



# Economic and Social Council

Distr.: General  
24 September 2014

Original: English

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## Committee on Economic, Social and Cultural Rights

### Fifty-third session

10–28 November 2014

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

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

### Addendum

## Replies of Nepal to the list of issues\* \*\*

[Date received: 17 September 2014]

### I. General information

**1. Please provide information on steps taken to ensure that the National Human Rights Commission established in 2000 is in full compliance with the Paris Principles.**

1. The National Human Rights Commission (NHRC), an independent constitutional body, is mandated to ensure the respect for and protection and promotion of human rights and their effective implementation. The constitutional mandate and jurisdiction of the NHRC is not restricted by any law including the National Human Rights Commission Act, 2012. The Act is in line with the constitutional provisions and international standards. The independence and autonomy of the NHRC guaranteed by the constitution are further elaborated by the Act. The Government of Nepal (GoN) is effortful in appointing the Chairperson and Members that has been vacant since September 2013 by meeting the transparency and constitutional requirement.

2. The NHRC enjoys structural, functional and financial independence in line with the Paris Principles. The chairperson and members of the NHRC are appointed by the President of Nepal on the recommendation of the Constitutional Council and upon parliamentary hearing. Their tenure is fixed for six years. They cannot be removed from their posts by any process other than the resolution of impeachment passed by the Parliament by a two-thirds

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\* The present document is being issued without formal editing.

\*\* Annexes I and II are located at the end of the report.



majority. The money required for remuneration and facilities payable to the chairperson and members of the Commission and administrative expenses of the NHRC is charged on the Consolidated Fund. The NHRC is independent in maintaining necessary contacts and relations with national, regional and international organizations related to human rights; and in establishing its regional, sub-regional or liaison offices as may be required, in consultation with the Ministry of Finance. Likewise, the NHRC determines its organizational structure and forwards it to the GoN for consent. The GoN always remains supportive to ensure NHRC's smooth functioning.

3. The provision concerning six-month limit for lodging a complaint to the NHRC in the cases of violation of human rights has been declared null and void by the Supreme Court of Nepal. The judgments and the interpretation of the Supreme Court are binding on all State organs and enforceable on par with law. The GoN is committed to submitting an amendment bill to the NHRC Act to give effect to the judgment of the Supreme Court. Furthermore, the GoN, in consultation with the NHRC, has been drafting Human Rights Service Bill to address the issues related to appointment and promotion of the NHRC staff. The Bill, once endorsed by the Cabinet, would be submitted to the Legislature Parliament. Likewise, a financial guideline to ensure further financial autonomy of NHRC is under consideration at the Ministry of Finance. The GoN has been gradually implementing the recommendations of the NHRC. The GoN published in August 2014 a status report on the implementation of the recommendations made by the NHRC. The report shows that the GoN received a total of 776 NHRC recommendations of which 249 (32.09 percent) have been fully implemented, 469 (60.44 percent) partially implemented, and 58 (7.47 percent) are in the process of being implemented.

**2. Please provide information on steps taken to prevent and combat corruption at all levels of public administration and its negative effect on the enjoyment of economic, social and cultural rights, as well as on the number of prosecutions and the sentences passed, if any, against high-level officials found guilty of such conduct.**

4. Since, the prevention and combating corruption at all level requires continuous and long-term efforts, the GoN has been working continuously for making the country free from corruption through enactment of legislations, development and implementation of long-term strategies and plans of action, formation of specialized bodies to curb corruption and their effective operation. Nepal has about two dozen anti-corruption legislations. The Prevention of Corruption Act, 2002 is a comprehensive anti-corruption legislation covering the core international norms to which Nepal has subscribed. It criminalizes more than a dozen acts of corruption categorically, and provides for the term of imprisonment up to ten years. It also makes provisions for preventive measures including for the establishment of National Vigilance Centre (NVC) and compulsory declaration of property by public office bearers. The evolution of anti-corruption legislation in Nepal has a trend towards widening the ambit to cover various acts of corruption committed by public officials as well as other associated private persons.

5. Nepal has been maintaining zero tolerance against corruption and it remains the cardinal focus of the GoN's anti-corruption policies. An anti-corruption strategy and an Action Plan were adopted in 2009 by the GoN with a vision to building a cultured and prosperous "New Nepal" through good governance. Its main objective was to ensure delivery of quality government services with efficiency and ethical approach. The Action Plan sets 13 strategies, 38 operational policies and 168 activities to be carried out against corruption prevalent in social, economic and political milieu of the country. In order to achieve the objectives, a Sectorial Action Plan was adopted in 2010. The Plan was developed jointly by the 34 institutions to carry out their functions under their respective jurisdiction in line with the Plan of Action. The GoN believes that this instrument is one of the most comprehensive, coordinated and integrated measures to curb corruption.

6. Pursuant to the Anti-Corruption Strategy and Action Plan, in 2011 Nepal ratified the United Nations Convention against Transnational Organized Crime (2000) and the United Nations Convention against Corruption (2003), and in 2012 developed an Implementation Strategy and Plan of Action on the United Nations Convention against Corruption. The Strategy and Plan of Action has main objective of eliminating corruption in the country through the formulation of policies and programs and their proper implementation as per the Interim Constitution of Nepal, 2007 (herein after referred to as the Constitution), Prevention of Corruption Act, 2002 and other legislations against corruption. The specific objectives include: i) Development and promotion of preventive policies, actions and their implementation against corruption, ii) Ensuring the independence, effectiveness and institutional capacity of the institutions established to control corruption, iii) Management of public sector institutions for the prevention and control of corruption, iv) Formulation and implementation of Code of Conduct for Public Service Officials, v) Management of Public Sector procurement and Accounting System and promotion of accountability and transparency of Public Financial Management System, vi) Dissemination of public information for increasing transparency in Public Administration, vii) Development of autonomous and competent judiciary for corruption control, viii) Control of corruption associated with private sector, ix) Formulation of new legislations for increasing effectiveness in corruption control, x) Reformulation and review of existing legislations for prevention and control of corruption, xi) Increasing public participation in corruption control, xii) Strengthening the institutions related to corruption control, xiii) Increasing the assistance on technical support and information/communication, xiv) Increasing the international cooperation on corruption control, and xv) Establishing Review Mechanism. As a focal agency, Office of the Prime Minister and Council of Ministers (OPMCM) has been monitoring the implementation of the Strategy and Action Plan together with the Commission for the Investigation of Abuse of Authority (CIAA), Concerned Ministries and institutions, local institutions and Civil Society Organizations. Likewise, as per the “Strategy and Plan of Action on Implementation of the United Nations Convention against Corruption, 2012”, Implementation and Monitoring Committee has been formed under the chairmanship of the Chief Secretary of the GoN. The Committee holds its meeting on regular basis to discuss the implementation of the Plan of Action.

7. The CIAA is an apex constitutional body in Nepal to control corruption. The Constitution empowers the CIAA to investigate cases against public office bearers and their associates who get indulged in the abuse of authority by way of corruption and/or improper conduct. The CIAA is an anti-corruption agency with distinct identity which plays the role of an ombudsman, investigator and prosecutor as well. It aims at cracking down corruption with a system-based approach at national level. It focuses on detection and punishment of corrupt acts on one hand and social, cultural and institutional reform on the other. In the year 2012/13, a total of 11,298 complaints were registered at the CIAA. Of these complaints, 3,168 were disposed after the preliminary investigation, 2,778 were referred to the concerned authorities for further action, 4,628 cases were carried over to the next year and 728 are still under investigation. Likewise, 80 percent of the Court’s decisions on the cases filed by the CIAA are in its favour. The CIAA had even filed charge sheets in Special Court against some ministers and high ranking government officials. They included the then Ministers Jaya Prakash Gupta, Chirinjivi Wagle, Khum Bahadur Khadka and Inspector Generals of Police Om Bikram Rana, Hem Bahadur Gurung and Ramesh Chandra Thakuri. These officials were convicted by the court. The Corruption Perception Index Report of 2013 published by Transparency International shows that there is a significant improvement in corruption perception index in Nepal. Nepal’s perception index was 22 with the rank of 154 in 2011. The index moved to 27 with the rank of 139 in 2012, while in 2013 it was 31 with the rank of 116.

8. The GoN established the National Vigilance Centre (NVC) in 2002 to work under the direct supervision and control of the Prime Minister. The Centre was established as per the Anti-Corruption Act, 2002 to raise awareness against corruption and to carry out activities related to corruption prevention and to fulfil the vigilance role in order to ensure good governance by creating fair economic discipline and promoting transparency. The Centre has been working to prevent corruption. The Council of Ministers has already decided, in principle to make a separate Bill with a view to further strengthening the Centre. Nepal Law Commission is mandated to draft legislation in this regard.

9. The GoN has established a mechanism called “Hello Government” at the OPMCM to listen and respond to public grievances directly through telephone calls. Considering its effectiveness and the increasing public trust, the Cabinet has decided to expand the “Hello Government” in all development regions of the country.

10. The GoN introduced in 2012 the Citizens’ Charter along with Compensation (Management) Guidelines in accordance with the Good Governance (Management and Operation) Act, 2006. According to the Guidelines, all government offices from the centre to the local level have to introduce Citizens’ Charter with a provision of compensation in order to ensure accessibility, transparency and accountability of the government services. Government offices have been gradually introducing the Citizens’ Charter. The GoN believes that after introducing the Charter, the government officials will be more responsible to provide services within stipulated time as prescribed in the Charter and any failure to do so would make them personally accountable to pay monetary compensation to the service seekers.

11. Hence, in order to combat corruption and to promote progressive realization of the rights in this area, the GoN has been taking preventive, punitive and promotional measures through constitutional, legal, policy and institutional mechanisms.

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

### **Article 2, paragraph 2 — Non-discrimination**

**3. Please provide information on steps taken to ensure that former haliyas and kamaiyas (system of bonded labour) are free from de facto discrimination in accessing their rights to adequate food, health care, education and safe and healthy working conditions.**

12. The GoN has enacted Bonded Labour (Prohibition) Act, 2002 and Bonded Labour (Prohibition) Rules, 2010 in order to ban all forms of bonded labour including haliyas and kamaiyas, to rehabilitate the freed bonded labourers and to uplift their livelihood from the perspectives of social justice.

13. In order to rehabilitate the freed kamaiya families, Freed Kamaiya Rehabilitation Commission led by Minister for Land Reform and Management has been in operation since 2009. Similarly, Freed Kamaiya Rehabilitation Implementation Committee has been constituted at the national level. The Committee has provided 18,225 sq. ft. (five Kattha) of land, 35 ft<sup>3</sup> of timber and Rs. 10,000, for building house and supporting income generation of every freed kamaiya family as per the Procedures, 2012 relating to providing grant for land procurement. As of April 2014, 24,330 freed kamaiya families (out of 27,579) have been rehabilitated with the help of such land and money and 18,826 kamaiyas have received various skills and income generation training. The government has planned to complete rehabilitation of all the freed kamaiya families by the end of 2015. Ministry of

Education and Ministry of Women, Children and Social Welfare have been implementing education and training programs for freed kamlaris. They have been receiving scholarships, hostel accommodation and other support from the government. The Ministry of Education has also launched Food for Education Program in selected districts. It has been implementing special program on enrolment of girls in schools and this has significantly increased the number of girls in schools. Furthermore, the GoN has been working to formulate a policy for providing more scholarships to kamlaris.

