interests and concerns of the persons with disabilities at the local level, local coordination committees are to be formed in Rural Municipalities and Municipalities. (Section 42).

119. The Act Relating to Free and Compulsory Education, 2075 (2018 A.D.): The Act establishes the constitutional right of every child to receive compulsory and free basic and free secondary education (Sections 4, 6 and 20). It is the liability of the State and duty of all citizens to provide free and basic education to all children. Public-funded schools are required to provide easily accessible admission, and ensure that there is no expulsion of students from school. Scholarships and day meals are to be provided to the students of the backward areas and of marginalized communities. Schools are managed through the public education trust and the private schools are required to reserve specified number of seats for free education to students from poor communities, based on the number of total students enrolled in the school (Section 27.3). The Act gives emphasis on readmission of students who drop out from the school. It provides opportunities for students with disabilities. Alternative education program has to be managed for the children who cannot join regular classes. In this way, it is envisaged to make sure that opportunities for education for all the children.

120. The Legal Aid Act, 2054 (1997 A.D.): It supports indigent people and the victims of crime for access to justice through legal aid including counseling, case filing, legal proceedings and court hearings. Under this Act, there are provisions for a central legal aid committee and district legal aid committees and a legal aid fund. The Ministry of Law, Justice and Parliamentary Affairs has established legal aid centers to provide coordinated legal aid service to women, poor and vulnerable people throughout the country.

121. The Right to Housing Act, 2075 (2018 A.D.): The Right to Housing Act incorporates provisions for preventing forced eviction and providing appropriate and safe housing facility to the homeless citizens.

122. The Crime Victim Protection Act, 2075 (2018 A.D.): The Crime Victim Protection Act, 2018 ensures the right to justice for the victims of crimes throughout the investigation, adjudication and social rehabilitation phases of criminal proceedings. It reaffirms the crime victim's right to decent, fair, dignified and non-discriminatory trial during criminal justice process. If property is involved in the crime, the victim has right to get it returned. The victim has right to appoint legal practitioner of their own choice; right to attend and participate in hearings of the case in courtroom and can enjoy right to camera hearing for protecting their right to privacy. They also have right to information about the proceeding of the case, right to compensation including immediate interim compensation. Moreover, the provision of Victim Protection Suggestion Committee headed by the Attorney General by Section 44 of the Act allows for appropriate changes as may be necessary to the victim protection process and procedure from time to time.

123. The Right to Information Act, 2064 (2007 A.D.): The Right to Information Act ensures the right of every citizen to information of public interests and concerns, except those which are classified, from any public entity. An information officer must be designated by each of the public entities to this end. A person who is denied information by the information officer can lodge complaint to the chief of the public entity at a first instance, then the chief gives a decision on the complaint. If still it is denied for the information, then the person may appeal to the National Information Commission, a statutory body established under the Act for the purpose. The National Information Commission (NIC) employs all means to procure the information and may pass it to the applicant. The law has provisions that the NIC can take punitive action, including recommendation for departmental action, against the information officer or chief of the concerned public entity if they fail to provide information or make unnecessary delay. If the appellant suffers damages due to immoderate delay, there is also a provision for compensation to the applicant.

National Framework for the promotion of Human Rights

124. Nepal has taken constitutional, legal, policy, programmatic and administrative measures to make sure that all the rights provided by the constitution and laws are enjoyed by the people. Provisions on proportional and inclusive representation are practiced in different sectors of the state affairs. Similarly, access to health and education services are enhanced through various programs and right to social security is expanded to the various disregarded groups of peoples and communities.

Promoting political participation through proportional and inclusive representation

125. The principle of proportional and inclusive representation has been applied successfully in the federal, provincial and local levels elections held in 2017 and 2022. At least 33 percent of women's representation at the federal and provincial levels and 40 percent at the local level was met during the elections held in 2017.

Table 3

Representation of women in elected bodies

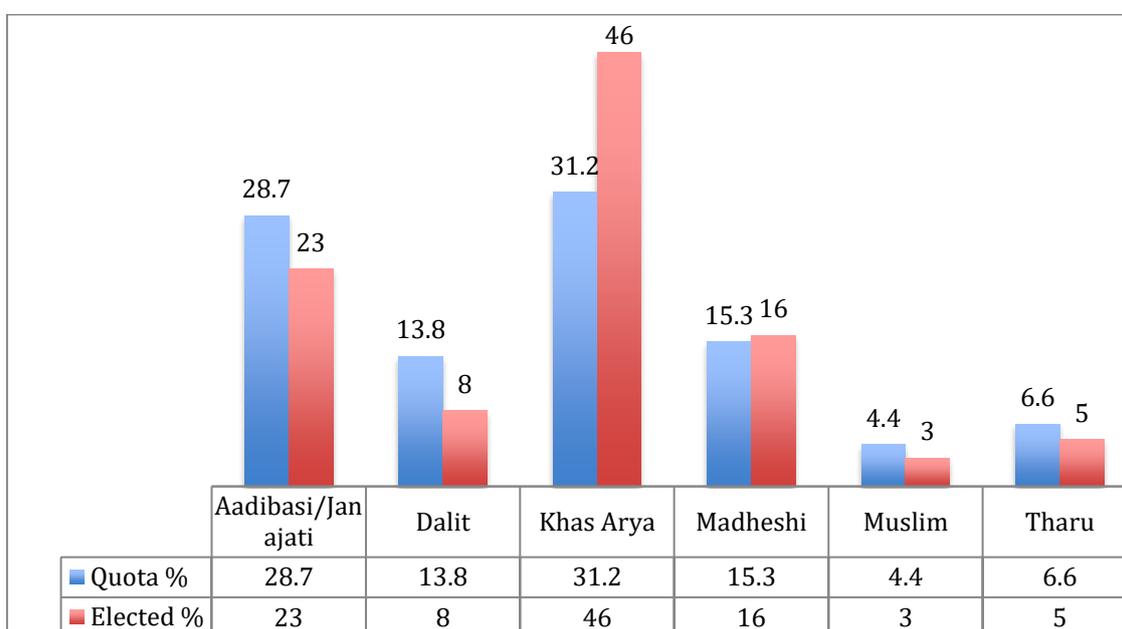
<i>S. No.</i>	<i>Elected Body</i>	<i>Percentage of Seats</i>
1.	Federal Parliament	33.53
2.	Provincial Assemblies (7)	34.40
3.	Village/Municipal Assemblies (753)	40.75

126. The threshold for proportional representation in all the three tiers of elected bodies was largely met in 2022 elections also. In 2017 election, total 14,654 women representatives were elected out of 35,936 representatives, which is around 41 percent of the total representation. Political empowerment is important for enhancing the effective participation of women and promoting their role in the protection and promotion of the rights of women and other vulnerable groups.

127. Looking at the representation of *Dalit* women, 6,743 representatives were elected in the ward committees as per the mandatory representation fixed for Dalit women member by the Local Government Operation Act, 2017. The representation of the *Dalits* in provincial elections on an average was 6 percent, whereas in the Federal Parliament it registered 8 percent. The representation of *Dalits* in various tiers of governance is a good step forward in tackling multiple and intersectional discrimination against Dalits. On the basis of castes/ethnic communities, total quota allocated and the seats won in the Federal Parliament are given in the following figure:

Figure 5

Community-wise quota and seats won in the Federal Elections, 2017



128. The Constitution has stated that the President and Vice-President of Nepal must be from different gender groups and from different ethnic communities (Article 70). Either the Speaker or Deputy Speaker of the HoR has to be a woman, and either of them must be from different party. Likewise, either the Chairperson or Deputy Chairperson of the NA has to be a woman. Either the Speaker or Deputy Speaker of the Provincial Assembly has to be a woman and the representation in these positions must be from different parties. In compliance to these provisions of inclusion and representation, every political party contesting the election is required to present a closed list of at least fifty percent women candidates for the proportional inclusive electoral seats.

