



**Submission for the
Universal Periodic Review 2015
Recurring Human Rights Violations in Nepal**

Submitted by
Nepal Dialogue Forum for Peace and Human Rights
(Germany)

A. Information on the Submitting Organisations

1. The following information is submitted by the German NGO network **Nepal Dialogforum für Frieden und Menschenrechte (Nepal Dialogue Forum for Peace and Human Rights)**. The forum is a network of major NGOs which are either based in Germany or have a German branch who have come together to jointly work on alleviating human rights violations, supporting the peace process and sustainable development in Nepal in close cooperation with local partner organisations. Members of the Nepal Dialogue Forum have decades of experience in Nepal. They are a coalition of major German NGOs: Adivasi-Koordination Deutschland, Amnesty International – Ländergruppe Nepal, Bischofliches Hilfswerk MISEREOR, Evangelisches Werk für Diakonie und Entwicklung (EWDE) - Brot für die Welt, Gossner Mission, FIAN International, Peace Brigades International (PBI) – deutscher Zweig, Südasienbüro.

Nepal Dialogue Forum for Peace and Human Rights

Membership: Adivasi-Koordination Deutschland, Amnesty International – Ländergruppe Nepal, Bischofliches Hilfswerk Misereor, Evangelisches Werk für Diakonie und Entwicklung - Brot für die Welt, Gossner Mission, FIAN International, Peace Brigades International (PBI) – deutscher Zweig, Südasienbüro

B. Key Challenges in Nepal's Struggle for Peace and Human Rights

2. The Nepal Dialogue Forum, based on its experience of long-term engagement in Nepal and close cooperation with local civil society, identifies the following areas of concern which require urgent and immediate attention:

- Delays in the drafting and adopting of a new constitution by the Constitutional Assembly due to on-going political instability and rivalries;
- Delays in creating transparent, participatory transitional justice mechanisms, a lack of adherence to international standards in the laws and bodies, as well as a distinct lack of possibilities for civil society involvement in the transitional justice process and the establishment of the relevant Commissions;
- Weak implementation of existing national and international legal obligations and discriminatory access to justice, resulting in widespread impunity regarding human rights violations;
- Prevailing poverty and lack of access to essential goods, services and infrastructure;
- A lack of a comprehensive National Strategy on Food and Nutrition Security;
- A lack of effective participation in decision making for prior informed consent;
- A lack of effective coordination and cooperation amongst key decision making bodies;
- Discrimination in access to traditional natural resources such as land, forests, water and fishing areas; and
- Inadequate protection by state organs against all human rights violations.

C. International and National Legal Frameworks and Lack of Implementation

3. Nepal has ratified many relevant international treaties, has adopted the FAO *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*, as well as the FAO *Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security*, has ratified ILO Convention 169 concerning *indigenous and tribal peoples in independent countries*, and has adopted the UN *Declaration on the Rights of Indigenous Peoples*. However, there is a serious lack in implementation of these treaties and conventions.

4. Likewise, in the absence of a permanent constitution, Nepal's commitment to its citizens' human rights is enshrined in the country's Interim Constitution. However, implementation of the provisions guaranteed in the Interim Constitution remains to a great extent very poor as they are subject to the discretion of the Government.

5. This lack of implementation is also apparent with regard to recommendations from international Treaty Bodies. E.g., the recommendations of the last Universal Periodic Review from 2011 (UPR) concerning the right to food also remain largely unimplemented. In 2012, the Government developed an Action Plan on Implementation of the UPR Recommendations, but it lacks concrete commitments and corresponding indicators to measure the outcomes. No adequate consultation with stakeholders was undertaken at the time of the development of the action plan. As of February 2015, the UPR Outcome Document was neither formally translated into the local language nor

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disseminated across the country making it more difficult for grassroots activists to monitor the implementation of the recommendations.

6. While the Nepal Dialogue Forum recommends that Nepal ratify further international agreements (see 5., Recommendations, below), it is concerned about the lack of implementation of agreements and guarantees already made.

D. Human Rights Violations and Challenges

Impunity

7. It remains a major concern that the Nepalese Government has not yet done enough to address the persisting problem of impunity in the country. In October 2012, the OHCHR reminded Nepal of 9 000 open cases of serious human rights violations¹ during the armed conflict. Until now the fates of more than 1300 ‘disappeared’ people remain unknown.

