

**Part – I**  
**Chapter – I**  
**Preliminary**

**1.1.1 Background:**

Every person needs some basic rights to be able to live as a human being and these rights are called human rights. These rights are associated with a person's life, freedom, equality, prestige and dignity. These rights are inherent, universal, indivisible, important and are natural rights, and these are associated with human value and dignity. After the establishment of United Nations in 1945, international efforts were found to be taken for the respect, protection and promotion of human rights. Acknowledging human rights as the major foundation for peace and development, United Nations General Assembly issued the Human Rights Universal Declaration in 10 December 1948. This Declaration is considered as the first document defining the inherent and inborn rights of a person. Various international documents concerning human rights that cover diverse aspects of human rights have been issued based on the United Nations Charter and Universal Declaration of Human Rights. Nepal after becoming a member state to United Nations has continuously expressed its commitment for the respect, protection and promotion of human rights. In this regard, Nepal has become a state party to many international documents relating to human rights including the Principal Bill of Human Rights and six Core Conventions, and it is in the process of becoming state party to some other documents.

Amid this, the United Nations World Human Rights Conference held in Austria's capital Vienna in 1993 called upon UN member states to assist in developing the human rights culture in the world. The conference also called upon the member states to draft a National Action Plan for the protection and promotion of human rights and for its effective implementation. Taking the appeal positively, Nepal, as an active member state of the United Nations, resolved to effectively fulfill the commitments that it expressed to United Nations and at other international forums to respect, protect and promote human rights. Executing that pledge/resolution, the then Government decided to implement the National Action Plan by drafting it in coordination among the government, the civil society and the private sector to protect and promote human rights in Nepal. As per the decision, the three-year National Human Rights Action Plan was drafted in fiscal year 2061/062 and started to implement it from the same year. In spite of the difficult political situation of the country most of the programs mentioned in the action plan were implemented.

The democracy, restored in the country following the successful *Jana Andolan* in 2062/063, designated the state to become more responsible and accountable on the issues of human rights. It has created an additional obligation on the part of the state to protect and promote human rights of its citizens. Considering this fact, Government of Nepal again implemented another three-year National Human Rights Action Plan with amendments from fiscal year 2064/065. In the action plan, drafted on the basis of Universal Declaration of Human Rights and other international human rights agreements. It was aimed to identify the human rights related issues and needs of the Nepali people, mitigate these problems and fulfill these necessary matters (needs).

Though the implementation of this action plan has given an important contribution in enhancing the awareness on human rights in Nepal, the human right culture has not developed as still various agencies of the state and the officials working in those agencies have not adopted the universal values, standard and principles of human rights in their work. In addition, the incidents of human rights violation are not found to have decreased whereas it is voiced that there is an increase in impunity as well. In this regard, it has been noticed that there is a need for Nepal to give continuity to National Human Rights Action Plan to fulfill its

commitments to respect, protect and promote human rights expressed before the international community by developing the human rights culture. Considering this fact, Nepal Government has implemented another three-year National Human Rights Action Plan from fiscal year 067/068. It has directly involved concerned ministries in drafting the action plan apart from making timely amendments also keeping in mind the implementation the current action plan while drafting the given action plan. While drafting the current action plan, apart from making timely amendments, it has considered the implementation part of the AP and in addition directly involved concerned ministries. It is anticipated that current action plan will be effectively implemented by improving the negative aspects that were noticed in its implementation.

Various sectors have been included in the National Human Rights Action Plan with regards to the protection and promotion of the human rights of Nepali people. This action plan has been drafted in a way to strengthen the human rights perspective with development process and efforts have been made to prepare it in keeping with the policies and programs of the three-year plan as far as possible. In addition, it is believed that all sectors of the society will benefit from the implementation of this action plan.

The National Human Rights Action Plan is somewhat different from a special program, project or effort as it was drafted covering broader thematic areas relating to human rights at the national level. This Action Plan can be taken as a guideline while preparing action plan for the human rights related to a thematic area.

The programs mentioned in the National Human Rights Action Plan should not be the responsibility of only one particular body, rather it should also be the responsibility of development partners working to assist various central and local level government agencies, national and international non-governmental organizations, bilateral and multilateral donor agencies and policies and programs of the Nepal Government. National and local non-governmental organizations, civil society groups, private sectors and various federations and organizations will be jointly involved in the implementation of this Action Plan. As this Action Plan was presented in a broader log frame, necessary technical and financial resources were not indicated. On the basis of the regional and thematic requirements various agencies should implement this action plan mobilizing the available means and resources.

### **1.1.2. Objectives of the National Action Plan**

The objective of the National Human Rights Action Plan is to build a human rights culture in Nepal. The principle objective is to protect and promote the fundamental rights of citizens, as conferred by the Interim Constitution of Nepal, 2063, and to implement necessary work, action, policy formulation and programs to guarantee human rights as per international treaties relating to human rights. This Action Plan also has the objective to improve all aspects of human life by incorporating civil, cultural, economic, political and social rights. Implementation of this action plan will not only improve the human rights situation but is also believed to help in fulfilling the broader objective of the three-year plan.

The special objectives of this action plan are as follows:

- To clarify the commitments of Nepal Government to human rights in a more systematic way
- To strengthen the human rights situation of all Nepali citizens especially those under the poverty line, the helpless, *Dalits*, *Madheshis*, indigenous peoples and people from backward communities.
- To mainstream human rights perspective in development plans and programs

- To develop a concept of joint ownership for the promotion of human rights by integrating it in development programs and to enhance awareness and understanding.
- To mobilize national and international resources for the promotion and protection of human rights.

### **1.1.3. Potential risks and hindrances in the implementation of the National Human Rights Action Plan:**

As the National Human Rights Action Plan was not drafted specifically for a particular agency or ministry and regional organization but rather to be implemented exclusively, there is the danger that all concerned agencies might shun away from their responsibility or not be serious about the implementation of the AP. As the country is in transitional period, it might be difficult to render effective services to the people. It is necessary to establish and improve the essential services in the country for effective implementation of the National Human Rights Action Plan. There can be shortfall in financial resources due to the degrading economic condition of the country.

Due to the given potential problems there might be hindrances in implementation of National Human Rights Action Plan: such as - lack of political commitment, lack of economic resources, delay in reformation of law and formulation of legal foundation, delay in structural and procedural reformation carried out in the institutional organizations, lack of ownership, lack of long term concept and good governance, lack of priority in protection and promotion of human rights, inadequate human resources, lack of skilled technical administration and equipments to provided basic services and lack of availability of adequate fund.

## **Chapter - 2**

### **National Development Plan and National Human Rights Action Plan**

#### **1.2.1. Background:**

If we look into the history of planned development of Nepal, until the Ninth Plan, no system was followed to incorporate activities related to human rights into the national development plans and implement them. However, it is not that the human rights aspects could not be incorporated in previous plans. There were attempts in the past to address human rights issues by incorporating them in plans relating to various thematic areas as they are cross cutting issues. But now there is change in its concept. All concerned stakeholders and organizations are positive and enthusiastic to implement human rights issues incorporated in the National Development Plan as a clear-cut separate theme by drafting programs for its systematic development. Therefore, the issue of human rights was included in the Tenth Plan for the first time in the history of planned development of Nepal. There can be no two opinions regarding the fact that we will get high returns if we implement the development plans by linking them with human rights action plans. In the Tenth Plan, separate clear policies and programs relating to the protection and promotion of human rights were incorporated. While the Three-Year Interim Plan also gave continuity to this work, the current Three-Year Plan has also acknowledged human rights as a separate theme. This Action Plan will be implemented as an important part of the Three-Year Plan.

The inherent basic fundamental human rights are guaranteed by the Interim Constitution of Nepal, 2063. Various commitments expressed by the country at international level in addition to guaranteeing the basic human rights of the people has also appealed for the effective protection and promotion of such rights. In this situation, the Government of Nepal, with an objective to implement a separate but practical plan incorporated in the development plan, has initiated human rights related programs as separate sector development program with due importance in addition to the programs mentioned in the National Human Rights Action Plan, Human rights related programs mentioned in the three-year plan will be implemented in a coordinated way in conjunction with National Human Rights Action Plan. It is believed that this will reinforce to fulfill the policy, working policy and objective relating to human rights put forward by the government.

Nepal is moving forward with commitment to achieve the Millennium Development Goals. Nepal has stressed in its implementation also because some of the programs mentioned in it are directly and indirectly related to the human rights of the Nepali people. Also, it is making an effort to implement the provisions mentioned in the convention relating to women and children. During this, the Interim Constitution of Nepal, 2063 has anticipated proactive role of the state in protecting and promoting human rights. Therefore, as prescribed by the constitution for the effective protection and promotion of the fundamental rights of the citizens and to guarantee human rights enshrined in international human rights documents to which Nepal is a State party, it is necessary to bring reform in all the other aspects including social, cultural, economic and political by formulating and implementing necessary policies and programs. While formulating and carrying out development programs, we should have the perspective of effectively protecting and promoting human rights and should link it with the objective of gradually alleviating poverty. It can be expected that this will make it easier to fulfill the obligations of the Government of Nepal towards the Nepali people and its international commitments.

Organizations such as National Human Rights Commission, National Women Commission, National Dalit Commission and National Academy for Upliftment of Indigenous Nationality are established at national level for the protection, promotion and

monitoring of human rights. National Human Rights Action Plan has been developed and is being implemented. Many discriminatory policies and laws have been amended. Though many organizations are actively monitoring human rights situation, carrying out awareness programs, providing legal counseling and aid, lobbying, campaign, investigating human rights violations and disseminating information, coordination among them is considered necessary.

### **1.2.2. Action Plan in the three-year Interim Plan:**

The three-year Interim Plan has opened the door for Nepali people to protect, promote and respect the human rights effectively that is conferred by the Interim Constitution of Nepal, 2063 and mentioned in the international agreements to which Nepal is a party. There are various grounds to believe that the programs mentioned in this plan will help the state's aim to develop human rights culture in the country in a result orientated way. Also, this plan has drawn outlines to formulate new laws, modernize the process of implementation and institutionally strengthen the justice system by making it more far-sighted and standard. It also provides outlines to develop the judicial system as a custodian of human rights.

- Commitments expressed through fundamental rights conferred in the Constitution and through various international documents to which Nepal is a party, will be implemented by making amendments in the existing legal provisions and by formulating new laws as per the requirement.
- Human rights issues will be incorporated in the planning, implementation, monitoring and evaluation of policies, plans and programs of regional development and carried out.
- Necessary programs will be determined and implemented effectively to make the National Human Rights Action Plan more timely.
- Programs to protect and promote the political, economic, social and cultural rights of all citizens will be conducted by ending all kinds of discrimination, untouchability, exploitation, violence and abuses.
- By giving special emphasis on the protection, development and empowerment of the minority and marginalized community, participation of these communities in the state system will be ensured.
- Policy will be followed to realize the concept of rule of law by ending impunity and corruption.
- Necessary programs will be planned and effectively implemented to resolve the issues of persons who were injured, killed, disappeared, displaced during armed conflict and their families.
- Education regarding human rights will be provided through formal and informal education.
- Programs will be planned and implemented to encourage the mass media to create and broadcast human rights related programs.
- Programs will be carried out to encourage persons or organizations who make important contribution in the protection and promotion of human rights.
- Provision for mandatory inclusion of human rights (subject/curriculum) in the institutional trainings and coaching programs given to the security personnel.
- Necessary arrangements to guarantee the rights of those in prisons and in detention by developing prisons as reform centres.
- Citizen's right to get prompt, easy and quality service will be guaranteed by expanding the services provided by the State.

- Capacity, working skill and effectiveness of government and non government organizations relating to human rights will be enhanced.

There are challenges in enhancing the effectiveness, standard and accessibility of socio-economic services provided by the state for promotion of human rights. Implementation of the above mentioned policies has been clearly mentioned in the three-year plan to guarantee peace, equality and social justice emphasizing on the protection and promotion of human rights of all Nepali citizens, especially the marginalized groups, language, gender, religion, area, class and community by implementing the provisions of all the treaties and covenants including human rights treaties ratified by Nepal.

## **Part - 2**

### **Chapter - 1**

#### **2.1.1. Subjects Covered by the National Human Rights Action Plan**

Human rights is not associated with only one issue, title, area or agency. Usually, it is linked (cross cutting) with all subjects, diverse areas and various agencies. Therefore, National Human Rights Action Plan has identified following ten topics to enhance necessary coordination and participation to protect and promote human rights:

1. Education
2. Health and population
3. Law, management reformation and justice administration
4. Indigenous peoples and Dalit
5. Labor and employment
6. Promotion of peace
7. Protection and promotion of rights concerning culture
8. Environment and sustainable development
9. Protection and promotion of human rights in Nepali Army
10. Disability, senior citizens, women's rights and social justice, child right and development, sexual and gender minorities
11. Law and order, implementation of law and protection of human rights
12. Institutional reformation

## **Chapter - 2**

### **2.2.1. National Human Rights Action Plan of Education**

#### **2.2.1.1. Background:**

Education helps to bring out the possibility of developing inherent talents and personality in each individual. It provides grounds for developing healthy social life by promoting humanitarian values as well as national and social values and beliefs. Education not only contributes to modernization and socialization of the society by strengthening social unity but also helps the people who are lagging behind to come into the national mainstream and live a balanced life in this modern age, while at the same time keeping one's identity intact at the national and international levels. The Interim Constitution of Nepal, 2063 by establishing education as a fundamental right has taken school level education as an obligation towards its citizen.

It has been a long term objective of the Education sector to develop educational institutions as "excellent academic centers" by providing education to the people of each class and level, strengthening the quality of education, actively encouraging the participation of local level agencies in the educational development process, ensuring gender equality, producing minimum, medium and high level human resource to make education occupational and by making higher education scientific. Education plans are aimed at fulfilling the commitments expressed by Nepal to achieve the goal of education for all in the international sector by internalizing the core spirit of Local Autonomous Governance Act as per the concept of decentralization. The proposed forthcoming educational programs with an objective to empower Dalits, women under poverty line, persons with disability, marginalized and ethnic nationalities will be guided by the concept paper of the forthcoming three-year plan, the National Action Plan for Education for All and School Area Reform Program to make education consistent with international standard and to ensure human rights by making contemporary changes in education.

#### **2.2.1.2. Review of the past Action Plans and Present Situation:**

The efforts made in the direction of reform including educational decentralization, social inclusion and gender mainstreaming continued even during the past three years. Voluntary handover of school management to community, engagement of the private sector in production and distribution of course books, subsidies per student, implementation of teaching license at all levels, strengthening educational management communication system, joint financial management among development partners and social assessments in schools can be considered as commendable steps during this period towards reform in educational service delivery. The recently implemented School Sector Reform Plan 2066-2067 has presented a draft of substantial changes in the educational structure and broader reform in management.

As per the census of 2058, the average total of Nepal's literacy rate was 53.7 percent with 65.1 percent for men and 42.5 for women. There has been a gradual improvement in the percentage.. Literacy programs have been conducted with the participation of local agencies, schools, teachers and local political parties in a campaign to "Be literate, Enhance capacity"



to make all Nepali people literate. It was noticed that approximately three million illiterate adults enrolled in literacy classes under the two year National Literacy Campaign program.

Till Baisakh, fiscal year 2077/067 B.S. total number of 26,773 Child Development Centers were established all over the country. The number of children who enrolled in class 1 after attending Child Development Centre is approximately 50 percent. At present, free education is being provided to all the students of class 1 to 8 in community schools. Under this, their tuition, examination and admission fees are waived and the students provided with free course books. Within the target group, there is provision for free education to all the Dalits studying in community schools and everyone studying up to class 12 in Karnali zone in the country. As a result, self enrolment of primary level has reached 93.7 percent, lower secondary 63.2 percent and secondary level (class 9-10) 40.8 percent.

As per the policy to increase community participation in the management of community schools, a total of 10,154 schools including 6,871 primary level schools, 2,214 lower secondary schools and 1,069 secondary level schools were managed by the community. This number comes around one third of all community schools in the country. There is provision to provide teacher management subsidies on the basis of per student unit cost in the schools where teaching has been affected by lower teacher to student ratio. In the process of making physical improvement program user friendly, there is program to construct 8700 classrooms and physical improvement of other schools in the current fiscal year only.