14. In order to analyse the data on freed haliyas, categorize them and provide certificate and rehabilitate the freed haliya families (living now in 12 districts in Mid and Far-Western Nepal), the GoN has issued “Freed Haliya Rehabilitation and Monitoring Procedure, 2011” and accordingly formed “Freed Haliya Rehabilitation and Monitoring Taskforce” that has been in operation since 2011. The Taskforce has been certifying, categorizing and providing Identity Cards to the families. As of April 2014, 10,614 families have been certified, 6,916 have received ID cards and 952 have received skills and income generation training. In order to expedite the rehabilitation process, the GoN, as per its 2012 decision to form a “Freed Haliya Rehabilitation Problem Solving Committee”, has formed a high level Freed Haliya Rehabilitation Committee both at the national and district level. The GoN has developed a Plan of Action on rehabilitation of freed haliyas and has planned to establish a Haliya Rehabilitation Fund in order to organize different activities to improve the economic condition of the freed haliya families. Likewise, the Ministry of Land Reform and Management has issued “A procedure on providing grant to freed haliyas for Land Acquisition and registration and building and renovation of house” in 2013/14. Since, April 2014, rehabilitation initiatives such as support in building and renovating house, providing land, education, training and health care facilities have been started.

**4. Please provide information on steps taken to address the widespread discrimination against persons with disabilities, including in their access to health care, education, employment and housing.**

15. The GoN through various means has been working for the realization of the rights of persons with disabilities. The legislative framework of Nepal including the Constitution prohibits discrimination of any kind on any basis including disabilities. The Constitution recognizes the rights to equality as fundamental rights. The Article 13 provides that all citizens are equal before law and no one is to be deprived of equal protection of law. Human Rights policies adopted by the GoN have been profoundly directed and devised towards, inter alia, eliminating discrimination, untouchability, exploitation and violence, protecting and promoting political, economic, social and cultural rights of all people and ensuring basic human rights of the marginalized and vulnerable groups or communities.

16. The National Policy and Plan of Action on Disability, 2006 focuses on raising people's awareness about disabilities with plans to organize national campaigns to raise people's awareness, and to create positive community attitude towards the persons with disabilities. Moreover, the current Development Plan sets the activities for the dissemination of information about the Convention on the Rights of Persons with Disabilities (CRPD), and states that development activities would be planned and implemented in line with the said Convention. A high level mechanism has been established under the coordination of the Chief Secretary of the GoN at the Office of the Prime Minister and Council of Ministers for elimination of discrimination and upliftment and promotion of rights of the persons with disabilities. Coordination mechanisms have also been established in each district under the coordination of the Chief District Officer. Likewise, local vigilance centres have been established at each municipality and village development committee.

17. The GoN has been working out to make timely amendments to the policy and legal regimes of the rights of Persons with Disabilities (PwDs). Building Code has been framed to make public buildings PwDs friendly. The GoN has issued a new comprehensive Accessibility Guidelines in consultation with representatives of persons with disabilities, among others. The Guidelines identifies areas that need to be made accessible with clear definition of accessibility for different types of disabilities. It also includes a provision towards ensuring that renovation and construction work of infrastructures such as roads, footpaths, entertainment park, tourism areas, religious places, sports ground, zoos, government offices, schools, business houses etc. are carried out in such a way that they become accessible to the PwDs. The Guidelines also makes a provision that a reservation of five percent seats has to be allocated on parapet of any stadium that has to be fully accessible for wheelchairs. The National Human Rights Action Plan, 2014-2019 has planned to construct the PwDs friendly urban roads with blind sensitive traffic lights and footways. Discrimination against the PwDs in recruitment and promotion in government and public services has been restricted. A provision on compensation for workplace accident has been introduced for labours and their family members. The newly endorsed National Health Policy, 2014 aims at increasing Universal Health Coverage and includes the provision of necessary health care services to all kinds of PwDs under the Essential Health Services. The Ministry of Health and Population (MoHP) has produced various audio and visual programs to raise awareness on leprosy, polio, HIV/AIDS and other diseases that may cause disability. The MoHP has been implementing a National Childhood Disability Management Strategy since 2007. It primarily aims at providing rehabilitation services and medical treatment at the community level and preventing childhood disabilities. A National Rehabilitation Center has been established in the capital for treatment, rehabilitation, orthosis and prosthesis for conflict affected persons with disabilities. The Regional level Rehabilitation Centers have been providing the required assistive devices and rehabilitation service to the PwDs.

18. The GoN amended the Civil Service Act to introduce provisions on reservation and inclusion with a view to increasing the representation of different vulnerable, marginalized and indigenous groups in public service. According to the revised Act, 45 percent of total vacant seats are reserved for different groups. Of the reserved quota, 33 percent is allocated for women, 27 percent for indigenous people, 22 percent for Madheshi, nine percent for Dalit, five percent for PwDs, and four percent for people from backward area. The policy on social inclusion has gradually helped increase the participation of indigenous people, minorities and vulnerable groups. The Disable Protection and Welfare Act, 1982 (DPW Act) provides that a factory which appoints more than 25 labourers should, to the extent available, appoint not less than five percent of PwDs on the basis of their physical capabilities, training, qualification and experience. Such labourers with disabilities are entitled to receive equal remuneration payable to other labourers. Their terms and conditions of service and career development opportunities should also be the same as those of the other labourers.

19. The Ministry of Education also produces materials on rights of children with disabilities. The Curriculum Development Centre has adopted a participatory curriculum development and textbook review process in consultation with disability experts and stakeholders. The basic education curriculum includes subject matters such as civic awareness, social problems and solutions, and general awareness on human rights. It may be noted that the rights of PwDs are also covered in the school curriculum. In 2006, the GoN adopted an Inclusive Education Policy guaranteeing free primary education for all children and making provisions of resource classes for the children with disabilities. The resource classes are designed and conducted in the school classrooms for children with specific disabilities. They include classes for the blind, deaf, and for children with intellectual disabilities. Currently, there are 360 integrated resource classes of which 164

are for the deaf, 78 for the blind and 118 for the children with intellectual disabilities. In addition, there are 30 special schools for deaf children, one for blind, thirteen for children with intellectual disabilities and one for children with physical disabilities. There are also five integrated schools for deaf children and 16 for blind children. The GoN has established Resource Centers in specific geographical areas. The Resource Centers are responsible for developing the capacity of schools in the area by helping them share experiences and by monitoring the schools regularly. The GoN has also established Assessment Centers in 62 districts in order to collect information on the children with disabilities assess their educational needs and specify the appropriate way of education to them, i.e. through general books, resource classes or special schools.

20. Pursuant to Education Act, 1971, the basic education has been made free to all school children. School Sector Reform Program (SSRP), 2009-2016 has reformed the school education program and helped increase the access of PwDs to education. The SSRP aims to cover 175,000 children with disabilities at the primary level and 75,000 at the secondary level by providing them with scholarship support. It has also set a target to establish 100 new schools to cater the need of students with disabilities and has a special provision to support the marginalized students, with particular focus on girls. The government has been strictly following inclusive education policy and gender mainstreaming in education by providing scholarships to cover hostel facility, school uniform, educational materials and transportation to girls, dalit, and PwDs. As of fiscal year 2010/11, a total of 85,681 children with disabilities have received a sum of Rs. 80,595,000 as scholarships. The Scholarships Act, 1965 reserves five percent scholarship quotas for PwDs. For the year 2013/14, the GoN has allocated Rs. 70.4 million for supporting the education of the PwDs. Likewise, Special Education Policy, 1996 aims to make special education as an important part of "Education For All" by making the physical environment of schools friendly for children with disabilities. Special Education Council has been formed to provide special education to students with disabilities. National Action Plan on PwDs ensures the rights to get free and quality education by promoting the disability friendly environment in schools. In the fiscal year 2014/15, the GoN has planned to: operate Community Based Rehabilitation Program in an effective manner, make the educational and health facilities PwDs friendly, provide scholarships to students with disabilities and provide support for the treatment of spinal injury cases through the mobilization of Citizen Treatment Fund. Social security of PwDs has been ensured by the government policies such as:

- Social security as a fundamental right guaranteed by the Constitution;
- Free healthcare services in the government hospitals; and
- 50 percent rebate in domestic air fare, tax exemption in assistance materials and social security allowance through local authorities.

21. Some targeted programs for PwDs include:

- Support on health, education, livelihood, socialization and empowerment is being provided in all 75 districts;
- Empowerment and Information Centers (Help Desk) are being operated in 14 districts and are planned to be replicated in other districts;
- Technical assistance materials are being produced in four development regions;
- Model day care and residential rehabilitation center in public-private-partnership model is being initiated from Central Development Region;
- Civil service entrance preparation classes for PwDs are being run in all development regions;

- Id cards have been distributed and establishment of well-equipped Community Based Rehabilitation Centers has been planned;
- The domestic legislations and plans have been reformed as per the CRPD;
- Partnership has been initiated with the NGOs;
- Accessibility of PwDs to public space has been increasing.

22. In addition to the government's efforts, the NHRC has also been continuously working for the realization of the rights of the PwDs.

**5. Please provide information on how steps taken to implement the Caste-Based Discrimination and Untouchability Act (May 2011) have addressed de facto discrimination against Dalits.**

23. Caste based Discrimination and Untouchability (Offence and Punishment) Act has been operationalized since 2011. The Act clearly mentions that any kind of discrimination on the basis of caste in both public and private space is punishable by law. The Act defines acts of discrimination against caste and religion as a crime and persons involved in such crime may be punished with three months to three years of imprisonment and Nepalese Rupees 1,000 to 25,000 of penalty. The perpetrators are also liable to provide compensation to victims. The Act makes a provision of an additional punishment for public officials found responsible for caste based discrimination. For the full implementation of the provisions three, four and five of the Act and in order to comply with the policy of zero tolerance on caste based discrimination and untouchability, direction has been given to all District Administration Offices and Regional Administration Offices by the Ministry of Home Affairs (MoHA). Also, district level coordination committees have been formed and activated. Each District Administration Office has been reporting to the MoHA on actions against discrimination on monthly basis. In each district, Untouchability Surveillance Center is being established. The victims of caste based discrimination and untouchability are being immediately rescued and prompt actions are being taken against the perpetrators. National Dalit Commission in coordination with other NHRIs and the GoN has initiated joint monitoring of the cases of caste-based discrimination and untouchability and awareness raising programs. As per the policy of inclusion, nine percent quotas have been allocated for dalits at all public services including Nepal Police and Armed Police Force. Inter-caste marriage between dalit and non-dalit has been promoted by providing 100,000 rupees to the couple and records of such marriages are being updated. The government has been providing free legal aid service through district courts to economically downtrodden dalits. The GoN has planned to systematically register the dalit caste groups and research on the marginalized groups such as Mushahar, Dom, Badi, Gandharbha etc. which are in the danger of extinction. The GoN is effortful to formulate Rules for the effective implementation of the Caste Based Discrimination and Untouchability (Offence and Punishment) Act.

24. The GoN has planned to allocate adequate resources and already prepared a Bill to upgrade the National Dalit Commission as a statutory body. The GoN has planned to construct a well-equipped "Multipurpose Inclusive Building" in the fiscal year 2014/15 to house the offices of all Commissions, Foundations and Committees including National Foundation for Upliftment of Indigenous Peoples, National Dalit Commission, National Muslim Commission, Neglected, Suppressed and Dalit Community Upliftment Development Committee, Badi Community Upliftment Committee and Backward Community Upliftment Development Committee that have been established for the promotion of inclusive development.

25. District Administration Offices have been providing ID card and citizenship certificate to the people from Badi community and their children on the basis of their

mother's citizenship. The perpetrators practicing untouchability against dalits have been investigated and prosecuted, and this has helped decrease the ill practice. A high level mechanism has been established under the coordination of the Chief Secretary of the GoN at the OPMCM for the elimination of caste based discrimination and promotion of rights of dalits. Coordination mechanisms have also been established in each district under the coordination of the Chief District Officer. Likewise, local vigilance centres have been established at the municipality and village development committee.