129. In the 2017 election for local executives, almost 93 percent, women were elected in the post of the Vice Chairpersons of rural municipal governments or Deputy Mayors of the municipal governments. This position plays an important role as coordinator of the local judicial committee, as conferred by Article 217 of the Constitution. The Local Government Operation Act (LGOP), 2017 fully empowers the local judicial committee to settle 13 specific types of disputes and also empowers them to settle other 11 types of disputes only through mediation. Decisions of the judicial committees can be challenged as an appeal in the District Court. Section 65 of the LGOP makes the Vice chairperson/ Deputy Mayor to take the responsibility of coordinator of local revenue consultation committee. In this way, they are exercising a challenging job as a vice chairperson or deputy mayor of the local government.

Participation in Public Sector Employment

130. To ensure the inclusive participation of marginalized and disadvantaged communities in the public sector employment, special arrangements have been made to allocate proportional seats in the open competitive examination taken by the Public Service Commission. The provincial Public Service Commissions have been established as provided by the Constitution for the selection and placement of employees for province and local Governments.

131. The amendment to the Civil Service Act, 1993 in 2007 started affirmative action in the civil service by reserving 45 percent of open competition seats to women and other historically excluded groups. The reserved 45 percent seats are taken as 100 percent and divided among women (33 percent), ethnic groups (27 percent), *Madhesis* (22 percent), *Dalits* (9 percent), persons with disability (5 percent) and backward regions (4 percent). Competitive exams are taken in these seats for the candidates of the reserved categories. (See Annex V).

132. There has been a progressive rise in participation of various disadvantaged groups in the public sector jobs over the years. Women, for example, were only 11 percent of the total civil service employees in FY 2008/2009, whereas their share in 2022 increased to 27 percent.

133. Since 2011, Policy of inclusion through reservation and quota systems have been introduced in Nepal Army, Nepal Police and Armed Police Forces (APF) as well. Apart from 45 percent inclusive quota, 2 percent reservation is for children of martyrs and disabled personnel, which encourages and provides support to the families of victims of the conflict.

Access to Basic Education

134. GoN implemented Education for All (EFA) Plan of Action (2001-2015), School Sector Reform Program (2009-2015) and School Sector Development Program (2016-2022) to enhance universal access to basic and secondary education. Achieving gender equality in education remains one of the key outputs of these programs. The focus is on equity, quality, efficiency and resilience. The Free and Compulsory Education Act, 2018 makes education free up to secondary level. Consolidated Equity Strategy, 2014; Higher Education Policy, 2017; Pro-poor Targeted Scholarship Procedures, 2017; Comprehensive School Safety Implementation Procedures, 2018; Policy Paper on Literate Nepal, 2019 are some other policy and legislative measures taken over the years. GoN has been implementing School Sector Plan (2022 – 2032) at present. Similarly, local level governments are operating and managing basic and secondary education as according to the Schedule 8 of the Constitution of Nepal. Some local level governments are also providing education on mother tongue of the children.

135. About 39 percent of teachers at school were women in 2022. The construction of separate toilets for girls at schools, other gender friendly infrastructure, provision of scholarships under various schemes with cash and non-cash incentives to the students and their parents, distribution of sanitary pads and day meals, etc. are creating a better environment for girls from disadvantaged and marginalized families and communities to enroll at school and continue their education up to higher secondary level.

136. The Government has improved school infrastructures and support systems, and introduced special provisions for girls of Dalits, indigenous and disadvantaged groups. Gender-responsive tools are used in various programs to include a gender perspective in planning and budgeting frameworks and tangible investment in addressing gender gaps in education, such as School Outreach Programs and Flexible Schooling Programs. The Government has given priority on the development of disability and gender-friendly infrastructures. Moreover, gender sensitivity is ensured in the curriculum to avoid gender stereotypes in the content, illustration and in examples.

137. In academic year 2023, the enrolment rate reached 96.1 percent at the basic level of education (grade 1- 8) and 57.4 percent at the secondary level (Grade 9 -12). Gender parity in education at all school level education have been achieved. Sustaining this positive trend and improving the quality of education is important and challenging. The following table shows the ratio of girls to boys at different levels of education:

Table 4
Gender Parity Index in Various Levels of Education

<i>GPI Ratio</i>	2015	2019	2021	2023
Ratio of girls to boys in primary education	1.02	1.09	0.98	0.99
Ratio of girls to boys in secondary education	1.0	0.95	1.01	1.01
GPI based on literacy (15 years and above)	0.62	0.65	0.98	0.98

138. Apart from formal education, non-formal and lifelong education programs with learning centers based on the needs of the communities are launched under the Ministry of Education, Science and Technology. Till date, 62 districts have been declared literate districts. The Act Relating to Free and Compulsory Education, 2018 provisions for allocating from 10 to 15 percent seats in institutional schools for free education to children from impoverished families.

139. Various policy and program interventions and targeted scholarships such as 100 Percent Girls Scholarship, Scholarship for ex-*Kamlari* Girls, Himali hostel scholarships, *Dalit* scholarship, Karnali Zone Scholarships, etc. have encouraged children from poor and disadvantaged communities to access education. These pro-poor target scholarships include all *Dalit* students and girls, martyrs' children, children of conflict victims and extremely marginalized and endangered tribal community children.

140. Science, Technology, Engineering and Mathematics scholarship has been introduced specifically for talented girl students from indigent families. All the primary grade students in public schools are provided with day meals. GoN has operated 33 special schools, 23 integrated schools and 380 resource classes for disabled children in 2022.

Access to Public Health

141. GoN is committed towards achieving Universal Health Coverage (UHC). Health related acts and regulations, national health policy, health sector strategies, periodic plans, health related sustainable development goals, and different international commitments are the major guiding documents, as the country moves towards achieving its health goals.

142. The National Health Policy of Nepal sets the strategic direction for the country's health system in the federal structure based on social justice and good governance. The policy focuses on ensuring universal health coverage, promoting health equity, and improving the quality of health services within the federal context. National health sector strategies, developed and based on sector wise approach, have been offering a shared platform for action for both the Government and health development partners in a way towards achieving health related SDGs. Moreover, the Public Health Service Act, 2018 provides a legal framework for the organization, management and delivery of public health services across the country. It recognizes nine health service areas: vaccination, motherhood, infant and pediatric health services, communicable disease, non-communicable disease and physical disability, mental disease, elderly citizen's health, general emergency condition, health promotion service, and Ayurveda, as basic health services that every citizen has the right to obtain for free.

143. As the Constitution of Nepal recognizes right to reproductive health as the right of women, GoN has been making dedicated efforts in ensuring quality healthcare services and the promotion of reproductive health rights for all women during pregnancy, childbirth, and postnatal care. As ensured by the Right to Safe Motherhood and Reproductive Health Act, 2018, antenatal, postnatal and delivery health care services are provided free of cost at public health-care facilities. Moreover, under the presences of the President's Women Upliftment Program, GoN has been providing free air rescue service for pregnant women from remote areas who face emergency life-threatening delivery complications.