There have been arrangements to provide free residential school education or technical training according to the age and interest of the freed Kamlaris. Continuity has been given to various scholarships from primary to higher level whereas students who passed out from community schools will be given priority to get scholarship for higher education on a competitive basis. Funds were released to the concerned schools to provide Dalit scholarship to 1,015,509 students, 50 % girl scholarships at basic level to 1,213,868 students and disability scholarships to 39,848 students till *Baishakh* of the current fiscal year.

Mid-day Nutritious Meal Program has started in 35 districts to increase access to education of the targeted group. There is provision of conducting necessary techniques and training programs to make the use of local food stock in the mid day meals mandatory. A special program has been conducted for disabled, backward and deprived groups, Muslims, Dalits, Tharu, Madhesi, endangered and Karnali region to make education accessible to them. Under this program, Muslim, Dalit, Tharu, Madhesi and endangered groups Child Development Centers have been conducted on a district basis with regular donations to Madarsa to nationally mainstream students of Madarsa, free of cost education to all the students of Karnali zone studying in class 1-12 and to targeted and Dalit students of other places. 350 resource classes for disabled students, 29 special schools, 21 unified schools have also been constructed.

There is provision of various skill based training for the production of skilled human resource in various areas of technical education and priority to the persons injured during the people's movement, women and Dalits for income generation training. Government has implemented the provision of free Auxiliary Nursing Mid-wife or similar training to the Dalits of Tarai Madhesh and young girls from poor Muslim community. It is said that 31

percent of women and 16 percent of Dalits participated in short term market-oriented skill based trainings till the previous year against the targeted 50 percent of women and 25 percent of Dalits.

The Code of conduct, 2066 has been implemented to maintain discipline among all those engaged in teaching and other educational activities from central to school levels to ensure office friendly, ideal and high moral turpitude among service providers and beneficiaries in the work place and to discourage habits of using abusive words, demonstration of unnatural behavior and use of obscene and derogatory words based on gender, group, caste, region and substance abuse.

### **2.2.1.3. Problems and Challenges:**

Though the policy to ensure legal provisions to make basic primary education compulsory, to provide free education up to secondary school gradually, to give opportunity to all Nepalis to receive primary level education in their own mother tongues, to ensure easy accessibility of general people to technical and professional trainings and to ensure quality education at all levels, skill generating and profession oriented has been adopted by establishing education as a right, there are many challenges in its implementation. Specially from a human rights perspective the following problems and challenges have been noticed in the education system:

1. Due to the lack of investment and inadequate mobilization of community in pre-primary education and child development area, child friendly environment could not be created in those centers.
2. There are still challenges in implementation of free education and compulsory basic education from legal, financial, social and managerial perspectives though in principle the national agreement is in place. Management of sustainable sources to gradually provide free secondary level education could not be done. Participation and accountability of local bodies has not been ensured with regard to making education compulsory.
3. Schools are still not child friendly. In many of the schools there is still lack of capable and trained subject teachers. There is lack of physical infrastructure and means and resources in the community schools.
4. Educational institutions have been affected due to the unexpected *banda* and strike as they could not operate fully.
5. Education is yet to be made productive and job-oriented as per people's wishes. It has yet to reach the poor and disadvantaged sections of society.
6. Literacy has not been linked to skill development. Opportunities related to technical education and professional trainings could not be extended and made easily available and accessible to the general public.
7. Education opportunities still could not be guaranteed to indigenous peoples, poor, helpless and disabled groups. There is lack of adequate means and resources to provide education up to primary level in mother languages.
8. Defining quality education, developing standards for it and determining the constituents of a quality learning are also challenging.
9. There is still lack of awareness about human rights among the general public and no alertness among parents about the education of their children.

### **2.2.1.4. Objectives of the National Action Plan:**

1. To reform the overall managerial aspect of Child Development Centers and increase accessibility to Child Development Program among children from economically and socially deprived groups,
2. To implement the National Literacy Campaign with new target and mechanism as “Literacy for Skill Development” in the next year,
3. To guarantee children’s right to education by establishing accessibility of children deprived of education from marginalized groups with the provision of various alternative educational services ,
4. To conduct special programs to establish access to free secondary education among targeted groups by expanding the opportunity of standard secondary education (class 9-12),
5. To make the school environment learning friendly, child friendly and gender friendly by emphasizing good governance of the schools,
6. To guarantee education at equal level wherein the grounds of minimum learning for quality education are determined,
7. To create self employment opportunity by conducting market oriented short term skill oriented training and income generating programs towards informal education programs,
8. To make policy provisions for equitable/just access to higher education.

**2.2.1.5. National Action Plan:**

The following National Human Rights Action Plan will be implemented in the education sector for the next fiscal year as per the previously decided action plan for 3 years:

Theme: **Education**

Implementing agencies: **Ministry of Education and other respective bodies under it**

Monitoring and Evaluation agencies: **Office of Prime Minister and Council of Ministers, National Planning Commission, National Human Rights Commission, respective committee of the legislative parliament.**

S.N	Objective	Program	Actions	Cooperating agencies	Timeline	Indicators	Risk factors
1.	Reform the overall management aspects of child development centers and increase the access of children from economically and socially deprived class to development programs.	<ul style="list-style-type: none"> <li>• Develop partnership to have institutional development;</li> <li>• Promote child development centers</li> </ul>	<ul style="list-style-type: none"> <li>• To improve the overall management aspects of 26733 child development centers by associating them with local bodies based on partnership approach in coordination of schools;</li> <li>• To build new child development centers in the communities that are economically and socially deprived;</li> <li>• To prioritize women while recruiting assistants to run the child development centers.</li> </ul>	Education Department	2010/2011-2012/2013	<ul style="list-style-type: none"> <li>▪ Proportion of child development centers (CDC) with improved management</li> <li>▪ Number and proportion of targeted population groups enrolled in the CDC. (<u>disaggregated data</u> by gender, Dalit and indigenous population groups)</li> <li>▪ Proportion of women aid workers in child development centers</li> </ul>	Committed to partnership
2	Implement the national literacy campaign in the upcoming year with a new goal and mechanism focused on “literacy for skill development.”	<ul style="list-style-type: none"> <li>• To impart literacy and skills to the adults who are illiterate;</li> <li>• To encourage especially women who have acquired skills for income generation activities.</li> </ul>	<ul style="list-style-type: none"> <li>• To update the details by collecting data of illiterates throughout the country ;</li> <li>• To provide literacy and short-term vocational training to the illiterates aged between 15-60;</li> <li>• To conduct literacy and income generation programs for targeted communities, especially women.</li> </ul>	Informal Education Centre Education Department	2010/2011 2010/11-2012/13	<ul style="list-style-type: none"> <li>▪ Number and proportion of adults who participated in literacy programs</li> <li>▪ Number and proportion of targeted adults who participated in literacy and vocational training programs</li> </ul>	Required coordination with local bodies
3	Ensure children’s right to education, especially by adopting alternative educational	<ul style="list-style-type: none"> <li>• To further consolidate free and basic education and make them</li> </ul>	<ul style="list-style-type: none"> <li>• To make necessary amendments in the existing Education Act and Regulation ;</li> <li>• To continue subsidizing the community based schools for free education from</li> </ul>	Ministry of Education Department	2010/2011	<ul style="list-style-type: none"> <li>▪ Number of provisions under the Education Act reviewed, amended and enforced</li> </ul>	Continuity in appropriation of necessary budget

S.N	Objective	Program	Actions	Cooperating agencies	Timeline	Indicators	Risk factors
	measures that are targeted to ensure access of marginalized children deprived of education to elementary education.	<p>compulsory gradually;</p> <ul style="list-style-type: none"> <li>To conduct special programs and measures to increase the enrolment and control the dropout rate of the school going children belonging to specially the poor, deprived, marginalized and sexual and gender based minority groups;</li> <li>To promote multi-lingual educational programs;</li> <li>To conduct programs to encourage children with special needs and those vulnerable due to the conflict to enroll and refrain from dropping out.</li> </ul>	<p>grade 1 to 8 with provisions of free text-books, management cost and per student cost;</p> <ul style="list-style-type: none"> <li>To implement compulsory elementary education in coordination with local bodies as a pilot;</li> <li>To provide scholarships to 50 per cent girls enrolled in the community schools from grade 1-8 and all the girls of Karnali zone;</li> <li>To provide scholarships to all children of Dalit and other targeted communities (22 indigenous and marginalized groups, freed <i>Kamaiyas</i>, freed <i>Haliyas</i> and <i>Charuwa</i>);</li> <li>To continue “mid-day meal programs” in the communities of those districts having food scarcity and low enrolment rate of girls to ensure the access of children, especially girls to preliminary education;</li> <li>To promote multi-lingual educational programs based on the need of local communities;</li> <li>To conduct special programs targeting persons with disabilities, backward class Madheshi community, sexual and gender based minority groups and Karnali zone;</li> <li>To provide scholarships to all disabled children.</li> </ul>	of Education	2010/11 and ongoing	<ul style="list-style-type: none"> <li>Details of the release of subsidies allocated to identified areas and subjects or proportion of community based schools implementing free education for students in grade 1 -8.</li> <li>Number and proportion of students enrolled by target groups and receiving government scholarships (girls, Dalit, indigenous)</li> <li>Number of students covered under the mid-day meals program.</li> <li>Proportion of schools implementing the mid-day meal program</li> <li>Number and proportion of schools following multi-lingual curriculum</li> </ul>	
4	Conduct special programs to ensure targeted groups’	<ul style="list-style-type: none"> <li>To promote access of targeted groups to free secondary (9-12 grades)</li> </ul>	<ul style="list-style-type: none"> <li>To implement integrated secondary education (9-12 grades) as pilot program;</li> <li>To continue providing free education to children of Dalit and Karnali zone</li> </ul>	Department of Education	2010-11 and ongoing	<ul style="list-style-type: none"> <li>Number of schools and districts where integrated secondary education programs were</li> </ul>	Timely amendment of the Act

S.N	Objective	Program	Actions	Cooperating agencies	Timeline	Indicators	Risk factors
	access to free secondary education promoting opportunity for them to have standard secondary education (9-12 grades).	<p>education.</p> <ul style="list-style-type: none"> <li>To enact laws that establish institutional mechanism for integrated secondary education.</li> <li>To conduct alternative educational programs.</li> </ul>	<p>enrolled in the community schools;</p> <ul style="list-style-type: none"> <li>To provide scholarships to the childrens of Dalit, disabled, sexual and gender based minorities and endanged and extremely marginalized groups at secondary level ;</li> <li>To provide scholarship to children of martyrs and conflict victims;</li> <li>To provide sholarships and training to freed <i>Kamlaris</i></li> <li>To provide education opportunity through open schools to those who did not have opportunity to enroll in formal school especially deprived, marginalised and women.</li> </ul>			<p>implemented</p> <ul style="list-style-type: none"> <li>Number and proportion of students enrolled (by targeted groups) at secondary level receiving government scholarships.</li> <li>Number and proportion of freed <i>Kamlaris</i> who participated in education programs and vocational trainings.</li> <li>Number of open schools and students enrolled</li> </ul>	
5	Make school environment child and gender friendly by emphasizing on good governance in schools	<ul style="list-style-type: none"> <li>To strengthen more the management of schools by community;</li> <li>To develop physical infrastructures in schools;</li> <li>To make training programs gender friendly</li> </ul>	<ul style="list-style-type: none"> <li>To conduct teachers' trainings based on demand;</li> <li>To conduct leadership training for school principals;</li> <li>To develop partnership to share cost to build infrastructure in schools;</li> <li>To promote management of schools by community;</li> <li>To emphasize human rights and gender equality in training programs;</li> <li>To provide training programs on gender and cultural sensitivity to local stakeholders.</li> </ul>	Educational Manpower Development Centre, Department of Education	2010/2011	<ul style="list-style-type: none"> <li>Number and proportion of teachers obtaining in-service trainings on human rights and gender awareness</li> <li>Number of new class rooms built and maintained or proportion of schools with improved physical structure</li> <li>Number and proportion of schools managed by community</li> <li>Number of training packages implemented integrated with gender and cultural sensitivity</li> </ul>	
6.	<u>To guarantee quality education with</u>	<ul style="list-style-type: none"> <li>To make monitoring mechanisms more</li> </ul>	<ul style="list-style-type: none"> <li>To plan and implement minimum standard of quality education and learning environment at all levels of education;</li> </ul>	Ministry of Education	2010/2011 and on	<ul style="list-style-type: none"> <li>Standard qualitative indicators developed and used for monitoring</li> </ul>	

S.N	Objective	Program	Actions	Cooperating agencies	Timeline	Indicators	Risk factors
	<u>minimum teaching standards set up and ensuring such standard education on equal basis.</u>	effective to implement standard of minimum learning environment and quality.	<ul style="list-style-type: none"> <li>To make monitoring bodies more effective to ensure timely services for students by effectively implementing programs.</li> </ul>	Department of Education	gradual basis	<ul style="list-style-type: none"> <li>Proportion of government programs on education monitored systematically.</li> </ul>	
7.	Promote self-employment by providing market-oriented short-term skill trainings and income generation trainings under informal education.	<ul style="list-style-type: none"> <li>To develop employment-oriented education as a key component of education system;</li> <li>To review the overall programs and structures of the Council for Technical Education &amp; Vocational Training (CTEVT).</li> </ul>	<ul style="list-style-type: none"> <li>To review the existing structure and overall programs of Council for Technical Education &amp; Vocational Training</li> <li>To provide scholarships to targeted groups.</li> <li>To give women, Dalits and sexual and gender based minorities priority while providing market-oriented skill trainings under technical education and vocational training.</li> </ul>	Ministry of Education  CTEVT	2010/11 and ongoing	<ul style="list-style-type: none"> <li>Standard and qualitative indicators identified and used for monitoring</li> <li>Proportion of government programs relating to education which are monitored systematically</li> </ul>	
8.	Formulate policy that promotes access in higher education based on equity	<ul style="list-style-type: none"> <li>Formulate higher education policy;</li> <li>Higher Education Act (umbrella Act) to be enacted to encourage girls</li> </ul>	<ul style="list-style-type: none"> <li>To formulate policy on higher education;</li> <li>To enact Higher Education Act (umbrella act) to co-ordinate and regulate establishment of universities, to build institutional capacity and reform management and emphasize on overall quality of higher education;</li> <li>To continue providing higher education scholarships to girls.</li> </ul>	University Grant Commission	2010/11 and ongoing	<ul style="list-style-type: none"> <li>Formulation and implementation of policy on higher education</li> <li>Enactment of an umbrella Act that came into force</li> <li>Number and proportion of targeted groups (girl) enrolled in higher education receiving government scholarships</li> </ul>	mutual opinion between stakeholders





## **2.2.2. Health and Population**

### **2.2.2.1. Background:**

The Interim Constitution of Nepal, 2007 has provided for free basic health services as an inherent right. Accordingly, it has become a key national obligation to increase the accessibility of all geographical sectors, groups, gender, caste and creed to quality health services. Plans such as the Twenty-Year Second Long Term Health Plan, Health Sector Reform Program, Nepal Health Sector Program Implementation Plan Second Phase are developed and implemented with the objective of increasing the accessibility of the general public to other specialized services in addition to essential health services, whereas various programs have been proposed taking into consideration the long term twenty years population plan and Millennium Development Goals. During this, Human Rights Action Plan of Health and Population sector has been proposed after making time relevant amendments in the previous action plan and also including additional programs in the themes related to human rights, especially health rights of the people to be conducted by the ministry within the next 3 years.

### **2.2.2.2. Present Situation:**

There has been positive improvement in infant, toddler, child and mother mortality rate with the increase in access to health services and quality through policy level, programmatic and institutional reform in public health and medical sectors. Free delivery services from all health institutions under safe motherhood program, all health services available from sub-health posts, health posts and primary health centers and limited health services have been made free for poor people and people of ethnic castes indicated by District Hospitals, whereas special concessions have been provided for in other hospitals for poor people. Family planning and safe abortion services are available in all the districts.