26. Despite the incessant efforts of the GoN, ending the ill practices of discrimination is still a challenge. The GoN is effortful to achieve the desired results through the implementation of Caste Based Discrimination Act. According to the data received from Attorney General's Office, from 2011 till August 2014, 22 cases on caste based discrimination have been brought to the court. Some of the pertinent challenges for the effective implementation of the Act are lack of adequate capacity of law enforcement agencies, low level of awareness on untouchability and dalit rights among the general populace and local authorities especially in remote areas. Hence, the GoN has been trying to formulate and implement a long-term program including capacity building of law enforcement agencies, sensitization of local people and authorities in remote districts until such practices come to an end, in coordination with the National Dalit Commission, NGOs working on Dalit rights, UN agencies and international partners.

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

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

27. The GoN has taken multi-dimensional approach to eliminate the stereotypes about women and patriarchal attitude to achieve women's equal participation in public life. In order to increase their access to education, the GoN has implemented targeted programs such as "Education for All by 2015". The program has given priority in increasing the enrolment rate of children from dalit, indigenous communities, minorities, marginalized and backward communities. To enhance adolescent girls' access to education, one teacher is assigned in each community owned school for psychosocial counselling and to hear female students' complaints. 400 adolescent girls, after the completion of the secondary education, have been accommodated in 20 feeder hostels in the fiscal year 2012/13. Training of trainers programs on adolescent girl education are being conducted in different districts. Likewise, the government has prepared equity strategy for school education. The Ministry of Education has launched Food for Education Program in selected areas. Separate toilet for girls and boys are being constructed in each school. The number of schools having toilet facility has increased to 23,791 schools (81.3 percent) and number of schools having separate toilet for girls has increased to 19,788 schools (67.6 percent). Vocational and Skill Development Training Center under the Ministry of Labour and Employment has been providing skills oriented training to dalits, indigenous nationalities, women and PwDs. Residential training programs for women have been organized at Vocational and Skill Development Training Center and other training centers. The trained human resources belonging to the poor, dalit, indigenous nationalities, marginalized groups have been receiving technical support in the form of soft loan.

28. To ensure inclusiveness and gender mainstreaming in education, various programs have been launched. These include: reservation of 45 percent of scholarships for indigent students from community schools and vulnerable groups in higher education in medical sciences; provision of scholarship to indigent girls in Terai who wish to pursue technical education on auxiliary nurse midwifery; extension of day nutrition program to 35 districts

to mitigate drop-outs; provision of scholarship to 50 percent girls at the primary level and to all school girl students in Karnali Zone; allocation of quota for 40,000 girl students under annual 60,000 secondary education scholarships; mandatory recruitment of women teachers at a specific ratio; and income and skills generating training to women. Women teachers account for more than 27 percent (42,000) in community schools. The GoN has planned to introduce special programs in 2014/15 to promote girls' education at school-level targeting especially those from Muslim and marginalized communities in the Terai.

29. It is equally important to mention some of the efforts of National Women Commission (NWC). The NWC has been supporting the government in formulation of legislations and policies to curb gender discrimination. It has been continuously monitoring the social evils (including dowry, child marriage, witchcraft) throughout the country. The NWC has been raising awareness on women's rights including violence against women based on migration and trafficking through mass media and organizing workshops at local level. The NWC has established and mobilized women's rights monitoring network at the national and district level. It has been organizing various campaigns, providing free legal aid and counselling service to the targeted group of women.

30. In the present Constituent Assembly (CA), among the 575 members (elected from the First Past The Post (FPTP) and Proportional Representation (PR)), 29.31 percent are women. There has been a slight shortfall in the representation of women in the present CA compared to the earlier one (33.23 percent). The GoN believes that the present CA would be able to make a new constitution that ensures the effective and meaningful participation of women in state organs.

31. Currently the representation of women in civil service is 15.3 percent. It is 5.8 percent in Nepal Police, 2.58 in Nepal Army, 3.4 in Armed Police Force and 1.76 in judiciary. Priority has been given to increase the participation of women and vulnerable groups in civil, political and public sector. In 2006, the reinstated House of Representatives passed a resolution on achieving 33 percent representation of women in all State organs. In order to encourage women's entry into the public life, the GoN has launched various programs that empower women in terms of education, health and other services targeting to marginalized community. There is a reservation of quota for women in all public services and as a result the representation of women has been gradually increasing. Reservation policy for participation of women, marginalized, backward groups, indigenous people, Madheshi is ensured in civil service including in the State owned/controlled Corporations. As per the Constituent Assembly Member Election Act, 33 percent of seats under the proportional election system are reserved for women. The policy on social inclusion has been gradually increasing the participation of indigenous people, minorities and vulnerable groups.

32. A comparison of Gender Development Index (GDI)<sup>1</sup> values of different times shows progress nationally and in the geographic and development regions. There is an 18 percent improvement in the GDI value of 2011 as compared to 2001. Likewise, the value of the Gender Empowerment Measure (GEM)<sup>2</sup> for Nepal in 2011 is 0.568. A comparison of the

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<sup>1</sup> GDI measures achievements in the same basic capabilities (dimensions) as the HDI, i.e. average achievement in three basic dimensions of human development: a long and healthy life, knowledge and a decent standard of living, but takes into consideration inequality in achievements between women and men. The values of the GDI range between 0 and 1. A GDI value of 1 indicates perfect gender equality whereas 0 indicates perfect gender inequality. For details, pls. see p. 85, Nepal Human Development Report, 2014, GoN, United Nations Development Programme.

<sup>2</sup> GEM seeks to determine how much women have been empowered or enfranchised to take part in different aspects of public life in comparison with men. It measures gender inequality in key areas of economic and public participation and decision-making. The GEM focuses on women's opportunities

GEMs for 2001, 2006 and 2011 shows a rise in values in all geographic and development regions over time. Among geographic regions, the Terai displays rapid growth between 2006 and 2011. For the development regions during the same period, GEM values increased most significantly in the Mid-Western region (Nepal Human Development Report, 2014). Detailed data on GDI and GEM is given in Annex I.

33. In the fiscal year 2014/15, the budget on gender equality and empowerment has been increased to 21.93 percent (i.e. NRs. 135.65 billion) of the total budget. In order to increase the access of women to land, the GoN has introduced a provision of providing 30 percent rebate in land registration fees while registering the land in the name of woman or jointly in the name of couple.

34. According to National Census, 2011, female migrants to international destinations account for 12.40 percent (237,400) of the total migrants. Safe shelter houses have been established at the Nepalese Missions in Saudi Arabia, Qatar, UAE, and Kuwait to provide shelter to the rescued women migrant workers. One such house is also established in Kathmandu for returnee women migrants.

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

#### **Article 6 — Right to work**

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

35. National Planning Commission and Ministry of Labour and Employment have been working to develop a National Employment Policy. Ministry of Labour and Employment has been revising the Labour Act, 1992. The National Human Rights Action Plan (NHRAP), 2014-2019 has charted out plans to establish “Contributory Social Security Fund” to implement Social Security Fund (Management and Operation) Rules, 2011 with an aim to enhance the social security of the labourers working in the informal sector. The Fund may establish the schemes like (a) Unemployment Insurance Plan, (b) Injury/Accident Insurance Plan, (c) Sickness Insurance Plan, (d) Maternity Insurance Plan, (e) Dependent Insurance Plan, (f) Disability Insurance Plan, (g) Old Age Insurance Plan, (h) Medical Insurance Plan, and (i) Family Insurance Plan. The NHRAP has also adopted plans, among others, to establish an entity for the protection of the rights of labourers and has introduced programs to safeguard the rights of labourers working in the informal sector. The GoN has been emphasizing on vocational and skill-oriented training to help educated youth get skilled and self-employed. There are several institutions for imparting such trainings, including the Vocational and Skill Development Training Academy, the Council for Technical Education and Vocational Training, and the Cottage and Small-Scale Industries Training Centers. Besides, the GoN has been providing accreditation to private institutions to run vocational and skill development training targeted at foreign employment.

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rather than their capabilities. For details, pls. see pp. 86-88, Nepal Human Development Report, 2014, GoN, UNDP.

36. Since the informal sector covers the major part of the economy, it would take considerable efforts and time to reduce the workers in the informal sector as well as to safeguard their rights to basic services and social protection. Hence, in order to address the challenges, the GoN would stringently follow the policy and plans, utilize the Fund to the maximum and implement the programs on long-term basis.

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

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

37. The Labour Act, 1992 empowers the GoN to fix the minimum wage of labourers on the recommendations of the Minimum Wage Fixation Committee. The GoN through a notification in the Nepal Gazette of 22 May 2011 enforced a new remuneration package as well as a social security package for workers of enterprises, excluding those employed in tea estates. It determined minimum monthly salary of Rs. 6,200 and daily wage of Rs. 231 with effect from 15 March 2011. Accordingly, the workers are entitled to a minimum basic salary of Rs. 3,550 and dearness allowance of Rs. 2,650 per month. All enterprises that have revised their pay package after 14 April 2010 have to follow the new pay structure. According to this notification, a social security fund has to be established in each enterprise. The employers have to contribute 20 per cent of the total salary drawn by workers, and the workers also have to contribute 11 per cent of their monthly salary to the fund. For the labourers of tea estate, agricultural labourers, and employees in media, separate minimum wage schemes have been operationalized.

38. The District Development Committees, Municipalities and Village Development Committees have been monitoring the execution of wage rates. However, the local authorities have been facing the challenges in effective enforcement of the minimum wage particularly due to lack of complaints from affected persons. Hence, the Ministry of Labour and Employment has planned to establish and mobilize a high level authority to protect the rights of labourers and to solve labour disputes. The authority will also monitor the implementation of minimum wage agreement, programs on capacity enhancement of labour offices for the effective enforcement of the minimum wage and overall protection of labour rights.

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

39. The GoN has been implementing Labour Act, 1992 which guarantees basic working condition for labourers. The Labour Office under the Ministry of Labour and Employment is empowered to hear any complaints lodged by labourers in relations to rights and interests guaranteed by the Act. The result of collective bargaining between the management and workers applies on par with law and is the subject of implementation through the Labour Office.

40. Sound Pollution Standard for Industries has been drafted and is in the process of endorsement. The setting up of standards relating to air, light, chemicals and radiation for industries is planned for the upcoming fiscal year. Occupational safety and health management system is in the process of development in the accident reporting system. Industries have been categorized into four different categories according to the level of hazard/risk. The NHRAP has adopted plans to implement Occupational Safety and Health (OSH) standards and formulation of Occupational Safety and Health (OSH) policy.

41. The informal sector workers including the workers in brick factories have started to be united for their rights. In order to enforce the Labour Act, the GoN has planned to mobilize and work in coordination with the agencies and institutions such as the labour offices, local authorities, and NHRC.

42. The information on child labour has been presented below in response to Question number 17.

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

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

43. The Constitution ensures the rights to establish trade union and collective bargaining as fundamental rights for workers and employees. The Trade Union Act, 1992, Trade Union Rules, 1993, Labour Act, 1992, Labour Rules, 1993, Labour Court (Procedure) Rules, 1996, Labour and Employment Policy, 2006 include provisions on the implementation of the rights to establish trade union and collective bargaining, among others. The Trade Union Act prohibits employers to take any retaliatory action against employees for holding a trade union membership or for their involvement in union activities.

44. Section 2(h) of the Trade Union Act defines authorized trade union as a Union established to protect the rights of workers through collective bargaining with the management. Section 13 of the Act sets two years duration to bargain collectively on behalf of the workers. Section 23 of the Act ensures that no case shall be filed in a court against the authorized trade union or an office bearer of such trade union regarding an act performed by them in compliance with the procedure of the Act.