8. No case of an alleged perpetrator of human rights abuses during the armed conflict has yet been tried before a civilian court. Human rights violations perpetrated after the end of the conflict also continue to go unpunished. Effective administration of justice throughout the country has not been established. Human rights violations reportedly committed by police personnel, including arbitrary detentions, ill treatment and torture, as well as extrajudicial executions, continue. Even though Nepal ratified the International Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the Convention still remains to be adequately implemented.

9. There is no adequate protection against human rights violations or the pressure which is often exerted towards victims by alleged perpetrators and/or colluding actors. The victims’ right to justice, truth and reparations continues to be seriously undermined by police personnel. Police personnel frequently violate their official duties, e.g. when they fail to file FIRs or follow court orders or delay investigations without facing any consequences for their actions or inaction.

10. In May 2014, after repeated and delayed efforts to establish a transitional justice process after the ten year long armed conflict, the Truth and Reconciliation Commission (TRC) Bill became law. The Act provides for the establishment of a Truth and Reconciliation Commission (TRC) and a separate Commission on Investigation of Disappeared Persons (CIDP). The members of both commissions were appointed in February 2015. However, as the OHCHR stated in July 2014, provisions of the TRC Act contradict Nepal’s international legal obligations and a ruling of the Nepalese Supreme Court as the TRC Act allows the TRC Commission to grant amnesties for serious crimes under international law. Other concerns regarding the Act, which have been voiced by national and international human rights organisations, lawyers and victims’ groups, are (1) the Commissions’ mandate to conduct mediation to reconcile victims and perpetrators even in cases of serious human rights violations, (2) the prohibition of any legal action in mediated cases, (3) the non-recognition of victims’ rights to

¹ <http://www.un.org/apps/news/story.asp?NewsID=43231#>

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reparation and (4) insufficient provisions on witness protection. Five experts for the UN Human Rights Council have also voiced similar serious concerns over the TRC Act.²

11. In March 2013, various provisions of the National Human Rights Commission Act of 2012 (which restricted the National Human Rights Commission (NHRC)) were declared null and void by the Supreme Court. There remains a distinct lack of progress to bring the Act in line with the Paris Principles.

12. Impunity is also widespread with regard to violations of ESC Rights. In most cases, the responsible authorities are not identified and action to hold them accountable is nominal, at best limited to oral statements of commitment by different policy makers, while follow-up by the government is very weak. For example, along the South Nepali border to India the livelihoods of more than 3000 families of Banke District are threatened by devastating floods and subsequent erosion every year, caused by the Laxmanpur Barrage and Kalkalwa Afflux on Indian Territory. Flood affected communities are facing loss of their agricultural lands and livestock, as well as displacement. They are suffering from hunger, malnutrition, and water borne diseases. Despite various complaints before the respective administrative and national mechanisms, including the National Human Rights Commission (NHRC), no comprehensive rehabilitation plan, nor participatory consultations with the affected population and compensation for the loss have so far been provided, and no one has been held accountable.

Social Inclusion - Inclusion of Women and other Especially Vulnerable and Disadvantaged Groups

13. The Right to Equality is regulated in Article 13 of the Interim Constitution of Nepal, which protects citizens against discrimination based on gender, caste, religion, race, tribe, origin, language or ideological conviction.³

14. Especially vulnerable and disadvantaged groups like women and children, Dalits, indigenous people, Muslims and other minorities, e.g. LGBTI persons⁴, and people living with disabilities or HIV/AIDS need special protection. Their economic, social and cultural rights still require urgent attention and implementation. In November 2014, the UN Committee on Economic, Social and Cultural Rights (CESR) presented its concluding observations on the third periodic report delivered by the Government of Nepal, stating that the lack of a permanent constitutional framework creates obstacles to the full implementation of economic, social and cultural rights.

15. Several laws were amended since 2006 to cancel discriminatory provisions and also to make the Nepali state apparatus more inclusive by reserving posts for members of marginalized groups and women in mainly lower level government jobs and the legislative parliament. Despite this, discriminatory legal provisions regarding gender or caste origin still exist. Concerned disadvantaged groups are demanding a representation quota which is based on their share of the population and which opens the doors to all recruitment levels. Much more has to be done to provide full access to quality basic education as well as higher education to members of marginalized groups and women

² Human Rights Watch: Nepal: Fix Flawed Truth, Reconciliation Act. UN Rights Bodies Call for Fundamental Overhaul (July 8, 2014), available at: <http://www.hrw.org/news/2014/07/08/nepal-fix-flawed-truth-reconciliation-act>

³ UNDP (2010): The Interim Constitution of Nepal 2063 (2007). As Amended by the First to Eighth Amendments. Kathmandu.