Though there is expected progress in the health sector, a lot still remains to be achieved. The mortality rate of children under 5 years has decreased by 48 % in the last 15 years but still 6 out of 100 children die before they are 5 years old. In the last one decade there has been a decrease in the mother mortality rate by approximately 50 % however 42 women are still dying of birth-related causes every week.. Likewise, though there has been some improvement in nutrition in the last one decade, Nepal falls under the list of malnutrition affected countries. There is increase in the use of and access to health services. The gap between the rich and poor is decreasing in areas such as family planning, vaccination of children, control in diarrhea and respiratory diseases and a decrease in child mortality. However, inequality in maternal health has not decreased significantly. Likewise, inequality in infant child mortality rate based on caste still remains.

### **2.2.2.3. Review of the National Human Rights Action Plan 2064/67:**

1. Of the activities stated in the National Human Rights Action Plan 2064/67, regarding the Citizens' Right to Health Protection Act, drafts of Acts concerning safe motherhood and protection of health institutions have been prepared, while work is underway on revising the Health Services Act and Rules.
2. Continuity has been given in providing essential health services. Free of cost basic health services according to the Interim Constitution of Nepal, 2065 has been provided.
3. Activities including reproductive health, child health, family planning services, controlling HIV/AIDS and treatment have been conducted regularly.
4. Separate units related to human rights and gender equality and social inclusion has been set up in the ministry.

#### **2.2.2.4. Problems and Challenges:**

There are problems such as lack of human and physical resources, medicines and essential medical equipments, centralization of financial and general administration, unorganized stock, weak supervision, lack of maintenance of physical infrastructure, lack of basic facilities for health workers in addition to the challenges faced due to the political transitional period. There has been no improvement in the health condition of those in remote districts, under poverty line and backward groups as expected regardless of the progress in general. The geographical difficulty is challenging in terms of provision of equal health services in all the places. However, construction of infrastructure, achievements in human resource development in health sector, available strong political will for the quantitative and qualitative expansion of health services and increase in investment of government and non government organization in this sector, is encouraging.

There has been no reduction in the prevalence of infectious diseases and malnutrition, while incidence of such diseases as diabetes, cardiac disorders, cancer, etc are on the rise making the country face double burden. It is therefore, necessary to be alert regarding such diseases as HIV/AIDS, avian influenza, bird flu, dengue, etc.

#### **2.2.2.5 Objectives of the National Action Plan:**

1. To ensure access and availability of essential and qualitative health services to all people.
2. To provide essential health services free of cost in local health institutions.
3. To remove economic, social and cultural obstacles identified while accessing and using health services with the support of the non-governmental sector.
4. To ensure the right to reproductive health.
5. To promote/encourage/enhance gender equality and social inclusion in the health sector.

#### **2.2.2.6. National Action Plan:**

The following National Human Rights Action Plan will be implemented in the health sector in the next three years. These activities will be measured on the basis of indicators.

## National Action Plan

Theme: **Health**

Implementing Agencies: **Ministry of Health & Population**

Monitoring & Evaluation Agencies: **Office of Prime Minister and Council of Ministers, National Planning Commission , National Human Rights Commission, Parliament Committee on Foreign Affairs and Human Rights and other relevant committees of the legislative parliament**

S.N.	Objective	Program	Activities	Cooperating agencies	Timeline	Indicators	Risk factor	Remarks
1.	Amend the Act, Rules and Policies	To effectively implement necessary laws to protect and safeguard citizens' right to health as per the international commitments	<ul style="list-style-type: none"> <li>To give continuity to the act of reviewing and amending the laws related to the right to health making them consistent with international standards.</li> <li>To formulate new laws as per need.</li> <li>To amend health policy and formulate new policy as per need</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Law, Justice &amp; Parliamentary Affairs</li> <li>Ministry of Women, Children &amp; Social Welfare</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>Number of Acts and policies related to the right to health amended and newly formulated</li> </ul>	Possibility of lack of resources	
2.	Provide essential health care services	To ensure citizen's right to health by providing essential healthcare services to all with priority given to rural/remote/poor/marginalized population.	<ul style="list-style-type: none"> <li>To establish primary health care centers in rural areas.</li> <li>To strengthen health care centers with equipments and other means.</li> <li>To expand basic and primary health care services up to community level.</li> <li>To provide free health services to the beneficiaries from health institution</li> <li>To increase access and effectiveness to services by increasing the number</li> </ul>	<ul style="list-style-type: none"> <li>Local bodies</li> <li>Non governmental Organizations</li> </ul>	Continued since 2010/11	<ul style="list-style-type: none"> <li>Number of health posts upgraded and established</li> <li>Number and proportion of beneficiaries receiving free health care services</li> </ul>	Possibility of lack of resources	

S.N.	Objective	Program	Activities	Cooperating agencies	Timeline	Indicators	Risk factor	Remarks
3.	Ensure the right to reproductive health	<ul style="list-style-type: none"> <li>Conduct awareness raising programs on the right to health and reproductive health across the country.</li> <li>Increase access of family planning services to all concerned</li> <li>Conduct programs on safe motherhood and neonatal care;</li> <li>Conduct safe abortions;</li> <li>Provide free of cost treatment for uterus prolapse</li> </ul>	<p>of health personnel and physical means and resources.</p> <ul style="list-style-type: none"> <li>Broadcast information about health programs through electronic and print media.</li> <li>Conduct health awareness programs in community and schools.</li> <li>Provide and make available adequate temporary and permanent means and methods of family planning</li> <li>Conduct safer motherhood programs</li> <li>Increase access to services for safe abortion</li> <li>Provide free of cost surgery and treatment of uterus prolapse</li> </ul>	<ul style="list-style-type: none"> <li>District Development Committee (DDC)</li> <li>VDC</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Female Volunteers Health workers</li> </ul>	Continued since 2006/7	<ul style="list-style-type: none"> <li>Proportion of population, districts, VDCs and schools covered under the awareness campaign on reproductive health</li> <li>Rate of use of family planning means or Unmet need for family planning (Millennium Development Goal indicator)</li> <li>Proportion of women coming for delivery in health centers</li> <li>Percentage of women coming for delivery in health centers</li> <li>Number of (medically assisted) abortions per</li> </ul>	Possibility of lack of resources	

S.N.	Objective	Program	Activities	Cooperating agencies	Timeline	Indicators	Risk factor	Remarks
						1000 live births		
4	Ensure child's right to health	<ul style="list-style-type: none"> <li>Increase child health care services</li> </ul>	<ul style="list-style-type: none"> <li>Conduct all kinds of vaccination programs widely</li> <li>Conduct community based integrated management systems</li> <li>Conduct programs to control diarrhea and respiratory diseases</li> <li>Conduct maternal and child nutrition programs</li> </ul>	<ul style="list-style-type: none"> <li>Donor agencies</li> <li>DDCs</li> <li>VDCs</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Women volunteer health workers</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>Proportion of children immunized under vaccine preventable diseases/Coverage or percentage of vaccination service;</li> <li>Number of children treated for diarrhea and number of deaths due to diarrhea;</li> <li>Nutrition status of women and children ;</li> </ul>	Possibility of lack of resources	
5.	Eradicate communicable diseases	<ul style="list-style-type: none"> <li>Eradicate and control communicable diseases</li> </ul>	<ul style="list-style-type: none"> <li>Conduct programs to prevent, control and eradicate diseases like malaria, <u>Kalazar fever</u>, Japanese Encephalitis, TB, leprosy and HIV/AIDS</li> <li>Provide treatment for snake bites and Rabies</li> </ul>	<ul style="list-style-type: none"> <li>Donor agencies</li> <li>DDCs</li> <li>VDCs</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Female volunteer Health workers</li> </ul>	Ongoing since 2010/11	<ul style="list-style-type: none"> <li>Prevalence rate of major diseases</li> <li>Number of patients treated for major disease type</li> </ul>	Possibility of lack of resources	
6.	Control of incommunicable	<ul style="list-style-type: none"> <li>Control mental health and other such kinds</li> </ul>	<ul style="list-style-type: none"> <li>Conduct community-based programs on mental health</li> </ul>	<ul style="list-style-type: none"> <li>Donor agencies</li> <li>DDC</li> </ul>	Ongoing since	<ul style="list-style-type: none"> <li>Proportion of hospitals, health</li> </ul>	Possibility of lack of	

S.N.	Objective	Program	Activities	Cooperating agencies	Timeline	Indicators	Risk factor	Remarks
	diseases	of incommunicable diseases ; <ul style="list-style-type: none"> <li>Promotional programs on the control of incommunicable diseases.</li> </ul>	care/services; <ul style="list-style-type: none"> <li>Conduct promotional programs with the support of local bodies and non-governmental organizations.</li> </ul>	<ul style="list-style-type: none"> <li>VDCs</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Female volunteer Health workers</li> </ul>	2010/11	<ul style="list-style-type: none"> <li>care centers and districts where mental health care programs are being implemented</li> <li>Number of patients receiving treatment for mental health care</li> </ul>	resources	
7.	Promotion of oral health	Conduct treatment and promotional programs on oral health	<ul style="list-style-type: none"> <li>Conduct treatment and promotional programs on oral health through government and private health institutions</li> </ul>	<ul style="list-style-type: none"> <li>Donor agency</li> <li>DDC</li> <li>VDC</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Female volunteers Health workers</li> </ul>	Ongoing since 2010/11	<ul style="list-style-type: none"> <li>Number and proportions of patients treated in the government hospitals and health centers</li> <li>Proportion of population having oral health problems</li> </ul>	Possibility of lack of resources	
8.	Provide ocular care and treatment	Conduct programs on ocular care and treatment	<ul style="list-style-type: none"> <li>conduct promotional programs regarding ocular care</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li>Number and proportions of patients treated for ocular health</li> <li>Proportion of population with ocular diseases</li> </ul>		
9.	Ensure rights of differently able persons	Conduct health programs targeting differently able persons	<ul style="list-style-type: none"> <li>Conduct treatment and rehabilitation programs for such persons</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li>Number of health programs being run for</li> </ul>		

S.N.	Objective	Program	Activities	Cooperating agencies	Timeline	Indicators	Risk factor	Remarks
			<ul style="list-style-type: none"> <li>conduct awareness programs to protect the rights of such persons</li> </ul>			<p>differently able persons and the number of persons benefiting from the service</p> <ul style="list-style-type: none"> <li>Proportion of targeted population that was extended access to improved sanitation (Millennium Development Goal indicator)</li> </ul>		
10.	Protection of environmental health	Conduct programs to protect and promote environmental health.	<ul style="list-style-type: none"> <li>Prevent transmittable water borne diseases and diseases due to lack of sanitation</li> <li>Conduct awareness raising programs</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>				
11	Link Nepal's population policy with poverty alleviation goal	Implement long-term policy on population	Implement population policy and the action plan effectively	<ul style="list-style-type: none"> <li>Line ministries</li> <li>Central Bureau of Statistics</li> <li>Universities</li> <li>NGOs</li> </ul>	Ongoing since fiscal year 2010/11	<ul style="list-style-type: none"> <li>Integration of population policy in regional programs</li> </ul>	Endorsement of long-term population policy	
12.	Promote gender mainstreaming and social inclusion	Conduct gender mainstreaming/empowerment and social inclusion (GESI) programs	<ul style="list-style-type: none"> <li>Formulate GESI strategies;</li> <li>Develop and implement GESI programs</li> </ul>	<ul style="list-style-type: none"> <li>Donor agency</li> <li>DDC</li> <li>VDC</li> <li>NGOs</li> <li>INGOs</li> <li>Schools</li> <li>Health workers/volunteers</li> </ul>	Ongoing since fiscal year 2010/11	<ul style="list-style-type: none"> <li>Formulation of specific strategy and programs for GESI</li> </ul>	May lack funding/resources	

### **2.2.3. Legal Reforms, Judicial Administration and Management**

#### **2.2.3.1. Background:**

Rule of law is the main foundation of democratic society. Legal system of democratic society should be just, time relevant and for public welfare. Law should be formulated in a way to integrate citizens' feelings and should be understandable by the general public. Democratic country should make provisions to protect, promote and ensure basic norms and values of human rights and humanitarian law accepted by the international community and expressed commitment by the country with the international community by at least giving recognition to them by the law. Also, effective remedy for the violation of these rights should be ensured by competent judicial bodies.

#### **2.2.3.2. Review of the Past Action Plans:**

- Training seminars related to awareness-raising were conducted targeting the officials working in other government offices including courts, public prosecutors, security agencies, quasi-judicial bodies in five development regions.
- International treaties and agreements related to human rights that Nepal is a party to have been translated and published in Nepali language.
- Existing legal provisions relating to women were collected and published as a book.
- Books related to human rights and computers have been provided for in the context of improving the human rights unit.
- Interaction programs regarding effectiveness of the legal aid provided to the weak indigent party were conducted.

#### **2.2.3.4. Present Situation:**

Nepal has made significant progress in formulating new laws in accordance to the obligations of the treaty by amending laws that are contradictory with the rights provided by the international treaties related to human rights and guaranteed by the constitution. Specially, significant work has been done in removing discriminatory legal provisions related to gender. Draft Criminal Code, Criminal Procedure Code and Civil Code that affect the overall justice system are being prepared. Also, there is a need to make amendments other laws as well in accordance with the provisions of International treaties related to human rights and humanitarian law. Further, there is a need to reform in other laws as well in line with the provisions of the International Conventions relating to human rights and humanitarian law. Also, there is a need to enact laws consistent with the provisions mentioned in the state's obligation, directive principles and policies and fundamental rights guaranteed by Interim Constitution of Nepal 2007. It is crucial to enhance the skill of human resources working in the judicial bodies to make judicial management competent and well facilitated.

#### **2.2.3.5. Problems and Challenges:**

The following are the problems in the implementation of legal reform, justice administration and management under this National Human Rights Action Plan based on past experience:

1. No adequate human resource in justice administration and management who adopts modern norms and values of human rights and humanitarian law and acts accordingly.



2. No consultation and coordination with the concerned stakeholders as expected while formulating laws
3. The line ministry not being able to accelerate its task in formulating or amending laws related to their thematic areas
4. Judicial work carried out by quasi-judicial body not considered as responsible work and while working, abiding by of universally accepted principles of fair justice related to human rights considered as hassle or could not be abided by.
5. Initiatives on maintaining fairness in judicial sector and management seem still remaining to be further dynamic.

**2.2.3.6. Objectives of the National Action Plan:**

1. To create an environment to respect, protect, promote and realize human rights and to develop legal system accordingly.
2. To give continuity to the work of formulating national laws in accordance with obligation of international and regional treaties related to human rights and humanitarian laws that Nepal is a party to.
3. To develop capacity of the human resource working in agencies related to justice administration and management sector.