45. Trade unions of school teachers do not come under the domain and jurisdiction of the Trade Union Act, 1992. However, the Education Act, 1971 under its Section 16E ensures the rights of the school teachers to form Teachers' Union to promote their professional interests. Any teacher associated with Teachers' Union cannot be removed from his/her post on the ground of union's membership. Teachers' union exists both at central and district levels. Accordingly, Teachers' Union of Nepal (TUN), a federation of teachers' associations, has been duly registered with jurisdiction to work for the promotion and protection of the rights, morale, status, and concern of teachers in public school system. Besides, other teachers' associations, namely, Nepal Teachers' Association (NTA), Nepal National Teachers' Association (NNTA), Nepal National Teachers' Council (NNTC), Nepal Teachers' Forum (NTF), and Nepal Revolutionary Teachers' Association (NRTA) are in existence.

46. The NHRC has also jurisdiction to monitor the human rights situation of labourers engaged in formal and informal sectors and has been supporting the government as an independent partner for the implementation of the legislations related to labour.

## Article 9 — Right to social security

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

47. The Constitution guarantees the right to social justice for women, Dalit, indigenous nationalities, Madhesi communities, marginalized groups, and workers who are economically and socially backward. Article 35 of the Constitution mentions that the State shall pursue the policy to provide social security schemes for marginalized and disadvantaged groups. So, the State is obliged to take a policy of paying special attention to protect the interest of women, orphans, children, old aged people, persons with disabilities and endangered communities. Article 35 (19) states that policy to provide allowances to the old aged people, women and the unemployed would be adopted. Social security programs are in operation in line with various security-related acts and regulations. The GoN has developed an operational modality for the social security programs. It also addresses policy measures related to social security programs for single women, and PwDs in the annual budget. With the notion of expanding the social security right of citizens, the Social Security Program Operation Procedure, 2009 has been formulated and implemented under the Local Self-Governance Act, 1999.

48. The GoN has been providing a monthly allowance to senior citizens above 70 years of age and other marginalized and vulnerable groups. Considering the life expectancy of the people living in the Karnali zone, people above the age of 60 years are included in the program. Likewise, dalits above the age of 60 years have also been getting the allowance. The program includes the provision of providing monthly monetary allowance of Rs. 500 to elderly citizens, Rs. 500 to single women, Rs. 1,000 to fully disabled, Rs. 300 to partially disabled, Rs. 3,000 to those with extreme disability and Rs. 500 to the persons belonging to the endangered communities. In addition, an annual medical allowance of Rs. 2,000 is provided to the senior citizens above 70 years of age. Senior citizens above 75 years of age are entitled to free medical treatment of cancer and the diseases related to heart, and kidney. In order to safeguard the rights of senior citizens, the government has been implementing following social security measures in human rights based approach:

- Establishment of Day Care Service Centers and Senior Citizen Clubs, and Renovation of the existing old age homes;
- Implementation of Senior Citizen Act, 2007 and Rules thereof;
- Collecting data about senior citizens;
- Review of the existing provisions on social security for necessary improvement and expansion by National Planning Commission and concerned ministries;
- Formation of Senior Citizen Welfare Committee at the central and district levels;
- Initiation of one model shelter home in each development region;
- Partnership with NGOs.

49. The GoN has planned to disburse a monthly allowance of Rs. 7,000 each to martyr's family and to those injured in the people's movement in 2006. The social security allowance is being distributed by the local bodies.

50. The health insurance program which was initiated in the fiscal year 2013/14 has now been extended to 15 districts by covering at least 3 districts of each Development Region. It is planned that the treatment for heart diseases, cancer, kidney diseases, Parkinson's,

Alzheimer's, spinal injury and head injury would be provided free of cost from Disadvantaged Citizen Treatment Fund (DCTF). The GoN has been providing free health services to the target-groups, pregnant women, and people from remote area. Other programs on health include Safe Motherhood Program, Infant Warm Kit Program, free of cost services at community hospital, integrated female health and reproductive health program and children health and nutrition programs. The free treatment of heart related diseases in children below 15 years of age and the senior citizens above 75 years has been continued. Children welfare program has been planned to be made further effective through the establishment and strengthening of child correction home, child welfare home and childcare center. Women empowerment and awareness program has been continued through Women Groups at ward level in all VDCs. The monthly allowance for women social volunteers has now been increased to NRs. 1,500.

51. The Janata Awas Karyakram (Citizens Residence Program) has been continued in order to provide housing facilities to disadvantaged and marginalized citizens. Under this program, 1,762 citizen houses have been planned to be constructed for the communities such as Dalit, Muslim, Chepang, Badi, Kusunda, Gandharwa, Raji and Lodh.

52. In the fiscal year 2014/15, the identification program of poor households is planned to be completed in 25 districts. Poverty alleviation programs have been planned to be taken to the target groups. In the fiscal year, 2014/15, 2,360 income generating programs and 850 infrastructure development programs are planned to be implemented through Poverty Alleviation Fund. From this program, additional 60,000 people would be benefitted. A sum of Rs. 3.61 billion has been allocated for this.

53. A sum of Rs. 55 billion has been allocated in the fiscal year 2014/15 for the Civil Servants' pension and social security programs implemented through various agencies. The GoN has planned to gradually expand the distribution of social security allowance through banks in all districts.

54. An assessment of Social Security Allowance Program in Nepal accomplished by the National Planning Commission in 2012 reveals that the average growth of social security expenditure is 0.75 percent. There was a galloping jump in 2008/09 and 2009/10. The proportion of the social security allowance in the total budget expenditure is also growing significantly. It has exceeded the government's total pension expenditure. The proportion of actual expenditure on social security in FY 2009/10 is 2.79 percent, which is higher than the actual expenditure on pensions (i.e. 2.52 percent of the total budget expenditure) given to the civil servants, police, teachers, and others.

55. Despite the allocation of a large share of annual budget for social security compared to other developing countries, Nepal is yet to achieve expected result. In order to avoid duplication of various programs and provide returns to the beneficiaries, an Integrated Social Security Bill has been drafted and would be presented to the Legislature-Parliament after completing necessary process to establish National Social Security System. The GoN has also been working to introduce National Identity Card (NIC) to make the distribution of social security allowances effective. In FY 2014/15, seven different schemes have been planned for implementation by managing the record of social security fund and preparing Contributor's biometric identity card to address difficulties, duplication and distortions on conducting various ongoing social security programs.

## Article 10 — Protection of the family, mothers and children

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

56. Children Act, 1992 prohibits all kinds of ill practices and sexual abuse against children. The Section 16 of the Act prohibits all forms of sexual abuse and harassment including child pornography and prostitution. The Cabinet has approved, in principle, a comprehensive Bill relating to children in line with the Convention on the Rights of the Child. The Bill prohibits child sexual abuse irrespective of boys or girls. Likewise, the Number 9 of the Chapter on Rape in the General Code (*Muluki Ain*) criminalizes child abuse including sexual misbehaviour and harassment in both public and private places.

57. For the purpose of prevention of violence against women and children, National Child Welfare Committee has established Child Help Line in 14 districts and Women Service Center in 15 districts and aims to extend it to all 75 districts across the country. The GoN has been implementing the National Action Plan for Children, 2005-2015 and has planned to revise the Action Plan to address the issues of child sexual exploitation, abuse and violence effectively. It has enacted National Children Policy, 2012 incorporating various activities relating to survival, protection, development and participation of children including protection from child sexual abuse. The role of NHRIs specially the NHRC and NWC together with the Central Child Welfare Board has been significant in monitoring the situation and rescuing the children in need, and in preventive aspects such as conducting awareness programs, providing special training to law enforcement agencies. The GoN has been introducing different policies and programs to regulate the migration and it has been working in collaboration with the United Nations Children's Fund (UNICEF) and other child rights organizations.

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

58. The Constitution provisions to bring an end to all kinds of discrimination, including against gender, and ensures rights to equality and social justice, and protection against caste based discrimination. Different legislations prohibit harmful traditional practices. The GoN together with National Women Commission has prepared a Bill to criminalize all kinds of harmful traditional practices that cause gender violence. The Bill prohibits 62 types of harmful practices including Chhaupadi, Deuki, Badi and Jhuma. Ministry of Women, Children and Social Welfare has been organizing an awareness raising campaign against traditional ill practices. The OPMCM has been organizing programs to raise awareness on the issues. The GoN has been implementing National Strategy and Action Plan on Gender Empowerment and Elimination of Gender Based Violence, 2013-2018. The Strategy and Action Plan, with the policy of zero tolerance against gender based violence, mainly emphasizes on providing protection to victims, strengthening of health sector, increasing access of victims to justice, legal reforms, institutional strengthening and raising awareness against gender based violence. The Strategy and Action Plan has been bringing a number of considerable achievements in policy, legal and institutional reforms and in raising awareness. Some of the achievements include: establishment and mobilization of gender based violence alleviation fund, establishment of hospital based one stop crisis management

center in 15 districts, establishment of service center in 15 districts and establishment of Gender Empowerment Coordination Unit at the OPMCM for the management of complaints and monitoring of gender based violence. As referred above in response to Question number six, the NWC has been rigorously monitoring the ill practices throughout the country and organizing awareness raising programs. Likewise, the GoN has been working in collaboration with UN agencies including the United Nations Population Fund (UNFPA), UNICEF, UN Women and other development partners with long-term plan and policies to curb the issues.

59. National Children Policy, 2012 has adopted policy of joint action of the GoN and development partners in mobilizing community-based organization to combat early marriage. The Policy has adopted fast track system in taking action against child marriages and local authorities have been given additional responsibilities to combat child marriages. A Bill against witchcraft allegation and a comprehensive Bill against dowry and other ill practices have been drafted and submitted to the Legislature Parliament for approval. As per the Supreme Court's directive to outlaw the Chhaupadi system and to formulate laws eliminating the practice in 2005, the GoN promulgated in 2008 the Guidelines to eradicate Chhaupadi. Recent studies conducted through the Women Development Officers (WDOs) in the affected areas show that the number of girls attending school during menstruation has significantly increased and the number of dedicated "Chhaupadi goth" has been decreased. The GoN is committed to working progressively until this practice is fully eliminated.

60. The GoN has been increasing vigilance against Kamlari system and the concerned agencies have been intensifying targeted and affirmative actions in the areas that have been frequently reporting the incidents. The GoN has established Badi Community Upliftment and Development Committee. In FY 2014/15, the GoN has planned to provide free education up to the bachelor's level for the Dom, Badi, Chamar and, Musahar students opting to pursue studies in engineering and medicine. The GoN has always been open to have consultation with the Kamlari civil society groups to discuss on the rights of the affected persons. For instance, in June 2013, it made a ten-point agreement to bringing an end to the Kamlari practice that still exists illegally in the society. Similarly, the GoN has also planned to launch Employment Program for girls and women of freed kamaiyas, oppressed groups of Badi, Chepang, Raute and Gandharva communities.

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

61. In order to rehabilitate, provide social security, education and health care support to the street children, the government has been taking the following policy and program initiatives: collection and updating of the data, programs on preventive measures, programs to make Kathmandu Metropolis a street children free city, rehabilitation with their family and psychosocial counselling program, implementation of program through District Child Welfare Committee, tying up the programs with socio-economic empowerment programs such as poverty alleviation, education and health care. The National Children Policy, 2012 plans to update data system on street children, rescue children from street and rehabilitate them with their family, implement support programs for families, provide psychosocial counselling, and organize socialization programs. District Child Welfare Committee, municipalities and local authorities are made responsible to implement these policies/programs by establishing networks as required to implement the activities in a coordinated manner.