144. GoN has recognized health insurance as a key to achieving UHC. With the formulation of Health Insurance Act, 2016, GoN has rolled out health insurance program nationwide to ensure financial risk protection and equitable access to quality healthcare services for its citizens. The Act has mandatory provision of enrolment in health insurance program. It is a contribution-based scheme providing a benefit-package of up to one hundred

thousand rupees against the premium collection of Rs. 3,500 in general. The Government has been providing cent percent premium for the ultra-poor, severely disabled and family with patients of multi drug-resistant tuberculosis and HIV/AIDS. It has also been offering fifty percent of the premium for families of female community health volunteers.

145. The health-related policies and plans are equally prioritizing preventive and promotional healthcare measures, aiming to promote health and prevent diseases through awareness campaigns, vaccinations, and health education. Besides allopathy, the health system also recognizes and promotes the integration of traditional and alternative medicine practices, especially Ayurveda services, acknowledging the cultural and traditional health practices of the Nepali population.

Access to Social Security Schemes

146. Social security handout was first introduced in Nepal in modest form in 1995, targeting old age people having crossed 75 years of age. It has taken an expanding trend over the years. Senior citizens are now entitled to social security allowances at the age of 68. In 2018, the average coverage of social security allowance to the targeted clusters was extended to 17 percent of the population. By 2022, the percentage of population covered increased to 20 percent. It involves a substantial cost on the government resources.

147. GoN directly transfers social security allowances at various scales per month to the following categories of people:

Table 5

Target Groups for Social Security Allowances

Target group benefited from social security scheme

Senior citizens, others (above 68)

Senior citizens (Dalits and citizens of Karnali Province above 60 years)

Senior citizens

Single women and widow above 60

Widow below 60

Persons with complete disability

Persons with partial disability

Endangered tribes

Children from Karnali Province and Dalits Community

Promotional Program and Administrative Measures

148. GoN incorporated broad-based, poverty-focused and inclusive development policy objectives in the 10th five-year plan (2002-2007), which was carried forward to bring women, marginalized communities and the people from backward and disadvantaged regions into the mainstream of development. Equality and justice in society are important instruments for sustainable peace and inclusive development. These plans aimed at facilitating the secluded community, especially those falling below the poverty line, by providing them opportunities and access to productive resources, training, orientation, skills and capacity-building. The Poverty Reduction Strategy Paper (PRSP, 2002–2007) sought to increase the access of women, *Dalits* and other marginalized groups to education, health, services, credit, appropriate technology and necessary training. Gender inclusion and governance reforms have been treated as crucial cross-cutting issues. Priority was placed on curbing discrimination and violence against women through reforms in policy and legislation, promoting gender equality and dignity of women and girls in society, and adopting measures for employment and entrepreneurship development for achieving economic empowerment.

149. Production Credit for Rural Women and Small Farmers Development Program made good impact in the 1990s by developing better livelihood, entrepreneurship and empowerment of women and other deprived communities. The Gender Equality and Empowerment Project (2004-2013) was launched with the objective of increasing income assets and employment opportunities for poor rural women through the enhancement of business knowledge and entrepreneurial skills for micro enterprises and facilitate easier access to financial resources. It helped in establishing savings and credit cooperatives of women and formed community organizations inclusive of *Dalits* and ethnic groups for promotion of small businesses.

150. The Micro Enterprise Development Program (MEDEP) launched in 1998 and its successor - Micro Enterprise Development for Poverty Alleviation (MEDPA) carried out since 2010, have targeted the poor household groups. The MEDEP created 130,000 micro enterprises and generated 342,000 direct and indirect jobs. As of June 2017, MEDEP/MEDPA jointly created 119, 085 micro enterprises. The MEDPA is now covering its operation in all 753 local level bodies.

151. GoN has launched the program for the rural poor people in 337 local bodies of 77 districts within the country and it has mobilized savings and seed money for entrepreneurial development, and carried out income generating activities and small infrastructure development as well.

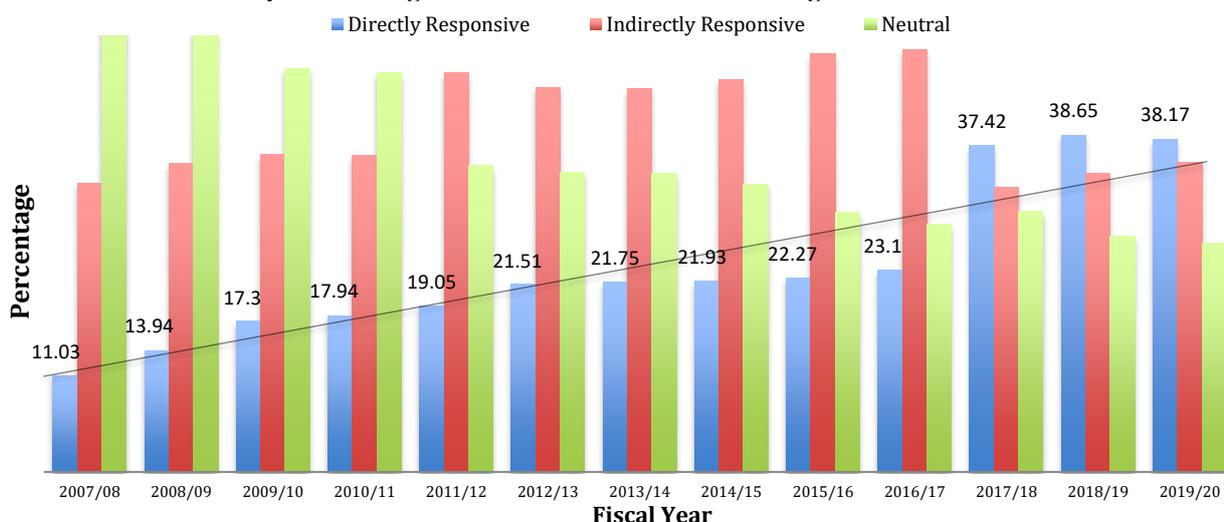
152. Cooperatives have been recognized as the third pillar of development alongside the Government and the private sector. At present, they mobilize around 20 percent of the national financial resources in multiple areas, including farm and non-farm activities as well as operations of savings and credit institutions. They have registered an impressive growth over the years. Until mid-March 2022, there were 30,879 cooperatives with 73,37,252 shareholders and Rs. 94.12 billion equivalent of share capital.

153. GoN has been carrying out People's Housing Program to provide proper housing for the poor and marginalized communities. Under this program, works are also being carried out to replace unsafe thatch roofs by corrugated iron sheets and other robust materials. To address the problems of landless squatters on a permanent basis, a Land Commission has been working in a decentralized manner since 2020, covering all 77 districts as its area of jurisdiction. Data show that up to 1.5 million people are living precariously on marginal land or pieces of land that they do not own.

Gender Responsive Budget

154. GoN first introduced Gender Responsive Budget system in 2007/08 for effective promotion of Gender Equality and Women's Empowerment (GEWE). Every budget line is analyzed and approved on the basis of set indicators to ensure the inclusion of gender components. The program budgets are put into three categories on the basis of benefits they provide to women and girls – directly gender responsive, indirectly gender responsive and neutral. Institutionally, a Gender Responsive Budget Committee located in the Ministry of Finance works in cycle with the Gender Focal Points in the line Ministries to ensure that gender analysis is done to categorize every budget line. Every annual budget since FY 2007/8 is following this system. The directly gender responsive budget, which provides 50 percent or more benefits to women, progressively increased from 11.03 percent of the total allocation in 2007/08 to over 38 percent in FY 2019/20. It further increased to 42 percent in FY 2023/24. The Fifteenth National Plan has rolled out a plan to integrate gender budgeting in all the provincial and local level program also in line with the federal practice.