⁴ The term "LGBTI persons" refers to lesbian, gay, bisexual, intersex and other non-heterosexual persons.

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so as to meet vacancy requirements to fill higher level government posts or positions in private businesses. Existing scholarship schemes are not sufficient or not well functioning, while poverty often prevents children from remaining in the school system. This is especially true for girls. According to UNICEF, “Children belonging to the most privileged groups in Nepal attend school for around 10 years while children from the most marginalized groups (girls from “dalit” background in Terai) have less than one year of schooling.”⁵

Example: Women and Girls

16. Women and members of disadvantaged and marginalized groups, and especially those with intersecting disadvantages, are still very vulnerable with regard to their access to justice. Discrimination and punishments based on traditional social norms, attitudes and customs as well as on social origin are still prevalent. Women and girls are exposed to multiple forms of gender based discrimination and violence, including accusations of witchcraft, dowry murder, human trafficking, stigmatization of widows, child marriage, rape and other sexual violence.

17. With regard to political and decision-making processes, women are still insufficiently involved. Even after the elections in November 2013, the number of female parliamentarians does not come close to reflecting women’s proportion of the population. This also applies to the representation of Dalits, indigenous and other disadvantaged groups and their restricted opportunities to influence political processes and opportunities for participation in state organs.

18. Despite the strong contribution of women in agricultural production, women, in particular rural women, in most cases do not legally possess their own land for production.⁶ A report commissioned by the National Women’s Commission (NWC) revealed serious discrimination against women in terms of ownership of assets and properties.⁷ Despite the provision to distribute land to landless and deprived communities, the Land Use Policy 2012 includes no specific provisions to ensure access, management and control over land by women farmers. The policy also remains silent over the issue of joint ownership of land by husband and wife. With regard to access to forest resources, the role of women is still not adequately recognized in the Forest Act 2006 which does not adequately address the participation of women in the Forest User Groups.

Example: Dalits and Indigenous Groups

19. Even though the Caste-based Discrimination and Untouchability (Crime and Punishment) Act was passed in May 2011, human rights organisations and official media still report cases of caste-based discrimination or even atrocities against Dalits who try to assert their rights and challenge traditional social structures and rules. Dalits still face diverse difficulties and constraints in accessing and gaining

⁵ UN Statement: *Poorest students receive up to 18 times less public education resources than the wealthiest, says UNICEF* (22 January 2015), available at: <http://www.un.org.np/headlines/poorest-students-receive-18-times-less-public-education-resources-wealthiest-says-unicef>

⁶ National Women’s Commission (NWC): www.global-sisterhood-network.org

⁷ www.global-sisterhood-network.org, visited 7 June 2011.

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justice. Cases of caste-based discrimination and untouchability are frequently settled outside the justice system.

20. Dalits, who represent approximately 13% of Nepal's population (2011 census)⁸, have a higher incidence of poverty than the national average and are one of the most marginalized communities in Nepal. They face significant hurdles in social, political, economic and cultural spheres of life. According to human rights organisations, based on Government statistics, 44% of Dalits in the plain area are landless, while 44.6 % of Dalits in hill areas are marginalised farmers owning less than 0.4 hectares of land.⁹ Despite criminalization of caste-based discrimination and untouchability through the enactment of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act,¹⁰ *de facto* discrimination against Dalits continues to hamper their enjoyment of human rights, including the right to adequate food. In particular, incidents in which Dalits are still prevented from touching drinking water, milk, or cooked food, or from entering private houses, shops, or cowsheds happen in rural areas in particular.¹¹

21. Despite some significant positive steps¹² taken by the Government to advance the rights of the indigenous nationalities of Nepal in recent years, these groups also continue to experience political, economic, social and cultural marginalization preventing them from enjoying basic human rights and fundamental freedoms, including the right to adequate food and freedom from hunger. Most live in conditions of poverty that, on the whole, are double or more the national poverty level, and not only in remote and rural regions, but also in cities.¹³