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

62. A new Bill to replace the existing Children Act, 1992 (principally approved by the cabinet) addresses the special protection needs against trafficking of children. National Children Policy, 2012 adopts the policy of protection of children which includes rescue and release of children who are at risk by increasing the effective measures to prevent trafficking of children and ensuring protection of rescued children and their return and rehabilitation into their family and community. The Human Body Organ Transplantation (Regulation and Prohibition) Act, 1998 prohibits the activities related to organ transplantation without obtaining permit. Likewise, Human Trafficking Control Act, 2007 defines the extraction of human organs except otherwise determined by law as human trafficking. The Human Trafficking Control Act, 2007 mentions specific provisions to curb trafficking of children. The Children Act, 1992 explicitly prohibits sexual and labour exploitation, forced begging, forced marriage and slavery of children on any ground. The GoN has constituted a national committee at the central level and district committees in all districts for effective implementation of the anti-human trafficking Act. The law enforcement agencies have been strictly taking action against the perpetrators by following the provisions of the laws. The GoN has formulated and been implementing different programs and plan of action for the effective enforcement of the legal provisions till these practice are fully eliminated.

63. A Bill to control sexual harassment against women at workplace has been tabled at the Legislature Parliament. A Guideline to control sexual exploitation of women workers working in the dance restaurants and bars also addresses the issues of child sexual abuse. The Ministry of Women, Children and Social Welfare has been implementing National Plan of Action against Human Trafficking, 2011-2016. The Plan has prioritized five specific areas including prevention, protection, prosecution, punishment and capacity development of concerned institutions. The GoN has been working in coordination with NWC which has been implementing various programs for the prevention and monitoring as well as supporting the Government in combating human trafficking. Inter-ministerial communication has been improved.

64. The GoN has launched various programs against human trafficking in coordination with civil society. Fund for rehabilitation of survivors of human trafficking has been established in each district and rehabilitation homes/centers have been established in eight districts for the survivors/affected persons of human trafficking. A total of 429 persons were rescued by mid April 2014. Such number stood at 1,458 in FY 2012/13. District Development Committees have been provided with grants of Rs, 3,750,800 for curbing human trafficking and Rs. 3 million to manage rehabilitation centers. In the Nepal Police's crime investigation trainings, investigation procedures for human trafficking issues have been incorporated. Seven service centers have been established in the India-Nepal border areas for controlling human trafficking and violence against women and children. Nepal Police has established Child Search and Rescue Center in Kathmandu which provides 24 hours service. MoHA and Nepal Police have also been using means of Radio/Television for search and rescue of missing Children.

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

65. In accordance with the Domestic Violence (Crime and Punishment) Act, 2009, Domestic Violence (Crime and Punishment) Regulations, 2010 has been enforced. GBV Victim Support Standard Operation Procedure, 2013 has been prepared and implemented. The NWC has been organizing massive awareness raising programs including consultations throughout the country on the Act, Regulation and Procedure, at the same time monitoring the situation. Legislation against witchcraft allegation and a comprehensive Bill to control dowry and other ill practices have been submitted to the Legislature Parliament. Legal awareness campaigns against domestic violence have been conducted even in village areas by Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs. As of April 2014, legal awareness and sensitization programs have been conducted in 90 villages and 20 schools in more than 60 districts. So far, 12,000 people have been benefitted from these programs. Because of the growing awareness and encouragement programs to encourage the victims to report the cases, the number of complaints lodged with Nepal Police for gender-based violence has increased significantly across the country. This is a major breakthrough in the socio-cultural set up of Nepal. Police-public-partnership initiative is functioning well in this issue. According to Nepal Police, the number of complaints related to domestic violence has increased to 5,961 (in 2013/14) from 2,250 (in 2011/12). Likewise, the rape cases filed with the Nepal Police has increased to 1,170 (in 2013/14) from 711 (in 2011/12).

66. Under the Domestic Violence (Control and Punishment) Act, 2009 and its Regulations, 2010, cases of gender-based violence have been investigated by National Women Commission and Nepal Police in order to protect the human rights of the victims. A Bill to amend some legislation to maintain gender equality has been submitted to the Legislature Parliament. The Bill includes provisions on effective compensation and services to victims. Gender Empowerment Coordination Unit at the OPMCM has been intervening into the cases of gender based violence which also includes domestic violence against *dalit* women. The Unit has been facilitating the victims to register First Information Report with the Police where the victims face difficulties in the registration. The Unit monitors the overall gender based violence in the country and coordinates actions against such violence. A Monitoring Committee formed by the GoN under the coordination of the Secretary (Law) of the OPMCM released its Monitoring report on gender-based violence in January 2013. The Committee after monitoring some of the emblematic cases on gender based violence and studying the trend of gender based violence had released its report. Similarly, the said Committee had submitted a comprehensive report to the GoN for reforming laws, policies and system in order to end gender based violence. The Report has been in implementation at present. The Central Coordination Committee led by Chief Secretary for elimination of gender based violence and gender empowerment had organized series of consultations and meeting with concerned line agencies and stakeholders. The GoN has circulated strict order to the law enforcement agencies for the elimination of the difficulties that has been faced by the victims in registering the FIRs and stopping the practice of mediation in society between the victims and perpetrators in the case of sex and gender based violence. After the circulation, the report on number of mediation has been in decreasing and number of FIR registration has been in increasing trend.

67. The GoN has been implementing National Strategy and Action Plan on Gender Empowerment and Elimination of Gender Based Violence, 2013-2018. District Coordination Committees have been established in each district for gender empowerment and elimination of gender based violence. Gender Empowerment Units have been established in each District Development Committees. Gender Desks are established and Gender Focal Persons are appointed in all District Administration Offices (DAOs).

Paralegal Committees and surveillance centers have been established at the grassroots level to curb the GBV. In FY 2014/15, the budget on gender equality and empowerment has been increased to 21.93 percent (NRs. 135.65 billion) of the total budget. Though physical facilities of police custodies are being upgraded, some police custodies are still in poor conditions. Hence, the GoN would give continuity for upgrading the custodies. Separate women cells have been set up in 75 District Police Offices (DPO). In 12 DPOs, separate buildings are under construction for women and children service center. Police Units and Offices are reconstructed in 17 districts as part of the peace and reconstruction process (through NPTF) and they all have gender-sensitive facilities. Nepal Police has adopted a policy of zero tolerance against torture and ill treatment to children and women and a Code of Conduct relating to gender based violence for security forces is enforced. MoHA has established Human Rights and International Coordination Section. Gender focal persons have been appointed in all concerned line agencies.

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

68. Laws have prohibited the use of children as labourers. Child Labour (Prohibition and Regulation) Act, 2000, Child Labour (Prohibition and Regulation) Rules, 2006, Labour Act, 1992, Labour Rules, 1993, National Master Plan Relating to Child Labour, 2004-2014 and National Master Plan on Elimination of Child Labour in Nepal, 2011–2020 have been implemented. A list of hazardous labour sectors for children is prepared in accordance with domestic legislation and International Labour Organization (ILO) standards. As per the Master Plan, the hazardous sectors are: domestic labour, pottering, bonded agricultural work, recycling, carpet industry, brick production, mining, commercial sexual exploitation, armed forces or armed groups, transport, embroidery work, mechanical, hawking, and herb collection. As per the Master Plan, relevant legislations related to child labour would be reviewed and revised.

69. The Child Labour Act defines a child as minor who has not completed the age of sixteen years. The Act prohibits the engagement of children who have not attained the age of 14 years in any kind of labour work and prohibits the engagement of children in any “risky” business or work. The Act prohibits the engagement of children in works against his/her will. The Act further identifies children employed in worst form of labour as children with special need of protection and rehabilitation. The National Children Policy, 2012 prohibits the use of children in armed conflict, worst forms of labour and adopts policy to make such acts punishable by law. It adopts the policy of mobilizing Ministry of Labour and Employment, Central Child Welfare Board, District Child Welfare Board and local authorities to monitor the child labour situation and demotivate the use of child labour, and rehabilitate the rescued children. The Policy includes further provisions for the protection of children, monitor the use of child labour in factories, penalize the factories which employ children and rescue and rehabilitate the children.

70. The GoN has implemented a plan with an aim to eliminate the worst forms of child labour by 2016 and all forms of child labour by 2020 that includes elimination of child labour in informal sector. The perpetrators of child labour have been penalized under the existing legislations. Likewise, as a preventive initiative, various awareness raising programs through information, education and communication (IEC) materials such as radio jingle, documentary against child labour, pamphlets have been implemented.

## Article 11 — Right to an adequate standard of living

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

71. Programs are being carried out with poverty alleviation at the core of development agenda for last two decades. From Tenth Development Plan onwards, poverty has been categorized into three dimensions, namely income poverty, human poverty, and social exclusion. Analyses of these dimensions show notable improvement in overall reduction of poverty and the Human Development Indices of Nepal. Population under the poverty line has been declining significantly. According to the Economic Survey, 2013-14 published by the Ministry of Finance, the population under the income poverty line in the year 2014 is 23.80 percent. This is a significant improvement compared to the poverty level of 30.90 percent in 2009. Similarly, Human Development Index value increased from 0.458 in 2011 to 0.463 in 2013 (Human Development Report, 2011 and 2013, United Nations Development Programme (UNDP)). The 13<sup>th</sup> periodic Development Plan, 2013-2016 has targeted to reduce poverty to 18 percent.

72. National Human Poverty Index (HPI)<sup>3</sup> fell by 8.5 points, or 21.4 percent in the period between 2001 and 2011. HPI scores declined for both ecological and development regions over the same period. Among the ecological regions, the greatest decline took place in the Hills at 24.8 percent. The Western region had the steepest decline among the development regions at 25.9 percent. The smallest declines in each category were for the Terai at 16.7 percent and the Central region at 20.7 percent. In terms of Human Development Index (HDI)<sup>4</sup>, there has been a steady improvement in values over the last decade, across all ecological and development regions (Nepal Development Report, 2014, GoN, UNDP). Detail data on HPI and HDI is given in Annex II.

73. The GoN has launched a survey with an aim of collecting scientific data on poor people. It has distributed thirteen thousand forms in twenty-four districts and has been distributing ID card for the poor households. The survey would be extended to the remaining districts. Governmental agencies including Central Bureau of Statistics (CBS) have already started to disaggregate national data by major identity groups, oppressed caste groups, indigenous people, Madheshi caste group, Muslims and gender. The 2011 census data provides disaggregated data based on ethnicity, nationality, gender and so on.

74. Though the poverty in urban areas has decreased to 15.46 percent from 21.56 percent in last seventeen years, rural poverty is still 27.43 percent despite falling from 43.27. In order to address the gap between the urban and rural areas, Poverty Alleviation Fund (PAF), as a targeted national instrument to alleviate poverty, is currently operationalized in 40 districts. PAF is assisted by the World Bank which has recently agreed to provide 85 million US dollar to finance the ongoing and new programs until September 2017. The International Fund for Agricultural Development (IFAD) is also

<sup>3</sup> The HPI measures average deprivation in the three basic dimensions of human development — a long and healthy life, knowledge and a decent standard of living. For details, pls. see p. 88, Nepal Human Development Report, 2014, GoN, UNDP.

<sup>4</sup> The HDI is a composite index measuring average achievement in three basic dimensions of human development: a long and healthy life, knowledge and a decent standard of living. For details, pls. see p. 84, Nepal Human Development Report, 2014, GoN, UNDP.

contributing financial assistance to the PAF. In April 2014, IFAD provided five million US dollars for PAF II. With its target to assist the hard-core poor, PAF has helped the government in realizing the poverty reduction goal, i.e. 21 percent by the end of 2015. For inclusive development, the government in its current three years interim plan has focused on demand driven and community based development approach at the local level. PAF is expanding its program to additional 15 districts by the end of FY 2013/14 thereby bringing the program to a total of 55 districts. The program has been supporting communities for self-employment through income generation and community infrastructure related schemes.

75. Ministry of Women, Children and Social Welfare, Ministry of Labour and Employment, Ministry of Federal Affairs and Local Development and Ministry of Education have been implementing joint programs. In order to safeguard the rights to employment and food security of the poor from remote area, the GoN is making food available through the Nepal Food Corporation, a government undertaking, and other means which include “Food for Work” and “School Feeding” programs.