**2.2.3.7. National Action Plan:**

As per the previously determined action plan, the following National Human Rights Action Plan shall be implemented in the sector of legal reform, judicial administration and management for the next three years:

Theme: **Legal Reforms, Judicial Administration and Management**

Implementing Ministry: **Ministry of Law and Justice**

Monitoring and Evaluating agencies: **Office of the Prime Minister and Council of Ministers, National Planning Commission, National Human Rights Commission and thematic committee of Legislative Parliament and other relevant parliamentary committees**

S. No.	Objective	Program	Activities	Assisting bodies	Duration for implementation	Indicators	Risk factors
1.	Increase the awareness of the government officials relating to law enforcement agencies, judicial administration and management on the rights guaranteed by IHL and IHRL related international convention, including Constitution	To conduct trainings, workshops and seminars on international human rights and humanitarian laws for the personnel working under the Judicial and quasi-judicial bodies, security forces and attorney general's office	<ul style="list-style-type: none"> <li>▪ To conduct seminars</li> <li>▪ To conduct training</li> </ul>	<ul style="list-style-type: none"> <li>▪ Office of the Prime Minister and Ministers' Council,</li> <li>▪ National Human Rights Commission</li> <li>▪ Home Ministry and offices under the Ministry (Armed Police, Nepal Police, including Prison),</li> <li>▪ Defense Ministry (including Nepal Army)</li> <li>▪ Office of the Attorney General and offices under Attorney General</li> <li>▪ Supreme Court and courts under Supreme Court and</li> <li>▪ Quasi-judicial bodies</li> </ul>	Continuously from the first year	Number and proportion seminar, trainings, and workshops	Lack of budget and coordination
2.	Formulate and amend laws in accordance with the	Review of law, reformation and enactment of other	<ul style="list-style-type: none"> <li>▪ conduct mapping of the existing laws</li> <li>▪ organize workshops</li> <li>▪ prepare reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Supreme Court</li> <li>▪ Concerned ministries</li> </ul>	Continuously from the first year	Review of the conventions or treaties related to	Lack of budget and human

S. No.	Objective	Program	Activities	Assisting bodies	Duration for implementation	Indicators	Risk factors
	constitution and international treaties related to IHL and IHRL and standards that Nepal is a party to.	necessary laws.	<ul style="list-style-type: none"> <li>▪ prepare draft of the new law</li> <li>▪ provide suggestions to the concerned ministry to amend on the concerned laws</li> </ul>	<ul style="list-style-type: none"> <li>▪ Attorney General's office</li> <li>▪ Nepal Law Commission</li> <li>▪ Nepal Bar Association</li> <li>▪ Defense Ministry</li> <li>▪ Home Ministry</li> </ul>		IHRL and IHL ratified by Nepal, and number of the formulated new laws	resource
3.	Increase the effectiveness of the program relating to Legal Aid	Provide free legal aid to the individuals who due to their socio-economic condition cannot pay the legal fees of the legal professionals.	<ul style="list-style-type: none"> <li>▪ Carry out baseline survey on the legal aid program</li> <li>▪ Make necessary reformation in the Legal Aid Act and Regulations</li> <li>▪ Make provision to effectively provide legal aid to the targeted individuals, groups or community</li> </ul>	<ul style="list-style-type: none"> <li>▪ Supreme Court and its subordinated courts,</li> <li>▪ Attorney General's office and its subordinated offices,</li> <li>▪ Home Ministry and its subordinated offices and bodies,</li> <li>▪ Central Legal Aid Committee,</li> <li>▪ Nepal BAR Association and its subordinated BARs,</li> <li>▪ NGOs</li> </ul>	Continuously from the first year	<ul style="list-style-type: none"> <li>• Number of beneficiaries from the legal aid program.</li> <li>• Baseline survey report on legal aid program.</li> </ul>	Lack of budget
4.	Make legal provisions regarding alternative measures of dispute resolution to swiftly resolve the disputes.	Formulate and implement Reconciliation Act	<ul style="list-style-type: none"> <li>▪ Bring the act into enforce passed by the legislative-parliament.</li> <li>▪ Dissemination of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Supreme Court,</li> <li>▪ Attorney General's Office,</li> <li>▪ Home Ministry,</li> <li>▪ Peace and Reconstruction</li> </ul>	Continuously from the first year	Implementation of the measures of alternative dispute resolution.	

S. No.	Objective	Program	Activities	Assisting bodies	Duration for implementation	Indicators	Risk factors
				Ministry, <ul style="list-style-type: none"> <li>▪ Ministry for Law and Justice</li> <li>▪ Ministry for Land Reform and Management,</li> <li>▪ Ministry of Forestry</li> <li>▪ Ministry of Local Development,</li> <li>▪ Ministry of Finance</li> </ul>			
5.	Institutional reform of Human Rights units and capacity enhancement of personnel	<ul style="list-style-type: none"> <li>- additional physical infrastructure</li> <li>- Provisions for personnel to study and trainings on human rights</li> </ul>	<ul style="list-style-type: none"> <li>▪ Build additional physical infrastructure</li> <li>▪ Provisions for personnel for long term study and short term trainings on human rights</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Finance</li> </ul>		Number and Proportion of trained personnel in human rights.  Supply of necessary instrument in Human Rights Unit	
6.	Study and research on the emerging issues of human rights	Identify the emerging issues in the field of human rights and put forward the views of Nepal on them	<ul style="list-style-type: none"> <li>▪ Identify emerging issues of the human rights field through various sources</li> <li>▪ Research and study the existing law, precedent or tradition in Nepal that addresses the emerging issues</li> <li>▪ Interact with various experts and stakeholders of this field</li> <li>▪ Carry out study visits as per necessity.</li> <li>▪ Ascertain Nepal's views on those</li> </ul>	<ul style="list-style-type: none"> <li>▪ Office of the Prime Minister and Council of Ministers</li> <li>▪ Supreme Court</li> <li>▪ Attorney General's Office</li> <li>▪ Law faculties,</li> <li>▪ INGOS</li> </ul>		Number and details of emerging issues in human rights sector.	

S. No.	Objective	Program	Activities	Assisting bodies	Duration for implementation	Indicators	Risk factors
			issues	<ul style="list-style-type: none"> <li>▪ NGOs</li> </ul>			

**Theme: Legal Reforms, Judicial Administration and Management**

Implementing Ministry: **Ministry of Law and Justice**

Monitoring and Evaluating bodies/agencies: **Office of the Prime minister and Council of Ministers, National Planning Commission, National Human Rights Commission and Subject Committee of Legislative Parliament and other relevant parliamentary committees**

S.No.	Objective	Program	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
1	Increase awareness of the government officials working with law implementing bodies and judicial administration on the rights guaranteed by constitution and by the International Conventions on Human Rights and Humanitarian laws to which Nepal is party to.	Provide trainings, workshops and seminars on the International Human Rights and humanitarian Laws for the personnels working under the judicial and quasi-judicial agencies, security agencies and office of the Attorney General.	<ul style="list-style-type: none"> <li>- Conduct workshops</li> <li>- Conduct trainings</li> <li>- Conduct study visits</li> </ul>	<ul style="list-style-type: none"> <li>- Office of the Prime Minister and Council of Ministers,</li> <li>- National Human Rights Commission</li> <li>- Home Ministry and Offices under the Ministry (Armed Police, Nepal Police, including Prison),</li> <li>- Defense Ministry (including Nepal Army)</li> <li>- Office of the Attorney General and offices under Attorney General</li> <li>- Supreme Court and courts under Supreme Court</li> <li>- Quasi-judicial bodies</li> </ul>	Continued from the initial year	<ul style="list-style-type: none"> <li>- Number and proportion of Programs conducted for the Human Rights and for awareness raising in Human Rights (Training, Workshops, Seminars)</li> </ul>	Lack of Budget and Coordination
2.	Formulate and amend laws in accordance with the constitution and international treaties related to IHL and IHRL that Nepal has ratified	Review and reform of existing laws and formulate the necessary law	<ul style="list-style-type: none"> <li>- conduct survey of the existing laws</li> <li>- organize workshops</li> <li>- prepare reports</li> <li>- prepare draft for new law</li> <li>- provide suggestions to the concerned ministry on the relevant revisions of the concerned laws.</li> </ul>	<ul style="list-style-type: none"> <li>- Supreme Court</li> <li>- Concerned ministries</li> <li>- Attorney General's office</li> <li>- Nepal Law Commission</li> <li>- Nepal Bar Association</li> <li>- Defense Ministry</li> <li>- Home Ministry</li> </ul>	Continued from the initial year	<ul style="list-style-type: none"> <li>- Conventions and treaty on International Human Rights and Humanitarian Laws ratified by Nepal, revision, amendments and number of newly formulated laws.</li> </ul>	Lack of Budget and Human Resources

S.No.	Objective	Program	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
3=	Increase the effectiveness of implementation of Legal Aid Act	– Provide free of cost legal aid from the side of the government to as many individuals as possible who otherwise due to their socio-economic condition and poverty cannot pay the legal fees of the legal professionals.	<ul style="list-style-type: none"> <li>– Make necessary amendments in Legal Aid Act and Regulations</li> <li>– Set up an arrangement to effectively provide legal aid to the targeted individuals, groups or community</li> </ul>	<ul style="list-style-type: none"> <li>- Supreme Court and courts under its jurisdiction,</li> <li>- Attorney General's office and offices under its jurisdiction,</li> <li>- Home Ministry and offices and bodies under its jurisdiction,</li> <li>- Nepal Bar Association and Bars under its jurisdiction.</li> <li>- NGOs</li> </ul>	Continued from the initial year	<ul style="list-style-type: none"> <li>- Proportion of courts actively carrying out the legal aid program or proportion of applicants seeking legal treatment under legal aid program</li> <li>-</li> <li>- Proportion of legal aid programs evaluated in the selected districts</li> </ul>	Lack of Budget
4.	Take legal measures to provide legal provisions related to alternate measures of a swift and smarter ideas of conflict resolution	Formulate and implement Reconciliation Act	<ul style="list-style-type: none"> <li>- prepare draft Act and table it in the parliament</li> <li>- Promotion of the Act</li> </ul>	<ul style="list-style-type: none"> <li>- Supreme Court,</li> <li>- Attorney General's Office,</li> <li>- Home Ministry,</li> <li>- Ministry for Peace and Reconstruction</li> <li>- Ministry for Law and Justice</li> <li>- Ministry for Land Reform and Management,</li> </ul>	Continued from the initial year	<ul style="list-style-type: none"> <li>- Formulation of draft act on alternative measures of conflict resolution</li> </ul>	

S.No.	Objective	Program	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
				<ul style="list-style-type: none"> <li>- Ministry of Forestry,</li> <li>- Ministry of local development</li> <li>- Ministry of Finance</li> </ul>			
5.	Institutional reform of Human Rights units and capacity enhancement of personnel	<ul style="list-style-type: none"> <li>- Build additional infrastructure</li> <li>- Provide training to personnel on Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>- Build additional infrastructure</li> <li>- Provide training and studies to personnel on Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Finance</li> </ul>		<ul style="list-style-type: none"> <li>- Number of targeted personnel trained in Human Rights</li> </ul>	
6.	Carry out studies and research in emerging Issues of Human Rights sector.	Identification of Emerging Issues and develop Nepal's concept on the issue.	<ul style="list-style-type: none"> <li>- Identify Emerging Issues from various sources in the field of Human rights.</li> <li>- Study and find out existing laws, regulations and tradition to address the issue.</li> <li>- Carry out interaction with the stakeholders and specialist in this sector.</li> <li>- Carry out study and visit in and outside the country.</li> <li>- Form a fixed concept of Nepal over the issues.</li> </ul>	<ul style="list-style-type: none"> <li>- Office of the Prime Minister and Council of Ministers'</li> <li>- Supreme Court</li> <li>- Attorney General's Office</li> <li>- Law faculties,</li> <li>- INGOS</li> <li>- NGOs</li> </ul>		<ul style="list-style-type: none"> <li>- Number of issues and subjects of Human rights identified by the Government and the concepts over those issues.</li> </ul>	



## **2.2.4. Indigenous Peoples and Dalit (BHIM)**

### **2.2.4.1. Background**

#### **a) Indigenous Peoples:**

The National Foundation for Development of Indigenous Nationalities Act 2058 has enlisted 50 castes or communities as the indigenous ethnic groups. The 37.2% of the total population of the country has been occupied by the indigenous ethnic groups. In order to mainstream the community from the continued exclusion by the state, the Government had formed a working group in 2053 BS, coordinated by Prof. Sant Bahadur Gurung to form a Foundation for the upliftment of Ethnic and Indigenous groups. National Indigenous Development Committee was formed in 2054 BS under the Ministry of Local Development under Development Committee Act until the Foundation was established. And, The National Foundation for Development of Indigenous Nationalities Act 2058 was endorsed as the continuation of the committee. In the context of ratification of ILO Convention 169 by Government, there is need to change the existing laws related to rights of indigenous people in line with the convention.

The indigenous ethnic people are those who have their own historic and developed continuity in their own area than that of the encroaching and colonial society. They currently regard themselves as a part of or different than the society that exists there. The indigenous ethnic group is determined to protect and develop the ancestral area and identity and hand over the to the future generation through organizing it as a low class area of the society, on the basis of the continued settlement and its own cultural framework, social organization and legal system.

Nepal is a party to Universal Declaration of Human Rights, Covenant on Civil and Political Rights, Convention on elimination of all forms of Racial Discrimination, ILO convention 169, including other international documents. So, it should eliminate the discrimination based on ethnicity and it is the demand of the time that the Government implement appropriate programs to eliminate the hurdles to fully enjoy the social and cultural rights.

#### **b) Dalits:**

Like many other countries in the world, Nepal is also a party to Universal Declaration of Human Rights, Covenant on Civil and Political Rights, Convention on elimination of all forms of Racial Discrimination, including other international documents. Thus, the Government of Nepal is committed to fulfill the commitments to protect the democracy, human rights and rights of Dalits.

Most Dalits are forced to live a life in a very poor and pathetic condition. Most of the Human Development statistics about their living standard is quite pathetic. The Dalits are deprived of enjoying their basic Human rights. So, the discriminatory practices against Dalits should be eliminated and their rights be protected. They should be mainstreamed in the nation's development through socialization and through separate targeted program in addition to general development activities.

Due to the long rule characterized by psycho-fancy tradition, the reestablishment of democratic ruling system and the Second People's movement took place. Even after 2063 BS movement, the discrimination and disparities on the ground of class, colour, religion and caste and creeds still

continues. Many minority groups have been facing the danger of extinction of their language, script, religion, arts and techniques. Therefore, it is essential to prepare and implement more strong programs for the preservation of cultural values.

#### **2.2.4.2. Review of the Past Action Plans:**

##### **a) Indigenous Peoples:**

Various programs have been conducted and implemented by National Federation for Development of Indigenous Nationalities from the centre to the local levels, for the upliftment of indigenous and ethnic group. According to the United Nations' Declaration and ILO Convention 169, most of the programs of the Federation have been conducted by NGOs working on ethnicity and are the representative of indigenous and ethnic groups. The programs and plan including implementation and monitoring are conducted in their direct active participation. As a result, the outcome of the programs have been satisfactory.

The Federation has carried out the following programs from the central to the local levels with special priority to ILO Convention 169 after its ratification by the Government of Nepal;

- Orientation on the implementation of ILO Convention 169 in the coordination of Ministry of Local Development and Federation was conducted on Bhadra and Ashwin of 2065, with the participation of officials of various ministries and agencies.
- In the Fiscal year 2065/66 the representative organizations working on ethnicity like, Nepal Magar Sangh, Nepal Tamang Ghedung, Singma Welfare Centre, Yamfu Kirant Society conducted awareness raising seminar, workshop, discussion and orientation programs related to ILO convention 169 in their respective societies.
- The Federation conducted an interactive workshop on effective implementation of ILO convention 196 by local government agencies, in the participation of Local Development Officer, Program Officer, Co-President of indigenous District Coordination Committee, NEFIN district Coordination Committee and the representatives and officials of various ethnic organizations, representatives of civil society and journalists from Pokhara and the surrounding districts.
- Awareness raising discussions, workshops etc carried out in the fiscal years 2065/066 and 2066.067 in 65 districts through indigenous Ethnic District Coordination committee under the District Development Committee for all the indigenous, ethnic communities and the local government agencies.

##### **b) Dalits:**

The National Dalit commission was established in 19 March 2002, for the overall upliftment and development of the Dalit Community. The Dalit Commission has been carrying out activities like monitoring and investigation besides various awareness raising programs for the development and upliftment of the Dalit community since its establishment.

The Commission has tabled the 'Draft Bill for the establishment of National Dalit Rights Commission 2064' and 'Draft Bill for the eradication of caste-based discrimination and untouchability 2064'' before the government, to pass them as Acts. Similarly, it has been carrying out programs to pressurize for the ensurance of Dalit rights in the new constitution and, orientation and interaction programs with the political parties, MPs of the Dalit community and other stakeholders.

The incidents of caste based untouchability continue in various areas of Nepal. Thus, the National Dalit Commission has been involved in field supervision, coordination and legal proceedings for the treatment for the sudden incidents of caste based discrimination and untouchability. It conducts mobile judicial service program to inform the people about the state policies and programs for the upliftment of Dalit community and constitutional, legal awareness and Human rights and Humanitarian Law training programs for the Dalit Community.

The studies and monitoring of national policy, law and programs related to Dalit rights and inclusion and the policies and law of various ministries have been carried out including making effective the arrangements of Dalit inclusion in higher education. Similarly, orientation program on regional social inclusion and social justice has been carried out to make Dalit-friendly service provider (The Heads of the concerned district level offices). Legal aid programs (including residential) against caste based untouchability and the program to form a national and international network against all types of caste based discrimination is also conducted.

Interaction and discussion programs for the coordination of different ministries, government agencies, universities and NGOs over Dalit issue have been conducted. The programs to modify the list of castes of the Dalit Community and to update the sub caste, surname have also been conducted. The study /report on the special arrangement for the Dalit in the constitution has also been prepared and published. Similarly, various government and non-government organizations have conducted different programs for the development and upliftment of the Dalit community. And, The National Dalit Commission carries out the monitoring and evaluation of such programs, keeping in view, if those programs addressed the target groups and, the condition of implementation and, publish Annual Report comprising all these subjects.