Figure 6
Gender Responsive Budget Allocation in Total Annual Budget



Annual programs on Gender Equality

155. The MOWCSC, provincial ministries and local governments sets aside annual budget to carry out activities that ensure gender equality and empowerment of women as well as improvement of general situation and inclusive development of other vulnerable segments such as persons with disabilities, sexual minorities, including LGBTIQ+. The LGBTIQ+ communities have been recognized through provisions in identity documents, and their right to live in dignity is honored. The Social Development Ministry of the province Governments and social development units at the local governments operates various program that are tailored to look after women, children, senior citizens, persons with disabilities and other marginalized populations.

Prime Minister’s Employment Program (PMEP)

156. PMEP was officially launched in February 2019 with the objective of fulfilling the people’s right to employment. An operational guideline of PMEP was brought out in February 2018. The scope of the program encompasses the federal, provincial and local levels and their cooperation and coordination with the private sector, cooperatives, NGOs and civil society organizations in creating and offering jobs. Employment Service Centre (ESC) with necessary human and financial resources have been set up in all 753 local levels, where unemployed people get enrolled for job opportunities. Local level private entrepreneurs, cooperatives and civil society organizations can send their demands to ESC. Employment to be generated by sectoral line agencies of the Federal and Provincial Governments while implementing their budgets and program, are also taken into consideration. Research and development as well as skill and entrepreneurship development are integrated into the Program.

Institutional Measures

National Human Rights Institutions (NHRIs)

157. There are eight constitutional commissions established to look after the rights, interests, welfare and overall development of people of all social standings and strata in an inclusive manner. National Human Rights Commission, National Women Commission, National Dalit Commission and National Foundation of Indigenous Nationalities were already in existence as statutory bodies and now they are upgraded as constitutional commissions while other commissions, such as the National Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission and Muslim Commission were created by the Constitution of Nepal in 2015.

158. Chiefs and office-bearers of all Constitutional Commissions are appointed by the President on the recommendation of the Constitutional Council as per the Constitution. The Constitutional Council comprises the Prime Minister as Chairperson, Chief Justice, the Speaker of the HoR, Chairperson of the NA and the Leader of the Opposition Party in the HoR and Deputy Speaker of the HOR as Members.

National Human Rights Commission Nepal (NHRC, Nepal)

159. NHRC, Nepal was established in 2000 as a statutory body and was subsequently upgraded in 2007 by the Interim Constitution into a full-fledged constitutional body. Under Part-25 of the present Constitution, the NHRC, Nepal is a national institution for overall monitoring of human rights compliance and recommending actions against violators. NHRC, Nepal can take pre-emptive steps to prevent any action that can potentially violate human rights; hold officials accountable to human rights issues in their actions and behaviors; prepare reports on evolving human rights situation and recommend corrective actions. It makes policy recommendations to GoN for protection and promotion of human rights in all their dimensions. It may make studies on protection and promotion of human rights and recommend the Government to take necessary initiatives thereof. It may suggest GoN for being party to any international human rights treaties. NHRC, Nepal has its regional and sub-regional offices to reach-out throughout Nepal. NHRC, Nepal conforms to the Paris Principles, and is an 'A' rated national human rights institution that meets standards set by the Global Alliance of International Human Rights Institutions (GANHRI).

160. Other constitutional commissions look after the human rights interests and concerns of the concerned communities vis-à-vis the national mainstream, and get involved in study and research, through which they can protect and promote their rights in an inclusive manner and thus complement in the functions of NHRC, Nepal.

161. National Women Commission (NWC) is responsible for, inter alia, recommending policies and programs for protection and promotion of women's rights and monitoring the implementation of obligations arising from the international treaties related to women. NWC also stands for curbing violence and social bad practices and ensuring equitable participation of women for their empowerment.

162. National *Dalit* Commission (NDC) bears the responsibility of undertaking study and assessment of the situation of the *Dalits* and making recommendations to GoN for policy, legal and institutional reforms; monitoring the implementation of special provisions made for upliftment of the community; ensuring the participation of *Dalits* in all organs of the State and protecting the legal rights of *Dalits* in the event of any caste-based discrimination or violence.

163. National Inclusion Commission (NIC) makes sure that the rights and interests of constitutionally classified communities are protected and their proportional representation and inclusion in all organs of the State are met in accordance with the provisions of the law. It can make recommendation to ensure representation and inclusion of certain communities or backward regions in the national mainstream. It has also mandate to ensure the protection of rights of persons with disabilities and minorities especially their right to inclusion in public life.

164. Indigenous Nationalities Commission, *Madhesi* Commission, *Tharu* Commission and Muslim Commission have been constituted for protection and promotion of the rights of these communities as per the provisions of the law. Some of these human rights institutions are in formative stage of institutional development and are in the process of picking up their constitutional responsibilities in a systematic manner.

165. Commission for Investigation of Abuse of Authority (CIAA) as well as the Auditor General (AG) are other important Constitutional bodies which ensure transparency and accountability in the work process of persons holding public offices or public responsibilities, and help establish political, economic/financial and social good governance in their respective areas of jurisdiction by sanctioning those who go wrong. The CIAA has a crucial role in implementing the provisions of the UN Convention Against Corruption in the domestic context. All these commissions also play important role in creating resilient environment for enjoyment of human rights by all.

Parliamentary Oversight

166. Ten thematic and special Committees remain active to deliberate on contemporary issues and assist in the day-to-day activities of the HoR, in accordance with the House of Representatives Regulation, 2022. The Law, Justice and Human Rights Committee; Women and Social Affairs Committee; the State Affairs and Good Governance Committee and Public Accounts Committee play more prominent role in protecting and promoting human rights.

167. The Law, Justice and Human Rights Committee provides advice, and issues suggestions and guidelines to all stakeholder agencies with regard to respect for and protection and promotion of human rights. The Committee works to bring positive changes in the field of law and justice by providing constructive ideas and visions to the Government and other relevant agencies for the establishment of the rule of law and welfare State. It can also make studies, follow-ups and provide suggestions and guidelines with regard to the international treaties, peace and order and implementation status of fundamental human rights.

168. The Women and Social Affairs Committee provides suggestions and guidelines for effectiveness and efficiency of GON in Gender issues and discusses the reports of National Human Rights Institutions and provides suggestions to them for their effectiveness.

169. The State Affairs and Good Governance Committee takes initiatives to formulate legislations in its area of jurisdiction and issues advice, suggestions and directives in matters related to good governance, peace and order and the establishment of the rule of law, among others.

170. Likewise, the Public Accounts Committee, with its relatively long history in Nepali Parliament, works to make sure that expenditure from the State funds is made with efficiency, effectiveness and appropriateness, according to the will of the People's Representatives. In this respect, the Committee looks into the misappropriations pointed out by the Auditor General's report to ensure subsequent legal and appropriate corrective actions to be taken by the concerned agencies. It may conduct studies and provide necessary guidelines as well as summon office-holders to warn and avoid possible misuse of public funds.

171. Furthermore, the National Concerns and Coordination Committee formed in the NA under the National Assembly Regulation, 2018 exercises jurisdiction related to human rights issues and the status of execution of international Treaties and Agreements.