76. Some of the targeted programs for poverty alleviation and employment are Karnali Employment Program, Rural Community Infrastructure Development Program, Linking Local Initiatives with Local Skills Program and Nepal Food Crisis Response Program. The Karnali Employment Program has been implemented in five districts of the Karnali zone to generate employment through various income and skill-oriented schemes, to develop the competent manpower from the Zone and to prioritize programs based on local resources, means and capacity. A total of 244 projects (related to motorable roads, school building, maintenance of micro-hydro projects, trails, mule tracks, fruits and herbal farming etc.) have been completed with more than 99 percent of total allocated budget of Rs. 207,677,000 in FY 2012/13. Employment of 692,180 man-days was created from the program. Under the Rural Community Infrastructure Development Program, rural road constructions together with livelihood and income generation activities are being carried out in 21 districts for developing and improving community infrastructures. The “Linking Local Initiatives with Local Skills Program” is in operation in Achham, Dailekh, Jajarkot and Kalikot districts. Through this program, periodic plans of all 144 VDCs of Jajarkot, Kalikot, Jumla and Mugu districts have been prepared by the end of March 2014. Formulation of periodic plans of all 120 VDCs of Achham, Dailekh and Doti districts is in progress. These periodic plans have eventually empowered the community as participatory approach is followed where community understands and learns together at the same time. Through this program, a total of 7,000 households have been involved in income generation activities and linked with the market. Similarly, there are 400 active productive groups, 90 Farmer Enterprise Schools and 15 Agricultural Bi-Product Collection Centers in operation. Under the “Nepal Food Crisis Response Program”, the World Bank has made US\$ 69.50 million available to Nepal for providing food relief support to the people who have been affected largely by increasing global food price.

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

77. The GoN has enforced the Nepal National Sanitation Policy and Guidelines, 1994 for planning and implementing sanitation programs. The Policy envisaged the holistic attributes of sanitation including a package of activities and services related to personal, familial and environmental hygiene. The National Social Waste Management Policy, 1996 aims to make the local bodies competent in the field of management of solid wastes to provide more skilled and effective sanitation services. The National Water Supply Sector Policy (Policies and Strategies), 1998 underlines that hygiene and sanitation are the integral parts of water supply programs and it adopts the philosophy of “some for all rather than more for some”. The Rural Water Supply and Sanitation National Policy and Strategy and

Plan of Action, 2004 provisions to allocate 20 percent of the Hygiene Improvement Framework budget to health promotion, hygiene behavior change and safe excreta disposal. These policies, strategies and action plan have indicated the pivotal roles of users' committees, schools and local bodies. The GoN introduced Community Led Total Sanitation Approach in 2003. Works are being carried out in the areas of Water Resource Master Plan, arsenic minimization, drinking water, irrigation, micro hydroelectricity, and solid waste management with an objective of improving environmental condition and living standards of the people living in rural areas through sustainable drinking water and sanitation management in ten districts of Far-West and Mid-West Regions. In FY 2012/13, a total of 89 Drinking Water and Sanitation Schemes, 8 Multiple Usage of Water Schemes, 90 Stand Alone Drinking Water Schemes, and five Irrigation Schemes were completed. A total of 30 Drinking Water System and Sanitation Schemes, four Multiple Usage of Water Schemes, 24 Stand Alone Drinking Water Scheme, and 100 Schemes related to the post construction of livelihood at household level have been completed in the first eight months of FY 2013/14. Likewise, Rural Drinking Water and Sanitation Projects were started in fiscal year 2008/09 in nine districts with an objective to enhance drinking water and sanitation facilities in six hilly districts and to reduce the arsenic level in three Terai districts. In fiscal year 2012/13, 574,675 people benefited from sanitation and health programs, 6,937 from arsenic minimization program, 44,743 from carried over and new drinking water and sanitation project, and 19,225 from environment protection and income generation program. A total of 2,554 people have benefited from carried over and new drinking water sanitation project, 6,593 from sanitation and health program and 784 from capacity enhancement program.

78. The GoN has endorsed Water Supply Operation Directives, 2012 which provides directives to make high quality drinking water supply reliable and accessible to all. According to the National Census, 2011, the coverage of population with piped water supply is 85 percent and sanitation is 62 percent. Sanitation Hygiene Master Plan, 2011 has been launched to increase sanitation coverage. At districts, sanitation program has been led by District Development Committee office. For this, District Water Supply, Sanitation and Hygiene Coordination Committee (D-WASH-CC) has been formed with Local Development Officer as Chair and chief of Water Supply and Sanitation Division/Sub-Division Office as member secretary and other key sector agencies as members.

79. The activities on sanitation and hygiene have been promoted mainly through four major ways: a) part of water supply projects, b) school and community based independent program packages, c) local body led sanitation in line with the master plan with consideration of advocacy and d) community mobilization. Now, Open Defecation Free (ODF) status has been established as a "new norm" and "benchmark" for sustainable total sanitation. Districts have developed district level Sanitation Strategic Plan/Plan of Action on sanitation to achieve this status by 2017. Till the end of FY 2013/14, seven districts namely, Achham, Pyuthan, Parbat, Baglung, Myagdi, Mustang, Tanahu have been declared as ODF zones. Many villages have been declared as ODF area. An estimate of some 3,000 units of urine diverted toilets has been installed in different parts of the country. This initiative was introduced in rural areas in 2002 based on the principle of ecological approach in sanitation. Along with the introduction of ecological sanitation approach, other innovations such as organic farming, eco-farming and ecological sanitation village have been introduced through community's own initiatives. Many districts have initiated School Led Total Sanitation approach which empowers school children through child clubs and teachers and parents jointly promote total sanitation program and open defecation free movement in school catchment area through school and community partnership. This approach has remarkably contributed to the movement led by VDCs. Moreover, recently, the enforcement of no WASH no school policy has been largely emphasized.

80. The Caste Based Discrimination and Untouchability Act has been implemented to address the barrier of stigma and discrimination to water and sanitation. The role of the National Dalit Commission has been significant in monitoring the situation.

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

81. The Ministry of Agricultural Development has been supplying, through Nepal Food Corporation, the food in targeted areas with special target on disadvantaged and marginalized groups with subsidized rate and through other means which include “Food for Work” and “School Feeding” programs. National Planning Commission has formulated Multi-Sectoral Nutrition Plan for the period covering from 2013 to 2017. National Nutrition Policy, 2004, School Health and Nutrition Strategy, 2006, Maternal Nutrition Strategy, 2013 and various programs have been formulated and implemented with an objective of sustainably reducing the incidents of malnutrition. Some of the major programs include free distribution of iron capsule and vitamin A to pregnant women and lactating mothers, free distribution of vitamin A and deworming capsule for children up to five years, maternal and child health care program, and anemia reduction program for children. A separate division “Food Security and Environment Division” has been established under the Ministry of Agricultural Development, to deal holistically with the issues of food safety and nutrition. As per its mandates, the Division has been liaising with other line ministries and formulating laws, policies and guidelines related to food safety and nutrition and related endeavors such as seed, fertilizer, pesticides and so on. The Division has initiated Agriculture and Food Security Program covering 19 districts of Mid and Far Western Development Regions.

82. The Ministry of Agricultural Development has been implementing 49 targeted programs related to food and nutrition with the long term objective of reducing malnutrition. The programs aim at achieving some outputs like introducing more than 17 new species of grain, introducing 21 new technologies and eight new practices in food and animal farming respectively, achieving the production of more than 700 metric ton of seed and so on. With an objective of increasing agricultural production and reducing food scarcity, the 13<sup>th</sup> periodic Development Plan, 2013-2016 has targeted to expand irrigation service to 1,487,275 hectares of land.

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

83. Article 19 of the Constitution ensures people’s rights to property. However, in the public interest, the government can acquire the property of any person by providing compensation. Importantly, no prevailing laws of Nepal allow anyone to encroach upon public/government land. As per the Land Revenue Act, 1978, it is the duty of the government to protect public land from any encroachment. The squatter settlements have been on the rise in some of the urban areas through encroachment of public/government land. Also, urban migration including for the search of job opportunities has put pressure on marginal land, river banks and public spaces. So, the government is compelled to evacuate the encroached settlements on public land. However, even in evacuating such settlements, the GoN has been providing alternative support for the resettlement on humanitarian ground. The GoN is committed to supporting real landless squatters. For instance, while evacuating the squatter settlement along the Bishnumati River, the government had introduced partnership approach to resettlement in Kirtipur Municipality. Likewise, building construction works are underway in Ichangu of Kathmandu for providing residence to genuine squatters, urban poor and low income groups with a view to managing

unorganized settlements. First phase of the construction work and first block under the second phase of construction have been completed. Concrete casting of the third floor of the second block in its second phase of construction has also been completed, while foundation work of the third block is underway.

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

84. The GoN has been implementing a range of schemes to accomplish the tasks to reintegrate and rehabilitate the IDPs. Peace Committees formed at the local level have been mobilized. Relief package, travel expenses including loan at consolidated rate of interest have been provided as compensation and rehabilitation initiatives. The confiscated land and properties during the conflict have been gradually returned to the owners and compensation has been provided. These actions are also in line with the recommendations of the NHRC's report on IDPs, "Rapid Assessment of Conflict Induced Internally Displaced Persons (IDPs) for their Return, Resettlement and Reintegration", 2008.

85. Ministry of Peace and Reconstruction (MoPR) data on relief and rehabilitation support provided between fiscal year 2006/07 to 2012/13 shows that among the 79,571 IDPs, 25,000 have received a total sum of Rs. 240,144,000. Employment generation training has been provided for 3,030 conflict victims from 12 districts and 11,740 victims from 42 districts during the probation period and first phase respectively. The GoN's position and policies in relation to rehabilitation of the IDPs can be summarized as follows:

1. The MoPR has already framed various Guidelines, Procedures and Manuals to deliver such services smoothly to conflict victims. The Emergency Peace Support Project (EPSP) is one of such programs operationalized under the MoPR for supporting peace process. The objectives of EPSP are:

- (a) To support rehabilitation of the conflict affected individuals and families;

- (b) To provide cash benefits to the families and widows of those killed or subjected to disappearance during the conflict;

- (c) Build capacity of key institutions.

2. Another program at the MoPR is Nepal Peace Trust Fund (NPTF), a funding instrument to consolidate and strengthen Nepal's peace process. One of the objectives of the NPTF is to provide necessary support for the rehabilitation of the displaced and to assist in rehabilitation of the conflict affected persons, families and communities.

3. Similarly, the Relief and Rehabilitation Unit of the MoPR has been working to provide interim relief to conflict related victims and to rehabilitate them in their original place or any other convenient place. Security has also been provided to the victims as and when required.

4. The MoPR provides other non-financial benefits, such as medical treatment and psycho-social counseling to the conflict victims.

5. The MoPR provides interim relief to the families of victims whose fate is still unknown or who lost their lives during the armed conflict or who were

displaced. All families of the persons disappeared have obtained a sum of 300,000 Nepali rupees each as an interim relief from the State treasury.

6. The amount of interim relief provided by the GoN is just an initial package to the families of the persons disappeared and conflict victims. The amount has been fixed as per the available economic resources and conditions of the country. This is not compensation. The GoN believes that the victims have right to receive adequate compensation. They will be entitled to reparation after the investigation of the cases and as per the recommendations of the Commission on Truth and Reconciliation and the Commission on Investigation of Enforced Disappearance which will be constituted at the earliest.