22. Historically, Nepal's indigenous peoples accessed food from rivers, forests or from limited cultivation. However, they have suffered gradual loss of traditional lands and access to life-sustaining natural resources across the country and rank low in all human development indicators.¹⁴ 65% of ancestral land of indigenous people has now been occupied by national parks and reserves forcing a majority of them to take refuge elsewhere.¹⁵ According to the OHCHR, the number of indigenous people participating in the Government's decision-making processes remains low, particularly regarding the management of national parks and neighbouring buffer zones where many indigenous peoples live.¹⁶ The Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, in his report of his visit to Nepal in 2008, stated the lack of recognition of indigenous peoples' right to consultation or to access their traditional lands and resources governed by the National Parks and Wildlife Conservation Act. According to the Special Rapporteur, members of these and various other communities are prevented from gathering food,

⁸ Central Bureau of Statistics, Government of Nepal

⁹ Asian Human Rights Commission: <http://www.humanrights.asia/news/ahrc-news/AHRC-OLT-012-2011>

¹⁰ The Legislature-Parliament of Nepal enacted the law on 25 May 2011.

¹¹ In 2011, the literacy rate in rural areas was reported 62.5% against 82.2% in urban areas.

¹² The ratification of International Labour Organization (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries ("Convention 169") on 14 September 2007; the initiation of the development of the National Action Plan to implement the ILO Convention by the Ministry of Federal Affairs and Local Development (yet to be endorsed by the Government); and the invitation of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, James Anaya from 24 November to 2 December 2008.

¹³ A/HRC/12/34/Add.3 , 20 July 2009

¹⁴ A/HRC/12/34/Add.3 , 20 July 2009, Para 26

¹⁵ <http://www.nefin.org.np/list/Indigenous-People-of-Nepal/5/0/5>

¹⁶ A/HRC/12/34/Add.3 , 20 July 2009, Para 29

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medicinal herbs and firewood from the park areas, severely impacting upon their livelihoods. The existing benefit-sharing mechanisms are ineffective, indigenous peoples are insufficiently represented in the management, and mechanisms to compensate or consult indigenous communities are inadequate or non-existent.¹⁷

23. Land ownership and access to and control over land are crucial issues for Dalits and indigenous peoples. A large population of indigenous people solely depends on natural productive resources for subsistence. About 80% of the indigenous population consists of marginal landowners, owning only less than 1 acre, or small cultivators (owning 1-2 acres). A large proportion of Dalits are landless. The gender dimension of land distribution is even more critical: men own 92% of the land holdings.

E. Protection of Human Rights Defenders (HRDs), the Freedom of Expression, Association and Peaceful Assembly

24. Particularly in relation to civil society organisations' efforts at bringing perpetrators to justice or to reporting about human rights violations, the situation of Human Rights Defenders (HRDs) is still of great concern. This is the case despite some important steps that have been taken to put into practice the Local Implementation Strategy for Nepal drafted on the basis of the European Union Guidelines on Human Rights Defenders. Publishers, media workers and journalists who write about sensitive issues such as impunity or corruption are still at great risk. Female HRDs and especially those from disadvantaged groups are especially vulnerable to stigmatization.

25. In November 2014, the police arrested more than 300 people who held a peaceful rally in Kathmandu. In another case in November 2014, the police used force against peacefully protesting conflict victims and their supporters in Kathmandu. They were protesting for an amendment of the Truth and Reconciliation (TRC) Act and against its provisions to allow amnesties for crimes committed under international law.

F. The Human Right to Food

26. Currently, around 25% of the Nepalese population live below the poverty line.¹⁹ A report of the International Food Policy Research Institute (IFPRI) states that the Global Hunger Index of Nepal in the year 2013 is 17.3, indicating a serious problem of food security.²⁰ About half of the population in Nepal lives on less than US\$1.25 per day.²¹

27. Nepal lags behind in terms of basic nutritional indicators, and under-nutrition remains a challenge. Amongst children under the age of 5 years, 41% are stunted (low height for age), 29% are underweight, and 11% wasted (too thin for height), whereas about 16% have been stated as undernourished. Micronutrient deficiencies are also seen to be higher with 46% of the children

¹⁷ A/HRC/12/34/Add.3 20 July 2009, Para 32, 33, 34, 35, 36, 37 and 38

¹⁹ Nepal Living Standard Survey 2010/2011, CBS, GoN

²⁰ <http://www.ifpri.org/publication/2013-global-hunger-index-0>

²¹ <http://meroreport.net/profiles/blogs/status-of-food-security-in-nepal>

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between the ages of 6 and 59 months suffering from anemia. Although there is no formal listing of who constitutes the marginalized and disadvantaged groups in Nepal, it is usually former bonded labourers (*Kamaiyas* and *Haliyas*), indigenous peoples (*Adivasi Janajati*), Dalits, ethnic, religious and sexual minorities, landless, persons with disabilities and persons with HIV/AIDS who suffer from the violation and denial of the right to food.²² Within these groups, women, children and elderly suffer disproportionately and bear the brunt of inadequate food.