Disseminating Human Rights for Awareness

172. The national human rights institutions work closely with Government line agencies, the police, attorney general's office, bar associations, NGOs, civil society organizations, media, intelligentsia, academic and research institutions and human rights experts to protect and promote human rights under the framework of the Constitution and relevant laws as well as universally accepted human rights norms and principles. Their reports and publications reveal the contemporary human rights situation and spur the Government and law enforcement agencies to action for protection and promotion of rights. Human rights institutions, government line agencies and mass media work together in spreading human rights awareness among the general public. The vulnerable groups are encouraged to come forward in defense of their rights in order to safeguard them when violated by any quarters.

173. Human Rights Institutions such as the NHRC and NWC and line Ministries of the federal and provincial governments are putting up notices and information on human rights, rights of women, children and person with disability in various publications, including their own. They have prepared hoarding boards, brochures, flyers, jingles and posters, held live interactions with journalists and human rights defenders, advertised on the TV and radio. They also organize periodic interactions and meetings to update on their activities and programs.

174. The Ministry of Law, Justice and Parliamentary Affairs and Nepal Law Commission are maintaining their websites with details of all official constitutional and legal texts. The Ministry of Law, Justice and Parliamentary Affairs is also publishing the international human rights and other treaties to which Nepal is a party for public knowledge and awareness. It

translates the texts of the international treaties in Nepali language so that these could be accessed and understood by people.

175. GoN has attached importance to spreading human rights education and awareness among the law enforcement agency officials, police, security forces, officials of the Attorney General and district attorney offices. Periodic orientation and trainings are imparted to the officials involved in enforcement and/or implementation of human rights, both within the country and abroad.

176. Nepal Army has established a dedicated human rights cell within the Army Headquarters since 2002. Trainings on human rights and international humanitarian laws (IHL) have been included into the army career training course. The human rights cell also imparts training on the gender aspect of human rights and the issues of gender equality and the principles of Women, Peace and Security (WPS) as enshrined in the UNSCR resolutions 1325 and 1820.

177. Likewise, a human rights section has been established in Nepal Police headquarters since 2003 to impart training and orientation on human rights and the IHL. The human rights section imparts related trainings to all senior and junior officials of the Police force and lays emphasis on protection, promotion and coordination in human rights issues. Armed Police Force Nepal has established human rights cell on 10th January 2003 at the Armed Police Force Nepal headquarters. This cell conducts the Training of Trainer (TOT) and awareness training to Armed Police Force Nepal personnel regarding issues of human rights. It also conducts the pre-deployment and orientation training on human rights to those Armed Police Force personnel who are to be deployed to the United Nations peacekeeping missions.

Mass Media

178. Freedom of press has been guaranteed by the Constitution. Nepal saw a significant surge in the number of news media over the last two decades. There are 701 FM radio stations and 234 television channels in the country at present. Some of them also broadcast in community languages. Total number of newspapers and magazines that publish in different periodicity stand at 7,879, as of March 2022. Out of this, the number of daily and weekly newspapers is 745 and 2971, respectively. Most publications are in Nepali language, followed by English. There are number of publications in community languages which account 5.3 percent of the total.

179. Online publications and increasing penetration of the Internet and Broadband connectivity is making the reach-out to news and views easier. Mass media probe into crime events, violence and discrimination in society, GBV, including domestic violence, social bad practices prevalent in various communities and publish news reports on them. They alert police, prosecutors, law enforcement officials, lawyers and judges apart from the general public. They also publish stories on promotion and protection of human rights in various aspects and inform people on how international human rights norms and values embodied in the Constitution and laws can be applied domestically.

180. Mass media have played a very positive role in curbing GBV, other events of violence, discrimination and harmful practices such as *chhaupadi*, *kamlari*, *kamaiya*, witchcraft allegations including through disseminating information and awareness against these practices. They have also been disseminating education and awareness among the vulnerable segments about alleged violence and discrimination and encouraging them to report such incidences whenever they occur for fostering reforms in society. As a result, women, children and other vulnerable groups are coming out of stigma and fear and reporting such violations to police and law enforcement agencies, who in turn, have been institutionalizing their roles and responsibilities in controlling crimes and protection of human rights. Furthermore, GoN encompasses essential methodologies and tools within GoN's organization to respond to its own cyber security risks- including policies and processes. The primary law of Nepal is the Electronic Transaction Act, 2006. It was instituted recognizing the growing importance of electronic transactions and the need for legal frameworks to govern them. Nepal's cyber space governance guided by a National Cyber Security Policy introduced in 2023, a National Cyber Security Center is established to regulate the Cyber Space Governance.

Civil Society Organizations

181. At present, a total of 185 international non-governmental organizations (INGOs) and 55,359 NGOs are affiliated to Social Welfare Council to work in Nepal. These civil society-based organizations are principally supposed to work at community level.

182. The NGOs have been recognized as partners in development since the 9th development plan (1992-1997) as they complement to the national development efforts. The civil society organizations are mostly registered at the District Administration Office under Association Registration Act, 1977. NGOs are actively involved in various sectors of socio-economic development such as health, education, drinking water and sanitation, conservation of forests and environment, skill development and income generating activities. They also involve in activities related to livelihood support; children’s development and welfare; women development; youths and the disabled development; small infrastructure development; community development; social services; relief, rescue and rehabilitation of victims of natural disasters like earthquakes, floods, and so on.

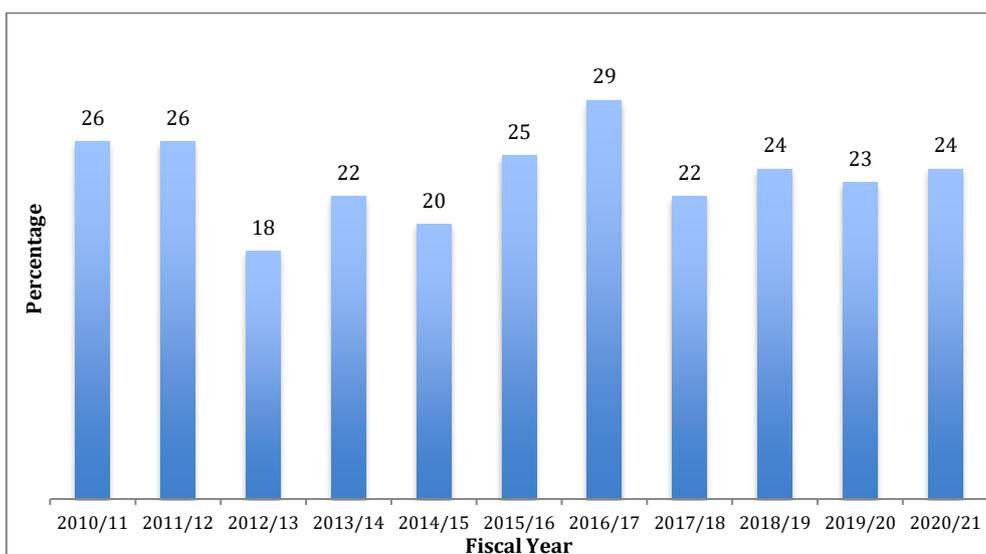
183. They pursue advocacy for reforms in public policies and laws for realization of human rights. They also make programmatic interventions for the socio-economic uplift and empowerment as well as education and awareness of the marginalized groups. Some of them play crucial role in supporting GBV victims working in close coordination with Government agencies, police and policy makers.