7. Some of the policies, directives, procedures and programs which have been developed and carried out through the MoPR to address the issues of IDPs are:

- National Policy on Internally Displaced Persons, 2007;
- Directives to provide relief to the IDPs and their families, 2007;
- Peace Fund Operation (Procedure) Regulation, 2009;
- Terms of Reference of Local Peace Committee, 2009 and Directives of Local Peace Committee, 2010;
- Development Program for Peace Operation Working Procedure, 2009, and Development Program for Peace Operation Directives, 2012;
- Relief, Compensation and Financial Support Working Procedure, 2010;
- Employment/Self-Employment for Conflict Victims Operation Directives, 2011;
- Special Program for Conflict Affected Area Operation Directives, 2012;
- Psycho-social Counseling Service Operation Directive, 2014.

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

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

86. The GoN has endorsed National Health Policy, 2014 replacing the earlier National Health Policy, 1990 to ensure the rights to health as fundamental rights of every citizen. The Policy emphasizes on increasing the access to health services to all citizens with special focus on poor and marginalized communities residing both in urban and rural areas through implementing the programs based on equity and social justice. The vision of the Policy is to enhance the physical, mental, social and emotional health of every citizen so that they can be able to live a productive and quality life. The mission of the Policy is to ensure the fundamental rights of citizens through optimum utilization of available resources by strategic coordination among the health service providers, service recipients and stakeholders. The objectives of the Policy are to: ensure the fundamental rights of citizen by

providing basic health care services free of cost, establish effective and accountable health service system to ensure every citizen's easy access to quality health services, equip and train health workers, promote peoples' participation in providing health services, and increase and systematize the participation of private and co-operative sectors in health sector and promote their ownership.

87. There is no discrimination, based on any ground including ethnicity or caste status, either in laws, policies or programs related to health services. Recognizing the remaining challenges in implementation of the laws and policies for securing equal access to health services, emphasis has been given by the GoN for the progressive realization of the rights by continuously addressing the challenges, for instance through awareness raising programs for civil servants, monitoring of the available services and medicines in public facilities. In order to improve the non-discriminatory access to availability and quality of basic health-care services in rural areas, the government has been expanding its policy and commitment to provide free essential health services. The GoN is implementing the Second Long-Term Health Plan, 1997-2017 and population and sanitation related policies. Though the number of government health care institutions has remained constant for last two years, the beds have increased from 7,035 (in 2011) to 7,285 (in 2013), and health care human resources have increased from 82,994 (in 2011) to 93,495 (in 2013). The GoN has implemented the free health service in primary health care institutions and district hospitals. People have free access to 40, 33 and 23 kinds of medicines at district hospitals, primary health centres and health posts, and sub-health posts, respectively. The free distribution of the specified medicines has been ensured round the clock from public hospitals and health centers. Pregnant women are entitled to free maternity service at all governmental hospitals and private hospitals that have agreements with the Ministry of Health and Population (MoHP). A transportation allowance is provided to those women who give birth at a health institution. Moreover, the poor, indigent, persons with disabilities and women volunteers are entitled to free medical service in entirety. In order to ensure the quality of private and community-owned health care services, MoHP has introduced Guidelines for the health institutions.

88. The GoN has planned to introduce and expand health insurance program to 15 districts including three from each development region. Likewise, the GoN has planned to upgrade all the sub-health posts to health posts, upgrade the hospitals and health centers, establish ICU ward in five zonal hospitals, and establish geriatric ward in all zonal hospitals by the end of FY 2014/15. The GoN has also planned to increase the positions of specialist doctors for the effectiveness of health services, increase the number of doctors in primary health centers and provide non-practice allowance in order to encourage doctors working in remote and rural areas, initiate the pre-examination of kidney disease in 500 health posts, 300 primary health centers and hospitals, start "Mid Wifery" education for promoting the policy of providing maternal care services through skilled health personnel, double the travel allowance and increase the dress allowance to Rs. 5,000 for women health volunteers.

**24. Please also provide information on steps taken to ensure the provision of physical and mental health care to victims of the armed conflict, including physical rehabilitation.**

89. The GoN has introduced Psychosocial Guidelines, 2013 for the conflict victims which also includes the victims of the Sex and Gender Based Violence (SGBV). As per the guidelines, psychosocial counseling and medical services is being provided to the victims of sexual and other types of violence. Skill development and income generation training has been provided for at least one female member of the displaced family. Rehabilitation support has been provided to the conflict affected families and individuals. Cash benefits have been provided to the families and widows of those killed during the conflict.

Scholarship support has been provided for the children of the deceased. An action plan has been implemented on the restoration and rehabilitation of conflict affected children.

90. The GoN has adopted and enforced a National Action Plan on the Implementation of the United Nations Security Council resolutions 1325 and 1820 (2011/12-2015/16). Its basic goal is to achieve sustainable peace and just society, and its objectives are to ensure proportional and meaningful participation of women at all levels of conflict transformation and peace building processes, and protection of women and girls' rights. In order to achieve the goal and objectives, the Plan is structured around five pillars: participation; protection and prevention; promotion; relief and recovery; and resource management, monitoring and evaluation.

91. As of the end of FY 2012/13, 7,996 persons with conflict-induced injury have received a sum of Rs. 369,868,000. Also, a sum of Rs. 84,377,000 has been provided as life sustaining allowance to 736 persons with more than 51 percent disability caused by conflict induced injury. Likewise, the MoPR has provided interim relief and rehabilitation support to conflict victims. This includes relief to the families of deceased, single women, families of the conflict victims, skills development training to conflict victims and relief/compensation based on NHRC's recommendations.

92. The NHRC has been collecting application from conflict victims, monitoring the situation of the victims and status on relief/reparation support. Based on the monitoring, the NHRC have been sending its recommendations to the GoN. At the same time, the NHRC have been organizing awareness and capacity building programs for safeguarding the special rights of the conflict victims including timely rehabilitation.

**25. Please provide updated information on steps taken, and the impact measured, to address the high rates of infant and under-five mortality rates, as well as maternal mortality rates. Please clarify which steps have been taken to ensure the provision of emergency obstetric care and universal access to sexual and reproductive health services, including contraceptives.**

93. The GoN is making efforts to increase the rate of child immunization from the existing 83 percent to 100 percent and has formulated National Immunization Operation Rules, 2013 to establish an immunization fund for the sustainable financial sources for immunization. The achievement in the immunization service has been appreciated by the international community and development partners. Nepal is committed to the "Health for All" as pledged in the Alma-Ata Declaration of 1978 and to the achievement of MDGs by 2015. Significant achievements have been made in several areas. Maternal mortality rate has gone down to 281, total fertility rate to 3.1, under five mortality rate to 54, and infant mortality rate to 46. It has been targeted to reduce the maternal mortality to 134. In order to reduce the maternal mortality rate, 1,555 birthing centers across the country have been providing 24 hours service, 45 percent of the women are getting delivery service from trained birth attendants. The average life expectancy has gone up to 63.3 years. Population of children under five with moderate and severe underweight has declined.

94. The GoN has been distributing contraceptives and permanent sterilization service free of cost. In the fiscal year 2012/13, a total of 599,420 people were provided with contraceptives and 52,181 were provided with permanent sterilization service through reproductive health program as a family planning initiative. In addition, 2,478,000 regular users of contraceptives from across the country were offered such services in the same period. As of the end of FY 2013/14, the number of people having knowledge about the legality of safe abortion is 38 percent, number of people with knowledge about the availability of place/service center for safe abortion is 60 percent, number of people using the safe abortion service is eight percent, rate on usage of family planning devices is 49.7 percent, rate of pregnant women utilizing delivery service at health services is

35 percent and rate of pregnant women utilizing delivery service through trained health workers is 36 percent. The 13th periodic Development Plan, 2013-2016 has aimed at increasing the rate on usage of family planning devices to 67 percent and decreasing the fertility rate (among 15-49 aged women) to 2.4, and thereby increasing the life expectancy rate to 71 years.

95. With an aim to help decrease the infant, child and maternal mortality rate and to increase the average life expectancy, the GoN, in the current fiscal year, has allocated Rs. 33.52 billion for the overall development of health sector. The GoN believes that it is on the right track to achieve health related MDGs. Nepal was awarded with “MDG Achievement Award” in 2011 for its achievement in reducing maternal mortality rate (MDG 5), “Motivational Award” for its significant achievement in reducing child mortality rate (MDG 4), and “Resolve Award” by “Global Leaders Council for Reproductive Health” for considerable achievement in reproductive health.

**26. Please clarify whether the State party has taken steps to enact effective laws and policies to reduce the exposure of women and girls to the risk factors for uterine prolapse and to implement the Supreme Court ruling in *Prakash Mani Sharma v. Government of Nepal* (2008).**

96. In order to reduce the uterine prolapse, Silicon Ring Peccary has been provided free of cost in the treatment of the Uterine Prolapse. In the FY 2012/13, a total of 33,024 women were screened as having the problem. Among them, 3,660 women received silicon ring peccary and 4,725 underwent uterine operation. Likewise, awareness programs both on preventive and curative aspects together with treatment facilities have been implemented at the local level. The national budget for the fiscal year 2014/15 as well as the NHRAP ensures continuation of the availability of the service free of cost in the course of implementing the Supreme Court ruling. The GoN is fully committed to working progressively on both preventive and curative aspects until the cases of uterine prolepses are reported.

**27. Please provide information on steps taken to address the severe shortage of mental health facilities and psychiatrists in the State party. Please clarify whether the State party has introduced a national mental health policy.**

97. The National Mental Health Policy was enacted in the year 1997. The four main objectives of the Policy are:

- To provide mental health services by integrating the mental health services within the general health services;
- To develop the necessary human resources to provide the mental health services;
- To ensure the human rights of the mentally ill;
- To raise awareness on mental health and mental illness.

98. The GoN, in its newly endorsed National Health Policy, 2014, ensures the rights to health as fundamental rights of every citizen. The Policy defines health in a holistic manner as physical, mental, social and emotional wellbeing. One of the Strategies of the Policy is to gradually increase the availability of mental health services from the community level to the specialist hospitals by including the programs in the periodic development plans. In order to address the mental health issues, the GoN has planned to implement community based mental health programs.

99. In spite of the Policies and Programs, the GoN has realized that there has been shortfall of facilities and human resources for the treatment and rehabilitation of the mentally ill. The situation has been further exacerbated by negative cultural attitude and

stigma towards the mentally ill especially in the remote villages because of lack of education and awareness, lack of financial resources to increasing the access to the facilities and human resources at the local level. Hence, the GoN has been exploring the possibility of long-term partnership with the UN and development partners by realizing the fact that this is an area that requires greater planning to progressively realize these rights.

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

**28. Please clarify whether primary education is compulsory in the State party and whether national legislation guarantees free secondary education.**

100. The GoN is effortful to gradually provide secondary education (up to 10th standard) for free at the community schools and make primary education compulsory. The education policy has been structured to achieve the fundamental right to education and MDG 2 by 2015. A Bill to make basic education compulsory and free is under consideration. The three-year development plan, 2013/14–2015/16 has ensured the implementation of free and compulsory primary education through strict adherence to the Plan of Action. “Welcome to School” program is being conducted in the beginning of every academic year in all schools. Communities are encouraged to run primary schools in their mother tongue. School course-books have already been prepared in 16 mother tongues. The GoN has implemented the School Sector Reform Plan, 2009-2016 which aims at restructuring the school education covering from grade one to twelve, while specifying education from grade one to eight as basic education.