28. Food price inflation has been steadily increasing over the past 30 years, with a significant acceleration for most commodities over the past decade and a rapid increase around 2007 and 2008 at the time of the world food crisis. However, food prices in Nepal continued to experience steep inflation even after the official end of the world food crisis, and there has been virtually no respite in recent years. Food prices across almost all commodities have increased dramatically in recent years.²³

29. This has forced low-income households to spend a significant portion of their income on food. With such a high level of expenditure on food, it is difficult for these households to break the cycle of poverty since they are unable to spend their income to building assets. Moreover, when shocks occur, they are very quickly forced to sell assets for cash and have to compromise with other basic needs and rights, thus impeding the realization of the minimum essential levels of ESCR and negatively influencing the realization of the right to an adequate standard of living (article 11 of the ICESCR).

30. The implementation of the right to adequate food requires the adoption of a national strategy to ensure food and nutrition security for all, particularly targeting the marginalized and disadvantaged sections of society. Such a strategy should be based on human rights principles that define the objectives, and formulation of appropriate policies and corresponding human rights benchmarks.²⁴ Currently no such comprehensive strategy that provides a guiding framework to advance the realization of the right to adequate food and eradication of hunger and malnutrition exists in Nepal.

31. Land is a critical source of livelihood for a majority of the Nepali population living in rural areas as smallholders, cultivating small land plots often of less than one hectare. Especially for Dalits and ethnic groups who are usually marginalized, land ownership and access to and control over land and related resources is a major issue. Being landless, the vast majority of these groups of people have no access to resources related to land ownership²⁵ or tenure and tend to experience enormous food insecurity.

32. Land is also becoming an increasingly scarce resource as a consequence of population growth and rapid urbanization. The Interim Constitution requires the government to pursue a policy of

²² In most of the cases documented by FIAN Nepal (appx.90%), it is members of these marginalized and disadvantaged groups who suffer the right to food violations.

²³ For instance, compared to 2003/04, the price of coarse rice has increased by almost 77%, basmati rice by 70%, wheat flour by more than 50% and potato by 219%. Most lentils and beans are now more than double the price, black gram or black lentil went up by 114%, lentil up by 146%. Nepal Thematic Report on Food Security and Nutrition 2013, National Planning Commission, p. 50

²⁴ The Right to Adequate Food: Fact Sheet No 34 by OHCHR and FAO, 2010, p. 26

²⁵ Adhikari, Jagganath: Land Reform in Nepal: Problems and Prospects, P.44, ActionAid, 2008, available at: http://www.actionaid.org/sites/files/actionaid/land_reform_complete.pdf

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implementing scientific land reform through the abolition of the feudal system of land holding with a view to curbing the wide-spread inequalities in access to land.²⁶

33. There exists a vast body of legislations regulating access to land. The Land Act 1964 put a ceiling on land holding,²⁷ fixed the rent to be paid as contract (*Kut*) by tenants at 50% of the principal crop,²⁸ and emphasized security of tenant farmers against eviction.²⁹ However, the Act failed to bring any significant results.³⁰

34. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. However, the Government has not taken any initiation towards promoting secure tenure rights in line with the Guidelines.³¹ Although the Constitution includes the right to work/employment and social security³² as fundamental rights, there is a lack of framework legislation to give effect to these constitutional guarantees. In particular, such legislation is required to address inadequate allowances, low level of public awareness regarding allowance schemes, limited capacity of the institutions to ensure smooth and effective distribution of the allowances coupled with corruption and irregularities, current age threshold³³ which is inconsistent with the Senior Citizens Act, among others.

35. However, existing legal provisions surrounding social security have been mainly developed with a welfare-based approach and lack a human rights-based focus and fail to enable the citizens to claim their rights if denied or violated, and to hold the authorities concerned accountable.

²⁶ Article 33 (f)

²⁷ Sections 7 and 8

²⁸ Sections 33, 35 and 36

²⁹ Sections 29 and 29A

³⁰ In particular, the provision related to the ceiling, which is the key aspect of this Act, has never been effectively implemented. This situation has continued throughout the 5th Amendment of the Act in 2002 and even after the Supreme Court verdict in response to the litigation *Madhav Basnet v. Government of Nepal*, Supreme Court decision dated 17 July 2009.