184. Some like-minded NGOs have made networks, which collectively produce shadow reports on the national implementation of international conventions to which Nepal is a party, and provide NGO perspective on the issues at stake to the Treaty Bodies. Similar networks of NGOs also produce parallel reports for pertinent international conferences.

Development Cooperation

185. International Development cooperation has remained an important source for meeting resource gap in development finance, environment conservation, poverty reduction, human resource development and technology transfer since Nepal launched its first five-year plan in 1956. As percentage of the national budget, the share of development cooperation has been going down over the decades. It has also shown fluctuations in terms of annual disbursements. The share of overseas development assistance, on an annual average, remains five percent of the GDP, and 23 percent of the national budget in the recent years.

Figure 7
ODA as a Share of National Budget



186. In terms of amount utilized, the Ministry of Finance sources show that total disbursement of development cooperation from FY 2010/11 to FY 2019/20 ranged from US\$ one billion eighty million to US \$ two billion three million. The proportion of grants

has declined significantly in recent years as compared to loans, indicating that larger proportion of development cooperation is flowing from multilateral sources in the form of loans. Significant gaps exist in commitment of development cooperation and actual disbursement. Gaps have also been observed in terms of low expenditure of disbursed aid.

187. The Ministry of Finance collaborates and cooperates with the development partners as well as local and provincial governments for synchronization of development cooperation and its mobilization in the provinces and local levels. GoN updated its development cooperation policy in 2019 to reflect the federal structure of governance.

National Initiatives for Implementation of the Human Rights Treaties

Reporting Process at the National Level

188. The Human Rights and International Treaties Division of the Office of the Prime Minister and Council of Ministers (OPMCM) is the National Focal Point for overall monitoring and evaluation of the implementation of human rights. In 2010, the OPMCM took a key initiative to eliminate gender-based violence (GBV) through a national action plan with commitment of zero tolerance to all manifestations of GBV. As a continuation of this important initiative, the Year 2076 B.S. (2019/20) was declared as '*Campaign Year for Elimination of GBV*' with MOWCSC on the lead, and a number of awareness-raising and transformational campaigns were launched in affected areas.

189. OPMCM is the lead agency to monitor and coordinate the implementation of overall national human rights action plan that includes the issues and challenges covered under recommendations from the Universal Periodic Review Process and other treaty bodies reporting mechanisms. Since, there are different ministries responsible for the national implementation of different treaties such as MOWCSC is responsible for implementation of CEDAW, CRPD and CRC and their Protocols, the Ministry of General Administration and Federal Affairs leads the implementation of the ICERD and the Ministry of Home Affairs leads the implementation of the ICCPR and CAT.

190. The stakeholders in implementation of the National Action Plans report progress to OPMCM. Human Rights Focal Points and Gender Focal Points have been established within major Government line agencies that report on implementation of measures on their respective areas of responsibility. Similarly, Province and local governments are supposed to implement the treaties in their respective jurisdictions provided by the Constitution and need to report to OPMCM directly or through the Office of the Chief Minister and Council of Ministers (OCMCM) of the province.

191. The designated Ministries need to undertake the responsibility of reporting to the OPMCM for which they make consultations with Government agencies, including Provincial and Local Governments, Office of Attorney General (OAG), Nepal Police, NHRC, Nepal and relevant constitutional commissions, civil society organizations, media, human rights defenders and other relevant stakeholders.

192. Human Rights and International Treaty Division of OPMCM prepares the final draft of the National Report to submit to the concerned treaty body periodically. It prepares the final draft by revising the report submitted by the concerned ministry verifying it with the data provided by different agencies of the federal, provincial and local governments. For the purpose, the division is trying to develop a national database on treaty monitoring indicators.

National Human Rights Action Plans

193. The National Human Rights Action Plan (NHRAP) is formulated under the auspices of the OPMCM as an inclusive and comprehensive action plan with multi-stakeholder participation in implementation. It was initiated in FY 2004/05, and four such periodic national actions plan (NAPs) has been completed until FY 2018/19. The fifth NHRAP (2020/21 – 2024/25) is being implemented by the end of this fiscal year. OPMCM is preparing to draft the sixth NHRAP prior to the termination of the ongoing action plan because it is a document that guides the concerned ministries and agencies to give priorities and in mainstreaming the human rights in their annual policies and programs.

194. The objective of NHRAP is to fulfill the human rights obligations emanating from the Constitution and the prevailing laws and regulations as well as the international human rights treaties to which Nepal is a party. The Plan includes a comprehensive set of civil, political, economic, social and cultural rights and other thematic and sectoral rights as well as other relevant topics such as transitional justice, human rights education and institutional capacity-building etc. This Plan provides for monitoring the action plans at the national, provincial, district and local levels through respective committees formed for the purpose. Recently, the Plan has combined the recommendations received from the third cycle of Universal Periodic Review (UPR) Process for integrated implementation.

195. Fifth NHRAP consists five objectives including to protect, respect and promote the human rights and to strengthen the rule of law. It has identified 314 activities in seventeen thematic areas of human rights. These areas are identified on the basis of the UPR recommendations and various treaty body recommendations along with the national commitments on constitutions and other laws. For the implementation of each activity a responsible agency and supporting agencies are designated and the time frame for the implementation is prescribed along with the indicators for the implementation in a Log-Frame. The role of the responsible agency and supporting agency is also defined clearly and Institutional arrangements for the implementation and monitoring and evaluation is also provided. A comprehensive framework of NHRAP was prepared by defining the role of federal, provincial and local governments to fulfill the national obligations by implementing human rights commitments.

196. There exists other sectoral human rights action plans in various areas adopted in the initiation of concerned ministries such as:

- (i) National Action Plan for Gender Equality and Women's Empowerment, 2004;
- (ii) National Plan of Action on the Implementation of CEDAW, 2004;
- (iii) National Gender Equality Policy, 2020;
- (iv) National Plan of Action on Anti-human Trafficking (2012-2022);
- (v) National Strategy to end Child Marriage, 2016;
- (vi) President Women Upliftment Program with Action Plan (2016/17 – 2026/27);
- (vii) National Gender Equality Policy Implementation Policy, 2023.

197. Implementation of these APs at local levels has undergone to transformation in the governance system. The responsibilities of then district level Women Development Offices have been transferred to the social development ministries of provincial governments and the relevant social development units in the local governments after the implementation of the federal governance system. Now the province governments and local levels are also developing their own strategies and Action Plans on different areas of human rights.

198. The Ministry of Home Affairs has been leading for the implementation of second National Action Plan on UN Security Council Resolutions 1325 and 1820 and the Ministry of Labor and Social Security has been leading the implementation of National Master Plan on Child Labor.

Business and Human Rights

199. Fifth NHRAP has recommended Ministry of Labor, Employment and Social Security (MOLESS) to prepare the National Action Plan on Business and Human Rights (NAPBHR) to implement the UN Guiding Principles on Business and Human Rights for providing effective framework to prevent and mitigate the risks of potential human rights abuses by the business enterprises in Nepal. MOLESS has adopted the Business and Human Rights Action Plan (BHRAP) for the period 2023-2028. The 'Protect, Respect and Remedy' framework to protect against business related human rights abuses and to make sure for the access to effective remedy to the affected people has been incorporated in BHRAP to fulfill the respect and remedy obligation of the business and protect, respect and remedy obligation of the state by specifying the mutually reinforcing roles of the state and corporate sector. One hundred and twenty activities are identified in the six priority sectors of the human rights as Labor

Rights, Consumer's Rights, Rights of Women and Children, Migrant Worker's Rights, Environment and Indigenous People's Rights and Equality and Rights against Discrimination. The activities are categorized in three frameworks 'Protect, Respect and Remedy' framework as suggested by UNGP on BHR. Implementing agencies and supporting agencies are defined with their responsibilities in BHRAP. The monitoring and coordinating mechanism are also suggested in the action plan.