101. The National Action Plan on Education for All, 2001-2015 has identified goals of elementary child education and development programs in terms of four pillars namely: survival, development, protection and participation. The School Sector Reform Plan has planned to implement the free and compulsory primary education program in 500 VDCs/municipalities. As of April 2014, 1,173 VDCs have already got access to free and compulsory primary education. Two districts Lalitpur and Dhadhing have been declared as fully literate districts in June 2014. As per the economic survey, 2013/14, net enrollment rate in grade 1 in the year 2013/14 has increased to 95.6 percent compared to 89 percent in 2011. Likewise, net enrollment rate in primary level has increased to 86.3 percent (in 2013/14) compared to 70 percent (in 2011). The percentage of qualified and trained teachers in primary level has increased to 91.5 percent (2013) compared to 79 percent (in 2011) while in secondary level it stands at 98 percent (2013) compared to 94 percent (2011). Similarly, literacy rate of six to fifteen years age group has also increased to 65.9 in 2013 from 60.9 percent in 2012. Literacy rate based on Gender Parity Index (GPI) in 2012 was 0:62 compared to 0:9 in 2011. Due to expansion and focus of government budget and expenditure in the education sector coupled with the expansion of educational activities in private and non-government sectors, output of this sector is estimated to remain at 6.0 percent with marginal increase of 0.1 percent as compared to previous fiscal year.

102. The 13th periodic Development Plan, 2013-16 has targeted to increase the literacy rate among the age group of above 15 years to 75 percent, 15 to 25 years age group to 95 percent; enrolment rate in class one with the program on child development to 64 percent; net enrolment rate in basic education (class one to five) to 100 percent; net enrolment rate in class one to eight to 90 percent; and net enrolment rate in secondary education (class nine to 12) to 40 percent.

**29. Please provide information on steps taken to:**

(a) **Address indirect costs of schooling and ensure that access to education, including to secondary education, is not impaired due to such costs;**

**(b) Ensure that all children of Dalits and children from indigenous groups and minorities are enrolled in primary schools;**

**(c) Improve the access to education in rural areas and address the high drop-out rate in primary and secondary education, in particular of girls;**

**(d) Improve the physical conditions in schools, in particular with regard to the availability of adequate sanitary infrastructure.**

103. There are no indirect costs of schooling in government/community owned schools up to secondary education. According to the Economic Survey, 2013/14, only 24.4 percent of the people living below the poverty line have access to primary education, 20.8 percent have access to secondary education and 17.9 percent have access to higher education. Hence, in order to increase the access to education for all, the GoN has been implementing different targeted programs such as the “Program on Education for All by 2015”. The program has given priority in increasing the enrolment rate of children from *dalit*, indigenous communities, minorities, marginalized and backward communities and girl child. The GoN has been establishing school in indigenous areas and textbook in mother tongues have been introduced in some of the schools. Please also refer to the response to Question number 28 and 33.

104. It has been already stated in paragraph 27 and 28 on the steps taken by the GoN to increase the inclusiveness and access to education. Further programs of the GoN includes a literacy campaign with the slogan of “let us be literate and enhance capacity” being launched with local level participation. For the successful implementation of the “Literate Nepal Campaign”, the GoN has planned to celebrate the fiscal year 2014/15 as “illiteracy elimination year”.

105. In the FY 2013-2014, 1,030,126 *dalit* children studying in grade one to eight and 79,551 studying in grade nine and ten have received scholarships support worth Rs. 400 and Rs. 500 each respectively. 28,028 *dalit* students studying in grade 11 and 12 will be provided with scholarships support worth Rs. 1,000 each from the next fiscal year. In the feeder hostels, priority is given for the admission of *dalit* children. In the FY 2014/15, the GoN has planned to provide monthly scholarships worth Rs. 1,500 to Rs 3,000 each to the students from the marginalized communities such as *dalits*, *Raute* and *Chepang* to help them continue their higher education if they pass School Leaving Certificate Exam (10<sup>th</sup> grade) with first division from the community schools. Similarly, it is planned that students from *Dom*, *Badi*, *Chamar* and *Musahar* communities opting to study engineering and medicine will be provided with free education up to the bachelor’s level. The GoN has planned to launch special programs to promote girls’ education at school-level targeting especially those from Muslim and marginalized communities in the Terai.

**30. Please provide information on steps taken to ensure equal access to education for children with disabilities.**

106. The measures to ensure equal access to education for children with disabilities have already been discussed in response to Question number 4 (paragraphs 15-22).

## Article 15 — Cultural rights

31. **Please clarify whether the State party has taken steps to recognize the rights of indigenous communities to lands traditionally occupied by them and the natural resources of those lands and to seek their prior and informed consent before development projects which affect them are started.**

107. National Action Plan for the Implementation of ILO Convention 169 is under consideration at the Cabinet. The GoN has established National Foundation for Development of Indigenous Nationalities (NFDIN) with an objective to safeguard the special rights of indigenous communities. The GoN has been strengthening the capacity of the NFDIN. The GoN, in its National Human Rights Action Plan, 2014-2019, has planned to review and revise the existing legislations and formulation of new legislations related to the indigenous communities. The Plan has also included the endorsement of National Action Plan for the Implementation of ILO Convention 169 and formulations of programs as per the United Nations Declaration on the Rights of Indigenous Peoples. The GoN has prepared answers to Frequently Asked Questions (FAQs) on ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples. The GoN has recognized the rights of indigenous communities to land traditionally occupied by them and while formulating and implementing development projects, the rights and interests of indigenous communities have been duly considered. The NFDIN has also been supporting the Ministry of Federal Affairs and Local Development in realizing the rights of the indigenous communities by conducting targeted programs.

32. **Please elaborate upon the steps taken, in particular within the national culture policy, to guarantee that indigenous peoples are able to enjoy their identity and culture, including through the promotion and preservation of their traditional languages.**

108. Article 17 of the Constitution ensures the rights of each community to protection and promotion of their language, script, culture, civilization and heritage. The GoN has been implementing National Culture Policy, 2010. The Policy defines national culture of Nepal as a holistic form of cultures of all communities residing in Nepal. The main objective of the Policy is to protect and promote each culture and maintain harmony among all the communities.

109. The GoN has been organizing various programs through NFDIN to guarantee that indigenous people are able to enjoy their identity and culture including through the promotion and preservation of their traditional languages. Some of the programs launched by NFDIN include, research and publication of ethnographic profile of indigenous communities, organization of cultural events and festivals of indigenous nationalities, education and communication programs through electronic media, historical, cultural and religious heritage preservation and promotion program and income generation training program based on professionalism and traditional job skills. Programs like indigenous (mother tongue) film festival and documentary production training program, indigenous women's capacity and skill development program, mother tongue literacy and training of trainers program, mother tongue script identification, grammar, writings, dictionary development, extinct language re-writing programs, research and development, publication of journals and bulletins, rural tourism training program, upliftment program of endangered and highly marginalized indigenous groups, and youth self-employment through skill development and empowerment program are also conducted by NFDIN.

110. The GoN, in its National Human Rights Action Plan, 2014-2019, has planned to protect and preserve the cultural and religious heritage, traditional language and script of the endangered communities. Establishment of museums and model villages, development and publication of dictionary and grammar in mother tongue, collection and preservation of

history, folklore, music and folk-tales, and organization of cultural festivals and awareness raising programs have also been planned.

**33. Please indicate the measures taken by the State party to improve affordable access to the Internet and other applications of scientific and technological progress, in particular for disadvantaged and marginalized individuals and groups in rural areas.**

111. To increase the access to broad band internet service in the rural part of country, the GoN has planned to connect district headquarters by optical fiber, on the basis of public private partnership approach, in 2014 and provide e-service by constructing 30 Community Information Centers in the rural areas. It is also planned that the schools with internet facilities will be increased from 5,500 (in FY 2013/14) to 7,143 (in FY 2014/15). Moreover, in order to increase the access to the applications of scientific and technological progress, programs such as “One School: One Library” and “One School: One Science Laboratory” have been planned. The GoN has been adopting a policy to promote FM radio stations in all parts of the country by providing easy license to run FM radio at the local level. At present, there are more than 200 community radio stations. These community based radio stations have been providing people with easy access to information in local language particularly for disadvantaged individuals and communities in rural areas. The GoN has been implementing a Long-term Policy of Information and Communication Sector, 2003 and Telecommunication Policy, 2004 for promoting people’s access to information technology. Due to the challenges of geographical structure of the country, lower literacy rate, lack of adequate infrastructure, and limited resource, we have not achieved expected result. The GoN is working to build necessary infrastructure and conducive environment for enhancing the access of all people particularly the disadvantaged and marginalized, to information technology through partnership with development partners.

## Annex I

### Gender Development Index (GDI) Values and Gender Empowerment Measure (GEM) for Ecological and Development Regions in 2001, 2006 and 2011

S.N.	Region	GDI values			GEM values		
		2001	2006	2011	2001	2006	2011
1	Mountains	0.363	0.423	0.487	0.356	0.468	0.483
2	Hills	0.498	0.534	0.564	0.408	0.515	0.572
3	Terai	0.450	0.482	0.512	0.372	0.469	0.563
4	Eastern Development Region	0.475	0.516	0.534	0.382	0.516	0.575
5	Central Development Region	0.467	0.517	0.551	0.407	0.511	0.573
6	Western Development Region	0.477	0.511	0.546	0.359	0.488	0.567
7	Mid-Western Development Region	0.385	0.441	0.498	0.363	0.431	0.556
8	Far Western Development Region	0.377	0.447	0.481	0.368	0.456	0.523
9	Nepal	0.452	0.499	0.534	0.391	0.496	0.568

Source: Nepal Human Development Report, 2014.

## Annex II

### HDI and HPI Values across 15 Ecological Regions

S.N.	Region	HDI values			HPI values		
		2001	2006	2011	2001	2006	2011
1	Far Western Mountains	0.355	0.435	0.45	54	48.1	41.2
2	Far Western Hills	0.403	0.443	0.474	52.2	44.9	42.1
3	Far Western Terai	0.45	0.503	0.518	37.6	35.3	28.4
4	Mid-Western Mountains	0.347	0.435	0.445	59.3	48.1	44.6
5	Mid-Western Hills	0.417	0.448	0.492	50	40	38.2
6	Mid-Western Terai	0.44	0.481	0.529	38.9	36.8	32.5
7	Western Mountains	0.488	0.435	0.572	40	48.1	29.3
8	Western Hills	0.489	0.549	0.567	35.7	31.8	25.6
9	Western Terai	0.494	0.468	0.532	37.7	36	29.7
10	Central Mountains	0.425	0.454	0.518	48.9	42.2	37.5
11	Central Hills	0.547	0.602	0.612	34	28.2	24.7
12	Central Terai	0.451	0.478	0.502	44.5	41.9	39.4
13	Eastern Mountains	0.477	0.519	0.55	42	37.6	30.7
14	Eastern Hills	0.5	0.543	0.553	39.7	34.3	30.2
15	Eastern Terai	0.491	0.519	0.536	35.8	33.8	29.5

Source: Nepal Human Development Report, 2014.

### HDI Values and Poverty Incidence by Major Caste and Ethnic Groups, 2011

S.N.	Major caste and ethnic groups	HDI values, 2011	Poverty incidence, 2011	
			Poverty headcount rate	Percent of poor
1	All Bramhin/Chhetri	0.538		
2	Hill Bramhin	0.557	10.3	5.2
3	Hill Chhetri	0.507	23.4	16.6
4	Madhesi Bramhin/Chhetri	0.536		
5	Madhesi Bramhin		18.6	0.4
6	Madhesi middle caste		28.7	17.6
7	Madhesi Other Castes	0.460		
8	All Dalits	0.434		
9	Hill Dalit	0.446	43.6	15.2
10	Madhesi Dalit	0.400	38.2	6.9
11	Newar	0.565	10.3	2.5
12	All Indigenous people excluding Newar	0.482		
13	Hill Indigenous people	0.509	28.3	24.4
14	Terai Indigenous people	0.473	25.9	7.3
15	Muslim	0.422	20.2	3.5
16	All Hill/Mountain Groups	0.511		
17	All Terai/Madhesi Groups	0.454		
18	Others	0.586	12.3	0.5
19	Nepal		25.2	100

Source: Nepal Human Development Report, 2014.