Dalit women Empowerment and leadership development trainings have been conducted especially targeting the oppressed women, madheshi and people with disability within the Dalit community. Monitoring has been done to find out if the the programs and agencies related to Dalit women are Dalit women friendly or not and also to find out if all the agencies established for Dalits have 33% Dalit women representation and other agencies have 13% of them. Similarly, the policy has been made and initiation has been taken to study and monitor the proportional representation of Madheshi Dalit community in the areas of Madheshi representation. Program is conducted for the empowerment of Disabled Dalit Similarly, Dalit statistics is collected, studied and research programs on respect, relief and untouchability to Dalits in the programs areas of Education, Information, Health and Social services for Dalit have been carried out.

#### **2.2.4.3. Present Situation**

##### **a) Indigenous Peoples:**

Nepal is a multi-lingual, multi caste and multicultural country. It is necessary to protect and promote other aspects of the religion, life-style and culture including, the means of living. National unity, tolerance and understanding contribute to the overall development of the nation. It is necessary to defend and protect their rights considering that the Indigenous, ethnic community can completely participate in the formation of state. National Foundation for the Development of Indigenous Nationalities Act 2058 has made effort to protect the rights of the indigenous peoples. This Act has identifies 59 groups as Indigenous groups and National Foundation for the Development of Indigenous Nationalities (NFDIN) has been established and is operating. Various government and non-government organizations are also working in this sector. There are various programs for the

improvement of economic and social conditions of the marginalized indigenous peoples but these communities have not been able to gain much profit from these programs. Though, the Local Self Governance Act, 2055 has arranged for the nomination of Dalits and representatives of indigenous peoples in the local bodies but, in practice, the local agency is not active due to lack of elected representatives. Similarly, indigenous peoples coordination committees have been established in every district.

The Local Self Governance Act 2055 only cannot address the Human Rights of the indigenous peoples of Nepal. Human Rights is not only about individual rights but also about Collective Rights. But, in the issue of Indigenous peoples groups, only Collective Human Rights is not enough. Thus, The human rights of indigenous peoples also mean the community based rights. The state should implement the policy of equality and freedom among the communities in the democratic federalism. Community based Human rights or the fundamental rights of the indigenous peoples means the rights to self decision and self governance. Without these rights, the Human Rights of the Indigenous, ethnic groups cannot be fully guaranteed. It is a must that the state makes this arrangement in the new constitution. In the sector of human rights, a new concept, Linguistic Human Rights is also an issue. In a multilingual country like Nepal, the full policy on linguistic equality is still lacking.

**b) Dalit:**

- Traditionally, Dalit is understood as the castes that are left behind by the higher castes and community. Most of the Dalits represent the most poorer class of the society. Generally, the discrimination still exists against the Dalits because of the lack of social and individual willingness, lack of respect and the violations in the remote area. Due to historical and current situation, most of the Dalit communities are lacking source of income and have no access to education. The caste based discrimination has notably decreased in urban area and educated community. However, the discrimination in rural areas higher in comparison to the urban areas. 'National Committee for the Upliftment of Depressed, Opressed and Dalit Community' was established in 2001 and 'National Dalit commission' was also established in the same year. The scholarships for primary and high level education for the students from Dalit community is increasing. The awareness raising programs to train people about the rights of Dalit community are being conducted. The Local self Governance Act, 2055 has arranged for the nomination of representative from the Dalit Community. National Committee for the Upliftment of Depressed, Opressed and Dalit are established in every districts, which is an important point for the upliftment of Dalit class. Besides all these efforts and programs, Nepal has to do a lot to mainstream the Dalit people and to fulfill the national and international commitments.

**2.2.4.4. Problems and Challenges:**

The following problems have been identified in course of preparing National Human Rights Action Plan for Indigenous, ethnic groups:

**a) Indigenous Peoples:**

- Continuation of discrimination on the ground of caste, language, religion and culture.
- The weak implementation of policy and programs and laws related to the rights of indigenous peoples.
- Lack of access to development and facilities, inability to be mainstreamed in the development.

- Extinction of basic identity.
- Lack of especial investment in the development of indigenous peoples.
- Lack of conducive environment to enjoying the life of self respect.
- Displacement from the ancestral land due to poverty.
- Lack of equal access rights in natural resources.
- Lack of education and awareness.
- Degrading traditional skills and culture.
- Poor health condition
- Little participation in policy making, program setting, implementation, monitoring and implementation.
- Little participation and access in all parts of ruling
- Lack of appropriate statistics
- Ineffectiveness of Reservation in opportunities
- The programs on Indigenous peoples are less effective
- Lack of appropriate identity and value of the indigenous peoples
- Less access in media
- External attacks on culture through media
- Non inclusion in listing

b) Dalits:

The state and the civil society continuously express their commitment towards creating a sweet and respectful environment in the society. However, there are still uncountable challenges in internalizing the principles of law and equality. Specially, social and individual obstacles have been found from the very beginning in the efforts to end all forms of discrimination, especially, caste based discrimination in Nepali context. Such historical traditions, culture and thinking triggering discrimination are taken to be the most difficult ones in the campaign to form a society based on equity. The following challenges still exist in forming a society based on equity:

- a) Superstition
- b) Indifference
- c) Traditional Belief
- d) Insufficient legal system and lack of implementation.
- e) Lack of physical infrastructure, insufficient budget arrangement
- f) Unstable political situation
- g) Unequal distribution of means and resources
- h) Wrong and preconceived notions existing in society

#### **2.2.4.5. National Action Plan:**

The following Human Rights work plan will be implemented in the next five years regarding the Dalits and indigenous peoples to protect and promote their rights in the country:

- Promote and protect fundamental freedoms of the indigenous peoples and Dalits.
- Eliminate all forms of discrimination and inequalities on the basis of caste, language, religion, culture and region.
- Protect and promote the existence, identity, language, script, religion and culture of the indigenous peoples and Dalit community.
- Increase maximum access, control and ownership over the natural and economic resources for the development of the indigenous peoples and Dalit people.

- Promote and protect the rights of respectful life of the indigenous peoples and Dalits and ensure their social security and human rights.
- Increase access and representation of the indigenous peoples and Dalits in all the sections and agencies of the state

**National Action Plan (a)**

Theme: **Indigenous Peoples**

Implementing Ministry: **Ministry of Local Development**

Monitoring and Evaluating Bodies/Agencies: **OPMCM, NPC and relevant parliamentary committees**

S. N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
1.	Effective implementation and/or formation of new law according to International Human Rights Principles and standards to promote and protect equal rights of indigenous peoples.	<ul style="list-style-type: none"> <li>▪ Review the existing laws and formulate new laws on indigenous peoples</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ratification of National Work plan developed for the implementation of ILO Convention 169 related to the protection of indigenous peoples' rights and review and modification of relevant existing laws or formulation and implementation of new laws.</li> <li>▪ To develop and implement programs to ensure the rights of indigenous peoples in accordance with the standards set out in the UN Declaration on the Rights of Indigenous peoples</li> <li>▪ To formulate laws, in coordination with the Ministry of Forest and Environment, Nepal Government, that helps address the development and protection of the rights of indigenous peoples in the context where Nepal is a party to International Convention on Bio-diversity and Meteorology and a member of WTO.</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continue from 2011/2012	<ul style="list-style-type: none"> <li>▪ Review and amendments of the rights of indigenous peoples and number of law and legal provisions which are made in accordance with International laws.</li> <li>▪ Number of legal provisions regarding the rights of the indigenous peoples included in the National Plan and Budget for implementation.</li> </ul>	
@	Protect the way of life, culture, and identity of indigenous peoples	<ul style="list-style-type: none"> <li>▪ Conduct programs that protect heritage, languages, scripts and culture of the Indigenous peoples that are in the danger of extinction.</li> <li>▪ Establish museum to</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conduct literacy programs and develop and disseminate mother tongue dictionaries and grammar under the mother tongue protection and development program</li> <li>▪ Conduct teachers' training and aid programs.</li> <li>• Conduct programs to collect folk songs, music, stories, fictions and myths of ethnic</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continued from 2011/2012	<ul style="list-style-type: none"> <li>▪ Number of endangered languages included under the programs of recording.</li> <li>▪ Number of Indigenous languages (mother tongue) of which the Dictionaries and Grammars are</li> </ul>	

S. N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
		preserve the culture of indigenous peoples.	<ul style="list-style-type: none"> <li>groups;</li> <li>• Organize cultural programs and festivals;</li> <li>▪ Support concerned ethnic groups and communities to organize festivals, ceremonies and awareness raising programs.</li> <li>▪ Conduct programs to establish Indigenous peoples' museum and build model village.</li> </ul>			<ul style="list-style-type: none"> <li>prepared and published under the program.</li> <li>▪ Number of religious, historical places enlisted and protected.</li> </ul>	
3	Protect the right to education of children of indigenous peoples and adults	<ul style="list-style-type: none"> <li>▪ Implement especial programs to increase access of indigenous peoples to technical and vocational education</li> </ul>	<ul style="list-style-type: none"> <li>▪ Distribute scholarships (higher education and technical education)</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continue from 2011/2012	<ul style="list-style-type: none"> <li>▪ Number of scholarship provided by NFDIN for the protection and promotion of the rights of endangered and marginalized communities.</li> </ul>	
4	Update statistics to monitor the condition of poverty of the Indigenous peoples community.	<ul style="list-style-type: none"> <li>▪ Collect data on a regular basis to obtain information on various aspects of the life of indigenous peoples</li> </ul>	<ul style="list-style-type: none"> <li>▪ Research and Study on the economic social, linguistic, cultural and other aspects of indigenous peoples</li> <li>▪ Publication of best study materials.</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continue from 2011/2012	<ul style="list-style-type: none"> <li>▪ Preparation of research and studies(Ethnographic Profile )that includes all the details of 59 Indigenous peoples</li> </ul>	
5	Increase employment opportunities for indigenous peoples	<ul style="list-style-type: none"> <li>▪ Provide skill development training and micro finance to indigenous peoples</li> <li>▪ Formulate and implement programs that increase domestic and foreign employment opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conduct support programs and Income generation and aid programs based on traditional knowledge skill, and interest;</li> <li>▪ Launch economic and social programs to uplift endangered and extremely marginalized indigenous peoples.</li> <li>▪ Construct housing for the people of endangered communities.</li> <li>▪ Conduct Chepang Development Program.</li> <li>▪ Conduct traditional and modern vocational trainings.</li> <li>▪ Leadership development and capacity building trainings for women.</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continue from 2011/2012	<ul style="list-style-type: none"> <li>• The number of houses or residence provided to the people of endangered community or the proportion of districts in which the houses or residence are provided to the people of endangered community</li> <li>• Value of the sell and import of the Dhaka handlooms or nettle clothes based on</li> </ul>	



S. N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
						traditional knowledge and skills.	
6	Protect and promote the indigenous technologies, skills, knowledge, Arts and crafts of the indigenous peoples.	<ul style="list-style-type: none"> <li>▪ Conduct protection campaign for the protection of technologies, skill, knowledge, arts and crafts of the indigenous peoples.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Launch programs to support institutional development and strengthening of the indigenous peoples.</li> <li>▪ Launch awareness raising and strengthening programs.</li> <li>▪ Conduct leadership development and capacity building programs.</li> </ul>	National Foundation for the Development of Indigenous Nationalities (NFDIN)	Continue from 2011/2012		

**National Action Plan (b)**

Theme: **Dalits**

Implementing Ministry: **Ministry of Local Development**

*Monitoring and Evaluation Bodies/Agencies:* **Office of the Prime Minister and Council of Ministers, National Planning Commission and relevant parliamentary committees**

S.N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
1	Provide support in the constitution making process through active participation of National Dalit commission with Constituent Assembly and the members of Constituent assembly for the insurance of individual dignity of Dalit Community in all the levels of society.	<ul style="list-style-type: none"> <li>• Discussion with the members, especially the Dalit members of Constituent Assembly, Committees and sub-committees of Constituent Assembly</li> <li>• Start comprehensive campaign oriented programs and activities to create a conducive environment for the writing of Dalit-friendly constitution</li> <li>• Conduct campaign to increase the support of the civil society, media including other potential stakeholders for the constitution drafting process.</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out discussion and consultation programs with the political parties</li> <li>• Collect concerns and issues of people and stakeholders related to the rights of Dalit community and dignity and present the suggestions to the members of CA and political parties through National Dalit Commission</li> <li>• Conduct media campaign to ensure the rights of Dalit Community in the Constitution and to increase support for their protection.</li> <li>• Prepare and present a draft constitution to address the issues and concerns of Dalit community</li> </ul>	<ul style="list-style-type: none"> <li>• Constituent Assembly Secretariat</li> <li>• Dalit social organization</li> <li>• Political Parties</li> <li>• National Dalit Commission</li> <li>• Overlooked, Suppressed and Dalit Uplift Development Committee</li> </ul>	2011/2012	<ul style="list-style-type: none"> <li>• Number of programs (media campaign) and consultation meetings organized with the concerned stakeholders and political parties to raise awareness about the rights of the Dalits including the targeted Dalit community.</li> </ul>	
2	Advocate for the establishment of independent, autonomous and authoritative National Dalit Commission and	<ul style="list-style-type: none"> <li>• Carry out activities to support the National Dalit Commission to be established as a constitutional body of the state.</li> <li>• Advocate to pass the Dalit</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare draft of the regulations that support the National Dalit Commission to deliver its activities in a free and effective manner.</li> </ul>	<ul style="list-style-type: none"> <li>• National Dalit Commission</li> <li>• Ministry of Law</li> </ul>	2011/2012	<ul style="list-style-type: none"> <li>• Number of review, amendment and newly formulated laws for the establishment of</li> </ul>	

S.N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
	conduct programs to promulgate National Dalit Commission Act and concerned regulations to ensure the effectiveness of the National Dalit Commission.	Commission Act through legitimate and democratic process	<ul style="list-style-type: none"> <li>Lobby with the government to ensure that the commission receives status to be able to have enough budgets and the ability to provide economic support freely.</li> </ul>	and justice <ul style="list-style-type: none"> <li>Ministry of Finance</li> <li>Overlooked, Suppressed and Dalit Upliftment Development Committee</li> </ul>		Independent National Dalit Commission	
3	Conduct thorough study and research on the condition of Dalit community and their protection in the State; and publish the information collected for public use.	<ul style="list-style-type: none"> <li>Carry out research and analysis activities on the social, economic and political condition of Dalits.</li> <li>Establish resource centers to provide information to the public and ensure that media and all stake holders have access to them.</li> </ul>	Carry out referendum for the collection of actual statistics of the overall Dalit Community including the Madheshi Dalits and the Pahadi Dalits. <ul style="list-style-type: none"> <li>Study about the prevalent Protection Mechanism of the state that is focuses towards the protection and protection of the rights of the Dalit community.</li> </ul>	<ul style="list-style-type: none"> <li>Central Bureau of Statistics</li> <li>National Dalit Commission</li> <li>Overlooked, Suppressed and Dalit Upliftment Development Committee</li> </ul>	Continue	<ul style="list-style-type: none"> <li>Publication of report and information related to Dalit community and sub groups under the Dalit Community based on referendum</li> </ul>	There will be a conducive environment to work in all areas in the country after the insurance of peace and security.
4	Establish National Dalit Commission as an influential and active institution to ensure the rights and dignity of the Dalit community	<ul style="list-style-type: none"> <li>Set programs and policy that can be supportive for the Dalit community to fight against caste based discrimination and review the prevalent policy for future amendment or dismissal.</li> <li>Support the responsible government agencies to implement the rules and laws.</li> </ul>	<ul style="list-style-type: none"> <li>Pass new act and law by including international standards and exercise.</li> <li>Amend the prevalent law to address the current problems of the Dalit community.</li> <li>Start discussions with political parties, social institutions, industrial and private organizations.</li> </ul>	<ul style="list-style-type: none"> <li>Concerned agencies of the Nepal Government</li> </ul>	Continue	<ul style="list-style-type: none"> <li>The number of revised, modified and newly formulated laws and provisions that ensure the rights and dignity of Dalits and that are coherent to International Human Rights standards.</li> </ul>	
5	Conduct campaign oriented special activities		<ul style="list-style-type: none"> <li>Management of skill development programs and</li> </ul>	<ul style="list-style-type: none"> <li>Concerned agencies of the</li> </ul>			