³¹ The National Land Use Policy of the Government, introduced in 2012, aims to achieve social and economic development as well as environmentally sustainable growth through scientific land reform and reclassification of land and formulation of plans and programmes on land use. However, the land use policy remains silent on granting tenure security to those individuals and groups who sustain their livelihood on land, fisheries and forest despite the provision to distribute land to landless and deprived communities,. It also awaits effective implementation, Section 5 (1) of the Policy.

³² Articles 18 (1, 2)

³³ 70 years.

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G. Recommendations:

36. The Nepal Dialogue Forum for Peace and Human Rights makes the following recommendations to the government of Nepal:

Constitutional Process

- 37. further, in an inclusive and transparent manner, the drafting and implementation of a new, permanent, constitution that takes into account fundamental rights and liberties of all Nepalese citizens, regardless of gender, caste or their ethnic, religious or regional origin or ideological conviction;

Impunity

- 38. remove barriers to justice. In particular, ensure that amnesties are prohibited for crimes defined under international law and that no time limits are imposed for their prosecution;
- 39. amend the Truth and Reconciliation Commission (TRC) Act in full accordance with international standards and amend existing national legislation to be in line with the provisions contained in the international human rights treaties to which Nepal is a party;
- 40. ensure that public officials are held accountable when they do not comply with their duties;

Social Inclusion, marginalized groups

- 41. create rules, regulations, directives and guidelines as well as separate and independent special mechanisms for the effective implementation of the Caste-based Discrimination and Untouchability (Crime and Punishment) Act and create procedures for reporting and facilitating access to effective remedies to communities and groups displaced through conflict, natural disasters, wildlife preserves, freed bonded labour, infrastructure development, either judicial or administrative;
- 42. implement a genuine land reform by formulating an integrated land policy, quicken the pace of land reform and identify and restore traditional land rights of indigenous peoples;
- 43. support the proper implementation of inclusive local level complaint and monitoring mechanisms across Nepal to facilitate community reporting, access to legal aid and awareness raising for the poor and marginalized groups and provide periodical training and guidelines for officials, judges and lawyers in the application of political, civil, economic, social and cultural rights as well as public human rights education.

Human Rights Defenders, Freedom of Expression, Association and Peaceful Assembly

- 44. ensure that human rights defenders and other civil society organisations and actors can exercise their work freely and without threats to their lives. Special attention should be given to the local implementation strategy for Nepal designed by EU member states, corresponding to the provisions of the EU Guidelines on Human Rights Defenders;

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- 45. strengthen the independence, autonomy, inclusiveness and capacities of the National Human Rights Commission (NHRC) of Nepal by providing adequate resources and powers in accordance with the Paris Principles;

Right to Food

- 46. expedite the implementation of recommendations previously made on the right to adequate food provided by the Treaty-based and Charter-based bodies of the United Nations, in particular of CESCR, CEDAW and the UPR under the Human Rights Council.
- 47. provide for effective participation in decision making for prior informed consent, provide legal or other appropriate remedies, including prevention measures and compensation, restitution, rehabilitation and non-repetition to communities and groups threatened by displacement or displaced by national parks, wildlife reserves, and infrastructure development such as dams and hydropower.
- 48. adopt a comprehensive national strategy to ensure food and nutrition security for all, particularly targeting to the marginalized and disadvantaged groups of society³⁴ and ensure effective coordination and cooperation amongst all key actors involved in food and nutritional security and food sovereignty by establishing a new body or strengthening the mandate of the existing ones. Give attention to the concluding observations of the CESCR and create an inter-departmental working group to implement its recommendations;

Ratification of important international agreements

- 49. ratify the Convention on Migrant Workers;
- 50. ratify the Refugee Convention;
- 51. ratify the Convention against Transnational Organized Crime and its Protocols;
- 52. ratify the UN Convention for the Protection of All Persons from Enforced or Involuntary Disappearances, the ICC (Rome Statute) and the Optional Protocols to ICESCR and CAT;
- 53. ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity;

and implement these accordingly.

³⁴ This should include monitoring and evaluation mechanisms and should be based on the existing international standards on the right to adequate food, including the General Comment No. 12 of this Committee, the Voluntary Guidelines on the Right to Food in the Context of National Food Security, the Voluntary Guidelines on Responsible Tenure of Land, Forest and Fisheries and the Directive Principles on Extreme Poverty and Human Rights, among all other relevant standards on the field.

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