Administration of Justice

200. Most of the criminal offences criminalized in criminal code and other laws are prosecuted in the courts as government cases. In such cases, Government is the complainant and Attorney General (AG) or government attorneys file the charge sheet in the respective courts. Nepal Police is responsible for the investigation of the crimes so the First Information Report (FIR) of a crime is registered in the respective police office. Government attorneys are responsible for prosecution so they provide directives to the investigation officers for the proper and effective investigation. Nepal police prepare charge sheets with their opinion and submits it to the government attorneys, then the attorney either produces it before the court or may decide for not filing the case in the court because of the lack of sufficient ground to file the case. Thus, the cooperation and coordination between police and government is important for a fair and effective trial in administration of criminal justice. The victim is supposed to receive justice and compensation as remedy.

201. Nepal Police has Crime Investigation Department; Women, Children and Senior Citizens Division and Metropolitan Crime Control Division in its organizational structure to look into all facets of crimes. They have an extensive network of offices in all the provinces and districts as well as in most of the local municipalities. In urban areas they have offices in ward levels. Every part of the country is under the jurisdiction of one of police office so that any citizen may file or provide the First Information Report of commission of any crime to the police. There are also alternatives prescribed by the law, to produce FIR which enables citizens to submit FIR to the police for the investigation of any crime either through the Office of the Government Attorney, Chief Attorney of the province, Chief District Officer (CDO) of the district or the supervisory office of the police itself.

202. Article 20 of the Constitution and Section 14 of the Criminal Procedures Code requires that the Police to produce any person arrested for investigation into any offence before the adjudicating authority within 24 hours of arrest. No person can be detained or remanded in custody without the permission of the adjudicating authority. Article 20 of the Constitution, furthermore, conforms to the internationally recognized principles of human rights that any person charged with an offence is presumed innocent until proved guilty; nobody is tried and punished more than once and no one is compelled to testify himself/herself. The right to fair trial by a competent court or judicial body, the right to information on judicial proceedings and the right to free legal aid for any indigent person are other provisions to ensure effective enjoyment of human rights in all situations.

203. The Attorney General is the Chief Legal Advisor of the Government of Nepal with responsibility of providing advice to the Government and relevant agencies on constitutional and legal matters, as provided for by Part-12 of the Constitution. The Government is obliged to have opinion of the Attorney General in making decision prior to withdrawal of any State cases. Office of the Attorney General (OAG) has other subordinate offices as Offices of Higher Government Attorney, Offices of the Chief Attorney at provincial level and Office of Special Attorney and Offices of District Attorney are at the district level representing the Government cases in respective courts. The Attorney General's office monitors the implementation of any interpretation given to a law or any directive order, pronouncement or judicial principle established by the Supreme Court in deciding any case, including public interest litigations. It also makes sure that the rights of persons deprived of liberty and kept in custody or detention, are protected including the rights to humane treatment, information on the trial proceedings, and meet their relatives or legal practitioner of their own choice.

204. The Attorney General's Office and Government Attorneys have prime role to protect the victims of crimes and their witnesses during and after the investigation, prosecution and litigation process. The National Criminal Procedure Code, 2017 has provisions for protection of the witness and the victims of crime. Likewise, the Supreme Court has given orders

emphasizing the importance of protection of the witnesses in cases where the Government is the plaintiff. Under Section 113 of the Criminal Procedures Code, a witness is entitled to travel and subsistence allowances to travel to the court in the course of court procedure. The court provides security to the witness as and when requested. It is the duty of Government to provide necessary security to the witness through the police if the witness feels insecure, intimidated or threat to life by the perpetrator or his/her allies. For witness unable to travel to the court due to physical condition or disability, the Government Attorney may make submission to the court to access such person through video conferencing facility (Section 109).

205. The Supreme Court exercises extraordinary jurisdiction as provided by Article 133 of the Constitution. It makes judicial review of the laws made by the federal, province and local legislatures and may declare any law null and void if it contradicts with the constitution or superior law. Similarly, when the enjoyment of a fundamental rights conferred by the constitution is curtailed; where an alternative remedy for exercising any legal right does not exist or the remedy is not effective or for the settlement of any constitutional or legal question in a case of public interest or concern is called for, it triggers the extraordinary jurisdiction of the Supreme Court to issue the necessary and proper order, to provide appropriate remedy, to make available such rights or to settle the dispute. While exercising extraordinary jurisdiction the Supreme Court may issue necessary and appropriate order including writs of *habeas corpus*, *mandamus*, *certiorari*, prohibition and *quo warranto*.

206. The SC may also have power as prescribed by federal law; to hear a case at first stance, hear an appeal, examine the referred decisions, revise the settled cases, hear applications and review its own final decisions.

207. There are a number of landmark decisions made by the Supreme Court on de jure and de facto advancement of gender justice in Nepali society while hearing petitions filed by human rights defenders. These include equality of both sexes in marriage and in the right to spousal and parental property; challenge to and elimination of the dowry system practiced in overt or covert form; establishment of marital rape as a criminal offence; elimination of bonded labor like 'Kamlari' and child labor in more substantive manner; establishment of the right to reproductive health of women as an inalienable right and so on.

208. In a public interest litigation filed in 2005, the Supreme Court issued a *mandamus* to the relevant government agencies to operationalize designated guidelines for controlling sexual harassment of women workers engaged in workplaces such as dance bars and dance restaurants. This initiative protected women workers from sexual abuse and exploitation and helped establish their dignity and rights in the new emerging business in the country for the interim period, which subsequently led to the formulation and enactment of the Sexual Harassment at Workplace (Prevention) Act, 2071 (2015 A.D.) and other relevant laws. A number of legislations that had discriminatory provisions in ensuring gender equality have been amended and new laws enacted as a result of such jurisprudence developed by the supreme court.

209. The Supreme Court has taken proactive steps in defense of human rights in various cases. In, one of the cases related to the Convention on the Rights of Child, the SC has pronounced that any act contrary to the provisions of the CRC is prohibited under Section 9 of the Nepal Treaty Act, 1990, henceforth making the convention equally applicable as national legislation. In another landmark case, the Supreme Court has pronounced that one may seek remedy by invoking the extraordinary jurisdiction of the Supreme Court if the rights ensured by any Human Rights Conventions to which Nepal is a party are violated.

Other Related Human Rights Information

Transitional Justice Mechanism

210. The decade-long conflict in Nepal (1996 to 2006) was brought to an end following the signing of the Comprehensive Peace Accord between the Maoist Party and the Government on November 21, 2006. The need for establishing a transitional justice mechanism to sort out all human rights violations and crimes against humanity perpetrated

during the conflict era with a view to finding truth surrounding the conflict and ways and means of ensuring justice, peace and reconciliation in society was integrated into the CPA.

211. Section 5.2.5 of the CPA provided for constituting the TRC to deal with conflict-period violations of human rights through mutual understanding. The commitment to form the TRC was reiterated by the Constitution.