S.N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
	for the social prosperity and the ones that help to ensure the rights of the Dalit Community support in the development of state policy that support their upliftment and conduct programs and activities that help empower the Dalit Community.		support in the income generating programs. • Lobby for the social uplift of the Dalits and to avail support from the government targeting the poor Dalit class.	Nepal Government • National Dalit Commission			
6	Conduct activities and campaigns focused on ending caste based discrimination prevailing in the society	• Monitor the condition of discriminatory behavior and caste based discrimination.	• Carry out awareness raising programs through media. • Organize awareness raising programs and campaign oriented activities, interaction, seminars, discussion and internal discussion. • Develop and implement programs for the implementation of the international documents of Human Rights ratified by the Government of Nepal	• Ministry for Information and Communication • Ministry of Home	Continue	• The areas covered by the awareness raising campaigns on the negative impact of caste based discrimination or, the proportion of budget spent by the concerned ministry for awareness raising against discrimination.	– There will be a conducive environment to work in all areas in the country after the insurance of peace and security.
7	Establish friendly and working relationships with the international organizations working in the sector of Human Rights, Dalit Rights and the rights of marginalized groups.	• Establish 'International Relations' branch in National Dalit commission for the cooperation and relations with international agencies.	• Form working group to finalize the procedures of establishing working relationship with the Indian Dalit Commission • Develop official relationships with international commissions.	• Ministry of Foreign Affairs • National Dalit commission	Continue		Arrangement of enough budget  Effective support from the stakeholders

S.N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
8	Build the environment for support and partnership with NDFIN National Women Commission, NHRC including nationally recognized rights based organizations and other rights based organizations for the implementation of policies and programs related Dalit Community.	<ul style="list-style-type: none"> <li>• Carry out regular consultations and discussions for the protection and promotion of the rights of Dalits and Minorities.</li> </ul>	<ul style="list-style-type: none"> <li>• Create a separate section in National Dalit Commission to work on coordinating with national agencies and other possible co-workers.</li> <li>• Carry out joint monitoring, studies and research programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Home Ministry</li> <li>• Ministry of children, women and social welfare</li> <li>• National Dalit Commission</li> </ul>	Continue	<ul style="list-style-type: none"> <li>• Number of joint studies, research and monitoring activities.</li> </ul>	
9	Begin programs for Dalit community especially to empower women of marginalized community within Dalit community	<ul style="list-style-type: none"> <li>• Carry out campaign to ensure 33% representation of Dalit women out of total Dalit representation in all the levels of state mechanism.</li> <li>• Conduct especial programs to increase social and cultural awareness, access to education and to increase Dalit's participation in social activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Formulate protection policy and programs targeting women and children to provide justice to them</li> <li>• Conduct campaign oriented programs for the promotion of equal rights of Dalit women</li> <li>• Conduct programs to support the protection of rights of the Dalit Community, especially the ostracized and backward community.</li> </ul>	<ul style="list-style-type: none"> <li>• National Dalit Commission</li> </ul>	Continue		
10	Effectively monitor the Human Rights violation of Dalit community and their situation including caste based discrimination	<ul style="list-style-type: none"> <li>• Lobby to ensure social justice, elimination of caste based discrimination and economic development and for special arrangements from the state for the empowerment of Dalit Community.</li> <li>• Establish a monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Establish a monitoring mechanism</li> <li>• Carry out monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• National Dalit Commission</li> <li>• National Human Rights Commission</li> <li>• Overlooked, Suppressed and Dalit Upliftment</li> </ul>	Continue		Effective support from the stakeholders

S.N.	Objectives	Programs	Activities	Assisting Bodies	Time of Implementation	Implementation Indicator	Risk
		mechanism and carry out monitoring		Development Committee			

**National Action Plan (c)**Theme: **Human Rights of Citizens with Disability (Differently able)**Implementing Ministry: **Ministry of Children Woman and Social welfare with support of Ministry of Local Development**Monitoring and Evaluating Body: **Office of the Prime Minister and Council of Ministers, National Planning Commission and relevant parliamentary committees of Legislative Parliament**

S. N.	Objectives	Programs	Activities	Responsible/Assisting Bodies	Time of Implementation
1	Improve the living standard of the People with Disability	<ul style="list-style-type: none"> <li>Economic Support</li> </ul>	<ul style="list-style-type: none"> <li>To provide social security allowances</li> <li>To develop and distribute multi-functional identity cards.</li> <li>To distribute allowances by identifying simple and accessible mechanism.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Local Development</li> <li>Ministry of children , women and social welfare</li> </ul>	Continue

**National Action Plan (d)**Theme: **Human Rights of Senior Citizens**Implementing Ministry: **Ministry of Children Woman and Social welfare with support of Ministry of Local Development**Monitoring and Evaluating Body: **Office of the Prime Minister and Council of Ministers, National Planning Commission and relevant parliamentary committees of Legislative Parliament**

S.N	Objectives	Major Programs	Activities	Responsible/Assisting Bodies	Time of Implementation	Risk
1	<ul style="list-style-type: none"> <li>Security and improvement of the living standard of the Senior citizens</li> </ul>	<ul style="list-style-type: none"> <li>Economic Support</li> </ul>	<ul style="list-style-type: none"> <li>Collect signature</li> <li>Avail social security allowance</li> <li>Develop and distribute multipurpose identity card</li> <li>Distribution of allowance by identifying simple and accessible mechanism</li> <li>Publish information</li> <li>Renewal of identity card</li> <li>Issuence of new identity card</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Local Development</li> <li>Ministry of Women, Children and Social Welfare</li> </ul>	Continue	Arrangement of enough fund

**National Work plan (e)**

Theme: **Human Rights of Sexual and Gender Minorities**

Monitoring and Evaluating Body: **Office of the Prime Minister and Council of Ministers, National Planning Commission and relevant parliamentary committees of Legislative Parliament**

Implementing Agency: **Ministry of Local Development, District Development Committee Office**

Time of Implementation: 2010/2011 to 2012/2013

S. N.	Objectives	Programs	Activities	Assisting Bodies	Implementation Indicator	Aspects of Risk
1	Identify the people of gender and sexual minorities and establish their recognition.	<ul style="list-style-type: none"><li>Establish the identity and recognition of the gender and sexual minorities.</li></ul>	Conduct Orientation workshops about the identity and recognition of the sexual and gender minorities in 10 districts	<ul style="list-style-type: none"><li>10 Districts<ul style="list-style-type: none"><li>Kathmandu</li><li>Sunsari</li><li>Morang</li><li>Chitwan</li><li>Rupandehi</li><li>Dang</li><li>Banke</li><li>Kailali</li><li>Saptari and</li><li>Dhanusha</li></ul></li><li>Social Institutions</li><li>Political Parties</li></ul>	The stakeholders will be informed about the identity and recognition of the people of gender and sexual minorities.	



## **2.2.5 Labor and Employment**

### **2.2.5.1 Background:**

The Interim Constitution of Nepal has ensured the human right of obtaining an employment and practicing proper labor by accepting the right to employment and social security as well as labor rights as fundamental rights. Similarly, Nepal has also accepted its obligation of implementing the international standards, guidelines and directives regarding labor and employment in the country by becoming a state party to the human rights conventions as well as International Labor Organisation's convention.

### **2.2.5.2 Review of the Past Action Plans:**

Minimum salary of Rs. 4600 has been determined for the workers/employees working in industries. Similarly, minimum monthly and daily wages have been fixed for the workers of tea estates and agriculture sector. Workshop seminars and Labor Educational Programs were organized for social workers to raise awareness about the rights of the laborers. Labor inspection has been made effective. Similarly, 14 employment resource centers have been established to assess the situation of the unemployed throughout the country. Datas of some 20,000 unemployed persons have been collected through these centers. ILO Convention no. 105 was ratified to abolish forced labor (Abolition of Forced Labor Convention 1957). A total of 65,000 persons, including indigenous, nationalities, Dalits, Madhesis, women and the backward groups of Karnali region, were provided with skill-oriented and professional trainings.

Supervision of child labor has been made effective. The awareness raising programs against child labor have been conducted regularly through Radio Nepal, Nepal Television and the newspapers. Awareness raising programs, production of documentaries, baby day care centers and informal educational centers have been carried out in order to eliminate the lowest forms of child labor and to prevent the children from joining such labor. Professional trainings have also been conducted for the children of 14-18 age group. In this duration, 16,000 child workers involved in lowest forms of labor were rescued while 17,000 children were prevented from joining such labor.

Foreign Employment Act, 2064 and Foreign Employment Regulation, 2064 were formulated and implemented in order to make the foreign employment well-organized, dignified and safe. Similarly, Foreign Employment Directives and Directives on sending trainees to Japan (JITCO) have been implemented. Foreign Employment Department, Foreign Employment Promotion Board and Foreign Employment Tribunal have been formed. An orientation directives has been formulated and implemented to make the induction training for the migrant workers more effective. A curriculum of the orientation training has been formulated and is being monitored regularly.

Public awareness raising interactions, seminars and discussion programs were conducted at the central and district level in collaboration with the social partners. During the period of this plan of action, labor agreements (MoU) were reached with United Arab Emirates (UAE), South Korea, Bahrain and Japan, considered to be strong possible destination for employments. Labor Attaches were appointed for Malaysia, Saudi Arabia, Qatar and UAE. In four countries (Saudi Arabia, Qatar, Kuwait and United Arab Emirates), Safe Houses have been in operation.

The Foreign Employment Promotion Board has carried out works such as rescuing the workers stranded in course of foreign employment, bringing unattended corpses back to Nepal, providing financial support to the families of deceased workers, providing financial support including treatment expenses for the ill and those meeting with accidents as well as legal expenses (in the host countries). The families of the deceased have been provided with health treatment and educational support while the 256 workers who returned due to worldwide economic depression, were provided with relief. Migration Resource Centre has been established in order to provide the basic information regarding foreign employment and migration in the local level. Also, public awareness programs have been conducted in collaboration with media, local agencies and non-governmental organizations.

### **2.2.5.3 Present Situation:**

Process to determine minimum remuneration for the labors working in industries, institutions and factories has been initiated; data of the unemployed is taken regularly through the employment resource centers; organizational structures such as Labor Department, Foreign Employment Department, Foreign Employment Promotion Board and Foreign Employment Tribunal have been developed in order to make the foreign employment more dignified and safe; Labor agreements have been reached with five different countries while labor attaches have been appointed in four; minimum remuneration has been determined for the workers going for foreign employment; provisions have been made to rescue and provide financial support to the Nepalese in trouble in course of employment while relief and compensation have been provided to the families of the deceased and financial support for legal remedy; employment resource centre and migration resource centre have been established; more than 22 thousand persons were provided with skill-oriented and professional trainings annually; awareness raising programs were conducted to prevent the children from joining child labor of lowest forms while day care centers and informal educational centers have been run for the children of the workers of carpet factories and child education enters have been run for the domestic child labors.

### **2.2.5.4 Problems and Challenges:**

The problems in labor and employment identified during the formulation of National Human Rights Action Plan are as follows:-

- Lack of cordial industrial relation.
- Inability to create adequate employment opportunities internally.
- Inability to provide professional and skill-development trainings as per the national and international demand.
- Lack of the capacity to supply skilled manpower as per the demand in international labor market.
- Involvement of children of school-going age in labor.
- No declination in the use of child labor.
- Absence of exact data about child labors and their situation.
- Inability to curb cheating in foreign employment.
- The economically active manpower migrating due to the lack of adequate employment opportunities within the country.
- Failure to take proper initiatives to resolve the problems faced by the workers going for foreign employment.

- Lack of provisions of institutional loan.
- Failure to conduct adequate and effective monitoring of the workers going for foreign employment.
- Inability to invest the remittance received from foreign employment in productive sector.
- Inability to reduce the social cost of foreign employment.

#### **2.2.5.5 Objectives of National Action Plan:**

The objectives of National Human Rights Action Plan regarding labor and employment are as follows:

- Create opportunities of employment and self-employment in the country itself,
- Minimize unemployment by developing industrious, competent and skilled human resources capable of competing in national and foreign labor market,
- Make provisions of social security for the workers and employees,
- Establish harmonious industrial relations by creating an investment-friendly environment,
- Enhance the contribution of foreign employment sector in poverty alleviation by reducing its risks and maximizing its benefits,
- Eradicate the child labor of lowest forms with priority while at the same time eliminating all forms of child labor.

#### **2.2.5.6 National Action Plan:**

The Government of Nepal has formulated and implemented following human rights Action Plan for upcoming three years for the labor and employment sector:-

National Action Plan

Theme: **Labor and Employment**

Implementing Agency: **Ministry of Labor and Transport Management**

Monitoring and Evaluating Agencies: **Office of the Prime Minister and Council of Ministers, National Planning Commission, NHRC, concerned Thematic Committee of Legislative Parliament, Employers' Association, Labor Union, Civil Society**

S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
1	Create employment and self-employment opportunities in the country	<ul style="list-style-type: none"> <li>• Increase skill and vocational training opportunities and increase the access of the general public in such trainings.</li> <li>• Programs to provide special skill based training for the people living below the poverty line.</li> <li>• Strengthen the employment resource centers and develop them as consolidated employment exchange centers.</li> <li>• Programs attempting to increase employment and self-employment by coordinating and collaborating with employment-generating agencies.</li> <li>• Industriousness Development Program.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide training on the basis of market demand</li> <li>• Decentralize the professional and skill development training centers; develop them into institutions providing quality training through institutional capacity building.</li> <li>• Emphasize on studies/research and develop new training curriculum.</li> <li>• Conduct special skill-based training for people living under poverty line.</li> <li>• Decentralize the work of employment resource centers</li> <li>• Strengthen the mechanisms that disseminate information on unemployment,</li> </ul>	<ul style="list-style-type: none"> <li>• Labor Department</li> <li>• Labor offices</li> <li>• Ministry of Industry</li> <li>• Employees' Association</li> <li>• Employers' Association</li> <li>• Professional and Skill development training centers</li> <li>• ILO</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>• On the basis of target groups, the number of personnel who participated in the training</li> <li>• Number of employment resource centers established and proportion of the districts with operational employment resource centers.</li> <li>• Number of training courses revised and implemented.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate budget</li> <li>• Lack of coordination between relevant institutions</li> <li>• Lack of quality in the skill-based trainings</li> <li>• Lack of guarantee of employment for those receiving the trainings.</li> </ul>

S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
2	Develop industrious, competent and skilled human resources capable of competing in national and foreign labor market.	<ul style="list-style-type: none"> <li>Conduct various training programs in the country taking into consideration the demand of the national and international market;</li> <li>Create a system in which the people who acquire skills abroad can be involved in the entrepreneurship within the country;</li> <li>Provide training and other support to develop manpower that also promotes the traditional occupations and professions of the country.</li> </ul>	<ul style="list-style-type: none"> <li>Decentralize foreign employment and migration resource centers;</li> <li>Conduct skill-development trainings based on the demand of international market;</li> <li>Conduct orientation programs;</li> <li>Conduct skill development and language trainings for domestic helpers;</li> <li>Establish regional training coordination units.</li> </ul>	<ul style="list-style-type: none"> <li>Foreign Employment Department</li> <li>Labor Department</li> <li>Foreign Employment Promotion Board</li> <li>Foreign Employment Entrepreneurs' Association</li> <li>UNIFEM</li> <li>IOM</li> <li>Professional and Skill development training centers</li> <li>Private Institutions</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>Number of information centers set-up for migrant labors or proportion of districts with operational migration resource centers;</li> <li>Number of orientation trainings conducted for migrant labors;</li> </ul>	<ul style="list-style-type: none"> <li>Lack of adequate budget.</li> <li>Lack of Coordination.</li> <li>Not enough research on the demands of international market.</li> </ul>
3	Make provisions of social security for the workers and employees	Programs to manage contributory social security and social insurance as well as social assistance.	<ul style="list-style-type: none"> <li>Initiate unemployment insurance schemes for the workers/employees involved in the formal sectors;</li> <li>Initiate insurance scheme for workplace accidents;</li> <li>Introduce health insurance, including reproductive health security;</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Finance</li> <li>Ministry of Industries</li> <li>Labor Department</li> <li>Labor Offices</li> <li>Workers' Associations</li> <li>Employers'</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>Number of unemployment insurance schemes.</li> <li>Number of beneficiaries under the targeted social security programmes.</li> <li>Proportion of workers covered by</li> </ul>	<ul style="list-style-type: none"> <li>Lack of Social Security Institution Act and Social Security Directives</li> <li>Contribution may not be proportional.</li> <li>Preparation of Directives may be delayed.</li> </ul>

S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
			<ul style="list-style-type: none"> <li>▪ Develop social security directives.</li> </ul>	Associations		insurance schemes.	
4	Establish harmonious industrial relations by creating an investment-friendly environment	<ul style="list-style-type: none"> <li>▪ Launch programs that create healthy, secure and dignified working environment by developing congenial labor relations;</li> <li>▪ Establish national workers/labor commission to protect labor rights and resolve labor disputes;</li> <li>▪ Programs to protect the rights of the workers of unorganized sectors;</li> <li>▪ Programs to make labor inspection effective;</li> <li>▪ Programs to make labor administration effective;</li> <li>▪ Capacity building of labor offices;</li> <li>▪ Programs to determine and implement occupational health and safety (OSH) standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Take the tripartite mechanisms of the government, employers and the workers to the local level;</li> <li>• Inspect labor status of all foundations in districts;</li> <li>• Keep the details of the industries updated;</li> <li>• Develop the two labor offices as model labor office by making them well equipped;</li> <li>• Formulate policy to look into informal sector;</li> <li>• Hold regular interaction programs between the stakeholder agencies to settle labor disputes;</li> <li>• Create a conducive environment to hold regular interaction programs between the investors and the workers to develop an understanding that success in the development of any foundation is possible only through collective efforts;</li> <li>• Gradual implementation of OSH international labor standards;</li> <li>• Make the process of determining the minimum wage of the workers involved</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Industry</li> <li>• Ministry of Law</li> <li>• Department of Labor</li> <li>• Labor offices</li> <li>• OSH projects</li> <li>• Workers' Associations</li> <li>• Employers' Associations</li> <li>• NGOs</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>• Number of tripartite labor mechanisms established;</li> <li>• Proportion of offices or enterprises where labor inspection has been conducted;</li> <li>• Number or proportion of labor disputes settled;</li> <li>• Documentation of minimum wages by economic activity and by region;</li> <li>• Policy formulated for the unorganized sector employment.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of competent manpower and adequate resources;</li> <li>• Lack of legislation covering unorganized sector.</li> </ul>

S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
			<p>both in the organized and unorganized sectors in a timely manner effective;</p> <ul style="list-style-type: none"> <li>Review and amend labor laws and other relevant laws to create conducive environment for the promotion of investment and employment.</li> </ul>				
5	Enhance the contribution of foreign employment sector in poverty alleviation by reducing its risks and maximizing its benefits	<ul style="list-style-type: none"> <li>Program to decentralize the institutional structures of foreign employment.</li> <li>Programs to make agreements with additional countries with employment opportunities and appoint more labor attaches.</li> <li>Program to facilitate the easy inflow of remittance and its productive use.</li> <li>Program to make the orientation training for individuals going for foreign employment effective.</li> <li>Program to construct coordination structure between the stakeholder agencies to discourage the workers going for foreign employment illegally.</li> <li>Encourage the programs</li> </ul>	<ul style="list-style-type: none"> <li>Establish decentralized offices of foreign employment.</li> <li>Enhance the institutional capacity of the foreign employment institutions.</li> <li>Establish and run a relief and rescue fund.</li> <li>Gradually sign MOU with other countries with employment possibilities.</li> <li>Visit the countries with possibilities for the search and promotion of international labor market.</li> <li>Conduct studies and research on the labor market and foreign employment.</li> <li>Conduct programs on economic literacy.</li> <li>Make the inspection of the training institute regarding foreign employment orientation effective.</li> <li>Provide orientation training for female workers.</li> </ul>	<ul style="list-style-type: none"> <li>Foreign Employment Department</li> <li>Foreign Employment Promotion Board</li> <li>Foreign ministry</li> <li>Finance Ministry</li> <li>Home Ministry</li> <li>National Planning Commission</li> <li>Immigration Department</li> <li>Nepalese Diplomatic Missions situated abroad</li> <li>Nepal Rastra Bank</li> <li>Commercial Banks</li> <li>Local agencies</li> </ul>	Continued from 2010/11	<ul style="list-style-type: none"> <li>Total remittance received through institutional channel;</li> <li>Number of fraud cases by foreign recruitment agencies and the number of such cases which have been investigated and on which legal action has been initiated;</li> <li>Number of workers employed abroad, who have been rescued or provided with relief.</li> </ul>	<ul style="list-style-type: none"> <li>Lack of adequate budget</li> <li>Lack of coordination between relevant agencies.</li> </ul>

S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
		<p>related with Colombo Process to reduce the unhealthy competition between the countries sending workers for foreign employment.</p> <ul style="list-style-type: none"> <li>• Programs to broaden the public awareness programs to make foreign employment safe and organized.</li> <li>• Programs to amend the Acts and Rules related with Foreign Employment.</li> <li>• Program to strengthen monitoring system.</li> </ul>	<ul style="list-style-type: none"> <li>• Determine the qualification of the training institute while making the curriculums uniform.</li> <li>• Establish a network of Labor Ministry, Planning Commission, Foreign Employment Department, Foreign Employment Promotion Board and Immigration Department with the Nepalese embassies abroad.</li> <li>• Develop a system to hold regular interactions between ministries of foreign affairs, home and labor.</li> <li>• Expand the information regarding foreign employment till the DDC and VDC level.</li> <li>• Conduct public awareness programs in collaboration with local agencies.</li> <li>• Carry out timely amendments in the Acts and Rules regarding foreign employment.</li> <li>• Monitor the agencies related with foreign employment.</li> <li>• Make reforms in the record keeping system of the Nepalese going for foreign employment while keep the</li> </ul>	<ul style="list-style-type: none"> <li>• Foreign Employment Entrepreneurs' Association</li> <li>• Private institutions</li> <li>• Diasporas</li> </ul>			



S.No.	Objective	Main Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factors
			<p>scattered data updated.</p> <ul style="list-style-type: none"> <li>• Provide financial assistance for the workers, who died or are stranded or have met with an accident abroad</li> </ul>				
6	Eradicate the child labor of lowest forms with priority while at the same time eliminating all forms of child labor.	<ul style="list-style-type: none"> <li>• Rescue and rehabilitate the children at risk and prevent them from carrying out dangerous works.</li> <li>• Programs to make the child labor inspection effective.</li> <li>• Studies and research programs on child labor.</li> <li>• Programs to amend and review the laws related to child labor.</li> </ul>	<ul style="list-style-type: none"> <li>• Operate baby day care centers, informal education centre and child education centers.</li> <li>• Conduct awareness raising programs against child labor.</li> <li>• Establish a network to maintain coordination between the governmental, non-governmental and international organizations working on child labor.</li> <li>• Conduct regular monitoring of the child labors of formal and informal sectors.</li> <li>• Update the data of child labors.</li> <li>• Give continuity to the studies and research on child labor.</li> <li>• Review the master plan of eradication of child labor.</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Labor and Labor offices</li> <li>• Labor Department, Labor Offices</li> <li>• Ministry of Women, Children and Social Welfare</li> <li>• Central Child Welfare Committee</li> <li>• Workers' Associations</li> <li>• Employers' Associations</li> <li>• Non-Governmental Organizations</li> </ul>	Continued from 2010/11	<p>-Periodic documentation of child labors. Scope of the public awareness programs on child labors.</p> <p>-Establishment of central reporting system on child labor.</p> <p>-Number of baby day care centers and informal education centers or proportion of the districts with operational baby day care centers and informal education centers.</p>	<ul style="list-style-type: none"> <li>• Lack of adequate budget</li> <li>• Lack of coordination.</li> </ul>

## **Peace Promotion**

### **2.2.6.1 Background**

Peace is the most important prerequisite for progress, prosperity and stability of any country. Political, social and economic stability of a country becomes possible and protection of fundamental rights can be ensured only if there exists peace. It is clear to us all that the past decade-long armed conflict has pushed the situation of human rights to a pitiable state. The Comprehensive Peace Agreement signed between the Government of Nepal and the CPN (Maoist) in 2006 officially put an end to the armed conflict and paved the way for a lasting peace in the country. In the context of separate arrangements being made in CPA concerning human rights and commitments being expressed by both parties from time to time to abide by the agreement, meaningful and remarkable achievements are expected to be made in the field of protection of human rights in the days to come.

### **2.2.6.2 Review of the past projects and present situation**

Meanwhile, in the course of resisting agitations taking place in different parts and violence arising there from, the Government of Nepal is making peace initiatives through agreements and consensus with such agitating groups. Following the signing of CPA, agreements and consensus have been reached with 21 such agitating groups, thereby working towards peace. With regards providing relief and reparations to conflict victims, the Government of Nepal has been providing relief of different kinds of relief and financial assistance. For example,

- Financial assistance to heirs of the deceased,
- Financial assistance to heirs of those who have been disappeared,
- Relief to displaced person and family,
- Scholarships to child victim of conflict,
- Relief to those whose private property has been damaged,
- Financial assistance to those who have been kidnapped,
- Financial assistance to those who have been maimed
- Financial assistance to widow,
- Medical care of the injured,
- Subsistence allowances to families of martyr,
- Skill-oriented trainings to conflict victims.

Different working procedures, standards and guidelines have been worked out to make the task of distributing reliefs easy, transparent and impartial. They are as follows:

- Peace Fund (Operation) Regulations, 2065/2009
- Citizens' Relief Compensation and Financial Assistance Procedures, 2066/2010
- Operational Procedures for Reconstruction and Restoration of Physical Infrastructures Damaged by Conflict, 2064/2008
- Guidelines to provide financial assistance to claimants of the deceased, 2065/ 2009
- Guidelines to provide relief to claimants of the disappeared persons, 2065/2009

→ Guidelines to distribute monthly allowances to the combatants of the Maoist army in cantonments, 2065/2009

The Truth and Reconciliation Commission Bill aimed at digging out the truth and reconciliation about those who committed gross violation of human rights and were engaged in crimes against humanity during the armed conflict and the Disappearance Commission (Offence and Punishment) Bill aimed to find out the truth regarding the disappeared persons have already prepared and been submitted to Legislature-Parliament.

Landmines were found to have been set up in 53 different places of the country, while in 33 places, they have been already defused. Peace Committee have been constituted locally with a view to institutionalizing at the local level peace achievements made at the center, consolidating the base of inclusive democracy locally, help in implementing the CPA, preventing potential violence, play the role of a stimulus in conflict resolution, stressing reconciliation and mutual trust and normalizing the situation in case political stalemate and potential violence are imminent. So far in 68 districts and some VDCs, local Peace Committees have been set up and are active in peace process. Thus, if peace is maintained from the local level, conflict would be ended for good, thereby promoting human rights.

#### **2.2.6.3 Problems**

To free the people from violence and terror on a long term basis, it is necessary to understand the root causes of conflict. Meanwhile, it is important to establish a lasting peace by setting up a mechanism to rehabilitate conflict victims, providing reliefs including reconstructions of destroyed physical and social infrastructure, and providing for reparations. The main problems identified during the course of working out a National Human Rights Action Plan have been listed as follows:

- Ignorance and poverty
- Lack of employment opportunities
- Lack of understanding among political parties on rehabilitating the displaced persons
- The CPA not being fully observed
- Updates lacking in the data of conflict victims
- Besides providing a cash sum of in relief and financial assistances, no other forms of reparations have been used effectively.
- Lack of human rights education and awareness

#### **2.2.6.4. Objectives of the National Action Plan**

As regards conflict management, the NHRAP objectives are as follows:

- To promote right to security and development in common citizens by politically mainstreaming conflict groups.
- To protect and promote human rights of the persons affected by conflict by providing reparations to them.
- To protect basic human rights of conflict-affected persons or communities by providing them social security.

- To rehabilitate and reintegrate conflict victims.
- To reconstruct physical and social structures damaged due to conflict.
- To help maintain political and social stability by maintaining an environment of peace and reconciliation.
- To manage combatants who are in cantonments.
- To dispose off landmines and explosive remnants of war.

**2.2.6.5.** The following plan of action will be implemented in the next three years with regard to conflict management in the country:-

**6. Theme: Promotion of peace**

Implementing Ministry: **Ministry of Peace and Reconstruction (MoPR)**

Monitoring and Evaluating Agencies: **Parliamentary Committees, OPMCM, NPC, MoPR, NHRC**

S. No.	Objective	Core Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factor
1.	<p>i) To rehabilitate and reintegrate conflict victims;</p> <p>ii) To reconstruct physical infrastructures destroyed during conflict</p>	<ul style="list-style-type: none"> <li>To collect data of individuals and families affected by the armed conflict and provide them reparations;</li> <li>To reconstruct infrastructures</li> </ul>	<ul style="list-style-type: none"> <li>To prepare data base of the conflict victims;</li> <li>To provide relief/financial assistance to those who have lost their property in the conflict;</li> <li>To provide skill-oriented trainings to the conflict victims;</li> <li>To provide financial assistance to claimants of the dead;</li> <li>To provide financial assistance to the widow of the dead</li> <li>To provide subsistence allowances to the family of martyrs;</li> <li>To provide financial assistance to claimants of the disappeared;</li> <li>To provide relief to displaced individuals and families;</li> <li>To provide scholarship to children affected by the conflict;</li> <li>To provide relief to the individuals whose private property has been damaged;</li> <li>To provide relief to those abducted;</li> <li>To provide financial assistance and medical treatment to those who are injured, disfigured, disabled;</li> <li>To develop and implement National Action Plan for the children affected by armed conflict;</li> <li>To develop and implement National Action Plan to implement UN Resolutions 1325 and 1820</li> <li>To collect the cost of infrastructures destroyed during the conflict;</li> <li>To repair and reconstruct destroyed</li> </ul>	<ul style="list-style-type: none"> <li>National Planning Commission (NPC)</li> <li>Ministry of Home Affairs</li> <li>Ministry of Finance</li> <li>Ministry of Local Development</li> <li>Ministry of Local Development, Tourism</li> <li>Ministry of Education</li> <li>Ministry of Health and Population</li> <li>Ministry of Industry and Commerce</li> <li>Ministry of Women, Children, and Social Welfare</li> <li>Ministry of Physical Planning UNICEF</li> <li>UNIFEM</li> <li>Human Rights NGOs</li> <li>Civil Society</li> </ul>	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>Data base of conflict victims and destroyed infrastructures;</li> <li>Number and proportion of victims/individuals or kith and kins (eg. widows) who have received relief and financial assistance;</li> <li>Number of families of martyrs receiving subsistence allowances;</li> <li>Number of conflict affected children receiving scholarships;</li> <li>Number of individuals whose property got damaged receiving aid/relief</li> <li>National Action Plan on conflict affected children</li> <li>National Action Plan to implement UN Resolutions 1325 and 1820</li> </ul>	<ul style="list-style-type: none"> <li>Lack of conducive environment for CSOs</li> <li>Lack of means and resources</li> </ul>

S. No.	Objective	Core Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factor
			physical infrastructures.				
2	Help establish political and social stability by maintaining peaceful and reconciliatory environment	<ul style="list-style-type: none"> <li>To formulate and implement laws on Truth and Reconciliation Commission and Disappearance Commission</li> <li>To form local Peace Committees</li> <li>to raise public awareness on peace</li> </ul>	<ul style="list-style-type: none"> <li>To establish Truth and Reconciliation Commission and Disappearance Commission</li> <li>To help in the operation of the Commissions;</li> <li>To receive reports of the Commissions;</li> <li>To implement the reports of the Commissions;</li> <li>To form Peace Committees in each district, including at the municipality and VDC level as necessary;</li> <li>To maintain reconciliation in society through local Peace Committees;</li> <li>To disseminate peace-related topical subjects;</li> <li>To publish peace bulletin</li> <li>To publish Comprehensive Peace Agreement and other consensus and agreements</li> </ul>	<ul style="list-style-type: none"> <li>Legislature-Parliament</li> <li>Office of the Prime Minister and Council of Ministers</li> <li>Ministry of Federal Restructuring, Parliamentary Affairs, Constituent Assembly and Culture</li> <li>Ministry of Defense</li> <li>NHRC</li> <li>NGOs working on human rights and legal sector</li> <li>Civil Society</li> <li>Electronic and print media</li> </ul>		<ul style="list-style-type: none"> <li>Establishment of the Truth and Reconciliation Commission</li> <li>Implementation status of the reports of Commissions</li> <li>Proportion of districts with Peace Committees formed at local level</li> <li>Number of cases reconciled at local level through Peace Committees in society</li> <li>Number of orientation trainings and programs and publications printed (including peace bulletins) and broadcast through print and electronic media.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
3.	Management of landmines and remnants of wartime	To remove landmines and explosive devices planted during the armed conflict	<ul style="list-style-type: none"> <li>To Coordinate and monitor management of landmines and explosive devices</li> <li>To defuse and remove landmines and explosive devices</li> <li>To raise awareness on the hazards of</li> </ul>	- Office of the Prime Minister & Council of Ministers	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>Number of places where landmines and explosive devices have been defused</li> <li>Number of awareness</li> </ul>	<ul style="list-style-type: none"> <li>Lack of resources</li> <li>Difficulty in tracing landmines</li> </ul>