212. Nepal's peace process has certain unique characteristics. It was basically a home-grown process that got support from the international community. The political reconciliation process started much earlier than other processes as the Maoists joined the Parliament in January 2007 and subsequently the coalition government in April 2007. The cause of the poor, marginalized and traditionally secluded segments of the society started to receive priority in the national political discourse and concomitant action soon after the commencement of the peace process. This got reflected in ensuing policies, laws and constitutional provisions and in continued national endeavor to forge an inclusive society based on justice and equality. The political parties paid larger attention to safeguarding the historic political achievements made after the peace process by utilizing these opportunities for constitution-writing and paving the way for socio-economic transformation. This has resulted in delay in concluding the TJ process.

213. The Enforced Disappearances Enquiry, Truth and Reconciliation Act was enacted in 2014 and it formed two separate Commissions - Truth and Reconciliation Commission TRC and Commission on CIEDP in 2015. However, these Commissions could not complete their tasks due to several reasons, one reason being that some provisions of the Act were supposed to be amended due to a Supreme Court order.

214. The GoN has already made it clear that there will be no amnesties for cases of gross violations of human rights. The justice to victims and reparation will be in priority and their informed consent will be sought while settling the cases directly related to them. The recent adoption by the HoR on August 14, 2024 of the Bill to Amend to the Enforced Disappearances Enquiry, Truth and Reconciliation Act, 2014 has paved the way for completion of the TJ process.

Enhanced and Strengthened International Partnership

215. As an LDC in transition to graduation in the post-pandemic time of uncertainty and turbulence, Nepal attaches importance to standing by the dictum of 'leave no one behind' enunciated in the Sustainable Development Goals. In this respect, enhanced, strengthened and accelerated international partnership for timely achievement of all goals and targets of SDGs across all countries of the world and covering the entire humanity is indispensable.

216. Nepal is among those countries that took early lead in mainstreaming the SDGs. In 2017, Nepal not only prepared an SDGs Baseline Report, but also took stock of the existing Status and prepared a Roadmap for ultimate achievement of SDGs by 2030 in a phase wise manner. Likewise, the NPC also brought out Needs Assessment, Costing and Financing Strategy for Sustainable Development Goals in 2018 to figure out the required resources to this end. An SDGs Progress Assessment Report 2016-19 published in 2020 makes assessment of the achievements vis-à-vis the set targets and lays out aspirational targets for the future. Periodic publications of Voluntary National Reports on SDGs are ongoing.

217. Another important issue Nepal keeps on emphasizing is an early conclusion of the negotiation on the Right to Development in favor of the countries of the Global South for universal recognition and forward action of this important agenda. International negotiation on the Right to Development – 'the inalienable human right by virtue of which every human person and peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized' is not making much progress ever since the Declaration on the Rights to Development was first mooted in 1986.

Observance of International Legal Order

218. International respect and observance of the rule of law is central to enjoyment of human rights and fundamental freedoms by everyone across the world. Nepal has unflinching

faith in the principles and purposes of the United Nations, the objectives of the international law and the respect for sovereign equality, territorial integrity and independence of nations as enshrined in the United Nations Charter. The Constitution of Nepal has envisaged a system of governance that remains committed to the supremacy of law at full throttle. In the globalized and interdependent world of today, enjoyment of human rights in a domestic situation is much influenced by the rule-based international order and inclusivity in activities that advance peace and security, development and human rights inseparably.

III. Equality and Non-Discrimination and Effective Remedies

219. The Constitution guarantees that no one will be discriminated on the grounds of gender, culture, ethnicity, religion, language, region, race or physical condition or sexual orientation. Everyone is guaranteed equal protection of and equality before the law. Non-discrimination and equality constitute the pillars on which the association of fundamental rights conferred by the Constitution is built upon. The preamble to the Constitution resolves to build an egalitarian society founded on the proportional inclusive and participative principles, while acknowledging the multiple diversity available in the nation. The motif of equality and non-discrimination runs through the 31 thematic and sectoral human rights mentioned under Part-3 of the Constitution. Article 18 deals particularly with the right to equality and it specifically guarantees that all citizens stand equal before the law and deserve equal protection of the law. It draws a long list of potential sources and ground of discrimination and negates discrimination or situations of discrimination in all their aspects. Article 18 further dwells on economic aspect of discrimination, and assures equal rights of all offspring on ancestral property and non-discrimination in paying for equal value of work, without any gender-based discrimination.

Right to Effective Remedies

220. Article 46 of the Constitution provides for the right to constitutional remedies, which fall on the jurisdiction of the Supreme Court and the High Court. Under Article 133 and 144 of the Constitution. The Supreme Court can also declare any legislation passed by the federal parliament, provincial assembly or the municipal assembly void if such laws show inconsistency with the Constitution in matters related to the enjoyment of the fundamental rights. The Supreme Court can declare such laws null and void *ab initio* or from the date of the decision.

221. Under the extraordinary jurisdiction, the Supreme Court can look into whether or not remedies are available under the relevant laws, and if available, judge the adequacy and effectiveness of such remedies and also probe into any constitutional and legal disputes of public interest and concern in order to give decision on the level of remedies and settlement of such disputes. In this respect, the Supreme Court may issue appropriate orders and writs, including *habeas corpus*, *mandamus*, *certiorari*, prohibition and *quo warranto* to enforce human rights as mentioned earlier.

222. The Supreme Court can, in accordance with provisions of the federal law, receive cases of rights violation and have power to hear and settle them, hear appeals on them, test judgments referred for confirmation, revise cases, hear petitions or review judgments in order to reach the final verdict. Fair trial is constitutionally guaranteed, and the Supreme Court has been effortful to translate this principle into reality in the whole judicial system.

223. The Supreme Court can hear appeals on cases initiated at and settled by the High Court. Further, Supreme Court hears appeal on cases as prescribed under Administration of Justice Act, 2016. The Supreme Court has jurisdiction for review and revision of the cases on certain grounds. On issues of public importance involving the interpretation of the Constitution and the law, and on cases recommended by the High Court with opinions, the Supreme Court makes decisions. The Supreme Court can transfer cases from one high court to another on specified grounds, if the questions of judicial impartiality arise. The Supreme Court can also procure the cases of public importance, which have remained *sub judice* before

it and the High Court, either on its own or at the recommendation of the Attorney General or other relevant parties of the case, for adjudication of cases together.

224. The High Court is also conferred the power to protect and enforce human rights and decide on remedies on the same ground as the Supreme Court. It can originally settle cases, hear appeals and test judgments referred for confirmation. It can transfer cases from one district court to another to ensure judicial impartiality. The Constitution and federal laws have adequate provisions for protection of human rights and their enforcement when situation warrants.

225. The Victim of Crime Protection Act, 2018 and Integrated Legal Aid Policy, 2019 are specifically contributory to ensuring effective remedies to the victims of crimes, violence and discrimination. The Integrated Legal Aid Policy ensures that indigent citizens throughout Nepal receive legal aid in a coordinated manner in order to secure justice and remedies warranted by laws.

Facilitating Access to Justice

226. Ensuring access to justice for the deprived and marginalized groups is a top priority. There are a number of policy, legal and institutional measures to make sure that the poor, the weak and the vulnerable can get access to justice on an equitable basis. The Legal Aid Act, 1997 has provisions of a central legal aid committee, a district legal aid committee and a legal aid fund to make available to the indigent persons support through the judicial process, including legal counseling, case filing, court hearing and adjudication. These legal aid committees make arrangements for panel of lawyers at the Supreme Court as well as lower courts, including the reimbursement of their remuneration.