S. No.	Objective	Core Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factor
	explosive devices		landmines	<ul style="list-style-type: none"> <li>- Ministry of Defense</li> <li>- Ministry of Home Affairs</li> <li>- UNMAT</li> <li>- UNICEF</li> <li>- I/NGOs</li> </ul>		raising programs on risk of landmines and number of beneficiaries	and explosives scattered
4.	Management of combatants confined in the cantonments	Manage temporary cantonments	<ul style="list-style-type: none"> <li>• To provide for maintenance of combatants</li> <li>• To distribute monthly allowances</li> <li>• To provide for physical means and resources</li> </ul>	<ul style="list-style-type: none"> <li>• Central Coordination Committee for Management of Cantonments</li> <li>• UNMIN</li> </ul>	1 <sup>st</sup> implementation year of Work Plan	<ul style="list-style-type: none"> <li>- Budget outlaid for the maintenance of combatants</li> <li>- Details of the allowances received</li> <li>- Proportion of cantonments with adequate facilities (for shelter, drinking water, road, bath rooms and electricity)</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of means and resources</li> </ul>
5	Promote the right to security and development by bringing conflicting parties and groups into political mainstream	<ul style="list-style-type: none"> <li>• Hold negotiation and agreement with agitating groups</li> </ul>	<ul style="list-style-type: none"> <li>• To establish contacts with conflicting and agitating parties/groups</li> <li>• To develop negotiation and other strategies</li> <li>• To hold negotiations</li> <li>• To reach and implement agreements and consensus</li> </ul>	<ul style="list-style-type: none"> <li>• Government Negotiation Team</li> <li>• Office of the Prime Minister &amp; Council of Ministers</li> <li>• Home Ministry</li> <li>• Ministry of Law &amp; Justice</li> <li>• Conflicting/agitating groups</li> <li>• CSOs</li> </ul>	Continued from 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• Number of conflicting groups with whom contacts have been established and negotiations initiated</li> <li>• Preparation of negotiation strategies and other preparations</li> <li>• Frequency of the talks held with different groups</li> <li>• Reports on the implementation status of the peace agreements and monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Conflicting parties being unwilling to hold negotiations</li> <li>• Not being able to reach agreement</li> <li>• Lack of commitment to implement agreement</li> </ul>

S. No.	Objective	Core Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factor
							<ul style="list-style-type: none"> <li>New groups starting conflicts</li> </ul>
6.	<p>i) To rehabilitate and reintegrate conflict victims;</p> <p>ii) To reconstruct physical infrastructures destroyed during conflict</p>	<ul style="list-style-type: none"> <li>To collect data of individuals and families affected by the armed conflict and provide them reparations;</li> <li>To reconstruct infrastructures</li> </ul>	<ul style="list-style-type: none"> <li>To prepare data base of the conflict victims;</li> <li>To provide relief/financial assistance to those who have lost their property in the conflict;</li> <li>To provide skill-oriented trainings to the conflict victims;</li> <li>To provide financial assistance to claimants of the dead;</li> <li>To provide financial assistance to the widow of the dead</li> <li>To provide subsistence allowances to the family of martyrs;</li> <li>To provide financial assistance to claimants of the disappeared;</li> <li>To provide relief to displaced individuals and families;</li> <li>To provide scholarship to children affected by the conflict;</li> <li>To provide relief to the individuals whose private property has been damaged;</li> <li>To provide relief to those abducted;</li> <li>To provide financial assistance and</li> </ul>	<ul style="list-style-type: none"> <li>Office of the Prime Minister and Council of Ministers</li> <li>Ministry of Women, Children and Social Welfare</li> <li>UNIFEM</li> <li>Peace Support Working Groups</li> </ul>	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>Developing the National Action Plan regarding the implementation of UN Security Council Resolutions 1325 and 1820</li> </ul>	<ul style="list-style-type: none"> <li>Inadequacy of means and resources</li> </ul>



S. No.	Objective	Core Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk Factor
			<p>medical treatment to those who are injured, disfigured, disabled;</p> <ul style="list-style-type: none"> <li>• To develop and implement National Action Plan for the children affected by armed conflict;</li> <li>• To develop and implement National Action Plan to implement UN Resolutions 1325 and 1820</li> <li>• To collect the cost of infrastructures destroyed during the conflict;</li> <li>• To repair and reconstruct destroyed physical infrastructures.</li> </ul>				
7.	Help establish political and social stability by maintaining peaceful and reconciliatory environment	<ul style="list-style-type: none"> <li>• To formulate and implement laws on Truth and Reconciliation Commission and Disappearance Commission</li> <li>• To form local Peace Committees</li> <li>• to raise public awareness on peace</li> </ul>	<ul style="list-style-type: none"> <li>• To establish Truth and Reconciliation Commission and Disappearance Commission</li> <li>• To help in the operation of the Commissions;</li> <li>• To receive reports of the Commissions;</li> <li>• To implement the reports of the Commissions;</li> <li>• To form Peace Committees in each district, including at the municipality and VDC level as necessary;</li> <li>• To maintain reconciliation in society through local Peace Committees;</li> <li>• To disseminate peace-related topical subjects;</li> <li>• To publish peace bulletin</li> <li>• To publish Comprehensive Peace Agreement and other consensus and agreements</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister and Council of Ministers</li> <li>• Ministry for Women, Children and Social Welfare</li> <li>• UNIFEM</li> </ul>	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• National Action Plan for the rehabilitation and reintegration of the children affected by armed conflict.</li> </ul>	<ul style="list-style-type: none"> <li>• Inadequacy of means and resources</li> </ul>





## **2.2.7. Protection and Promotion of Cultural Rights**

### **2.2.7.1. Background**

Since the cultural activities of the mankind which were developed and expanded alongside the existence of human life have been established as an identity, the promotion and protection of these cultural practices have already been recognized as basic rights. Cultural heritage of any part of the world is considered universal property rather than confining it to the ownership of the locale because of which the protection and promotion of these heritage is a necessity of the present time

In a democratic polity, each community has the right to conserve its culture, societal civilization and heritage. Such right is protected by the Constitution and laws. Therefore such rights have to be ensured.

With the restoration of the democratic system in Nepal, efforts are underway to practice, protect and guarantee human rights. For this purpose National Action Plan integrating culture related action plan has been prepared and implemented.

### **2.2.7.2. Review of the past Action plans and Present Situation**

Progress has been made in the activities mentioned in National Human Rights Action Plan 2064. The main points are as follows: -

- For the purpose of revising cultural rights-related laws, such laws are being analysed
- Effective measures have been adopted for the protection of cultural rights; and activities for the revision of existing laws and enactment of new laws is underway as deemed necessary
- For the protection and promotion of existing culture and traditions, annual programs are in operation under the cultural promotion program, and concerned organizations have been provided with annual grants.
- Cultural policy has been developed and presented to the Government of Nepal (Council of Ministers) for its approval.

Despite the achievement of some work progress the situation as such is not satisfactory. This is why, the situation is as such that while reviewing the past experiences, we continuously have to make an effective effort to achieve the expected results of the activities mentioned in the Action Plan.

Nepal is rich in terms of ethnicity, linguistic and cultural diversity. Each Nepali does not only belong to his or her own customs, traditions, religion and ritual but remain committed to it. This very commitment and sense of belonging has made national unity possible in such diversity. There are many different heritage of cultural, religious, historical and archaeological significance in the country. Therefore, efforts to protect and preserve this heritage are being taken up both at the government and local level as deemed necessary.

### **2.2.7.3. Problems and Challenges**

No stone has been left unturned to conserve and promote such cultures, cultural civilizations and heritages which are important from the national point of view in their original form. Despite all of this, it is felt that the development and expansion in information, communication, and tourism fields have negative impact on the originality of such heritage. It is the fact that in the given prevailing situation, serious studies and chronicling of art and culture of indigenous people have not been carried out as expected. Similar reality is lack of funds affecting the adequate protection and conservation of even the easily accessible religious and historical sites. Smuggling of artifacts of historical and cultural significance, replacement of the traditional and original art and craft by modern technology stands as another problem. In such situation, it will not be an exaggeration to say that conservation and promotion of culture and cultural heritage is another challenge of the present time.

The problems can be mentioned in points as follows:

1. Lack of national policy concerning art, religion, culture, etc.
2. Lack of studies and investigation to document the culture of indigenous, ethnicities and other nationalities through studies and investigation
3. Various cultural heritage may be at the continuous risk of endangerment in the absence of adequate conservation
4. Smuggling of ancient art and artifacts in the absence of adequate conservation
5. Inadequate conservation and promotion of archaeological, religious and historical sites in the absence of adequate financial resources
6. Inadequate participation of the people

#### **2.2.7.4. Objectives of National Action Plan**

- To provide adequate fund to carry out studies and investigation on the cultural aspects of indigenous, ethnicities and other nationalities and make appropriate arrangement for the documentation of such findings
- To provide adequate fund along with carrying out of the activities to conserve and promote archaeological, religious and historical sites of importance.
- To conduct awareness raising activities for the public to control smuggling of artifacts of ancient heritage
- To make arrangements for the appointment of experts to carry out related activities.

#### **2.2.7.5. National Action Plan**

The following Action Plan will be implemented in the next three years for the protection and promotion of cultural rights:



**Theme: Protection and promotion of cultural heritage**

Implementing Ministry: **a) Ministry of Federal and Parliamentary Affairs and Culture**

Monitoring and Evaluating bodies: **Office of the Prime Minister and Council of Ministers, National Planning Commission, NHRC, Thematic Committees of Legislature-Parliament Committee, and other concerned committees**

<b>S. No.</b>	<b>Objectives</b>	<b>Programs</b>	<b>Activities</b>	<b>Helping Bodies</b>	<b>Duration for Implementation</b>	<b>Indicators</b>	<b>Risk Factors</b>
1.	- To consolidate national unity by maintaining cultural diversity, through the protection and promotion of all languages, literatures, scripts, arts, cultures, societal civilization and heritage by developing healthy and cordial relationship on the basis of co-existence and equality among different religions, cultures, ethnicity, community, origin and linguistic.	To revise related laws and enact new laws as deemed necessary to ensure further effective protection and promotion of cultural rights as per the commitments expressed in the Interim Constitution and international treaties.	<ul style="list-style-type: none"> <li>• formulate cultural policies</li> <li>• study existing laws, policies and institutional arrangements relating to cultural rights and amend, revise and enact new laws as deemed necessary</li> <li>• adopt the policy of protecting and promoting existing cultures and traditions</li> <li>• capacitate the concerned legal bodies/stakeholders related with formulation of legal provisions so that they can contribute towards formulating legal provisions from the cultural rights' perspective</li> <li>• study and examine policies and legal and institutional structures required to implement international instruments related to culture.</li> <li>• raise public awareness by translating and publishing international instruments related to cultural rights.</li> <li>• study international treaties related to cultural and copyright (mainly the UNESCO Convention on the Protection and Promotion of the Diversity</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry for law and justice, Nepal Law Commission,</li> <li>- Ministry for Tourism and Civil Aviation</li> <li>- Other national and international institutions including UNESCO</li> <li>- Local bodies and civil society</li> </ul>	From 2067/068 to 2069/070	<ul style="list-style-type: none"> <li>• Number of new and amended laws and other legal provisions</li> <li>• Number of culture-related directives formulated</li> <li>• Declaration on armed entry into cultural heritages</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of financial resources</li> <li>• Difficulty in getting experts</li> <li>• Highly sensitive social system and people's aspirations soaring high</li> <li>• Possibility of diversity in work and development instead of uniformity</li> </ul>

			of the Cultural Expression, 2005; UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954 and the Rome Convention on Copyright, 1961 and initiate necessary procedures to make Nepal a treaty party of these instruments.				
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## **2.2.8 Environment and Sustainable Development**

### **2.2.8.1 Background:**

#### **(a) Environment:**

Every person has the constitutional right to be able to live in clean environment. Additionally, State's Policy mentions that the State shall make necessary provisions to keep the environment clean, raise awareness on environmental cleanliness among the general public and prevent the adverse impact of activities of infrastructural development on the environment as well as prioritize the conservation of environment and rare wild animals and shall make provisions for conservation, sustainable use and just distribution of benefits received from forests, plants and bio-diversity." This constitutional provision has compelled the State to strengthen its activities to maintain the environmental cleanliness.

#### **(b) Sustainable Development:**

Keeping in view the contribution of forest resources in the Nepalese lives, the challenges in the conservation of forest areas and environment and the timely reforms that need to be made in the management of forest areas in order to govern the forest areas in a fully democratic manner as per the aspirations of the public after the restoration of democracy, the Government of Nepal, Ministry of Forest and Land Conservation has aimed to make concrete contributions in the building of a prosperous nation by carrying out poverty alleviation, conservation of bio-diversity and environment and land and water management while at the same time making the forest resources accessible to the poor, helpless, women, Dalits and Indigenous people and providing them with timber and other forest-based products and services in an easy manner.

### **2.2.8.2 Review of the past Action Plans and Present Situation**

#### **(a) Review of the Past Action Plans**

While objectives such as conducting various environment-related programs, implementing prevailing laws effectively and enhancing the awareness regarding environment were taken in the action plans of the past as well in order to ensure the rights of the general citizens to live in clean environment, following work had been carried out for the achievement of those objectives.

- Aid was provided to the organizations working in the field of environment conservation through Environment Conservation Trust to carry out programs for environment conservation.
- Continuity was given to the work of approval of Environmental Impact Assessment Report in order to follow the legal provision that environmental impact must be assessed prior to the initiation of any project.
- Programs such as Bio-Gas, Improved Cooking Stoves, Small Hydropower plants, solar power and improved water-mills were conducted through the Alternative Energy Promotion Centers for the promotion of alternative energy.
- Six Air Pollution Monitoring Centers were started in Kathmandu valley whereby provisions were made to measure air pollution and post in the website.
- Work being carried out through POPs Activities Enabling Project to safely dispose long-lasting toxins.
- Activities including media programs were carried out through community schools and local groups in order to enhance environmental awareness.
- Renewable Energy Grant Policy, 2066 and Grant Mobilization Procedure were implemented.
- Agreement was reached with GTZ for the safe disposal of long-lasting toxins.
- Projects being run with assistance from ADB for the enhancement of institutional capacity.
- Situation paper on climate change was prepared.

- Report titled Hazardous Waste Definition and List of Hazardous Waste in Nepal under preparation.
- National Implementation Plan prepared for the safe disposal of long-lasting toxins.

There is some difficulty in protecting the fundamental right of the citizens to a clean environment because of the absence of a separate office in the implementation level as well as a separate agency to strongly look after the topic of environment under Environment Ministry.

## **(b) Present Situation**

### **(i) Environment:**

The task of assessing the environmental impact of the development projects has been institutionalized as per the policy of carrying out Environmental Impact Assessment in order to incorporate environmental activities in development. Sanitation and public awareness raising activities have been carried out in the local level to improve the environment. The act of District Development Committees of incorporating the environmental aspect as well while formulating plans has taken an institutional form. Environmental education is being provided from the primary level till the university level and as such, a high-level human resource is being generated at the national level itself.

Sixteen standards have been determined and implemented for the control of vehicular pollution and industrial emission. The task of storing long-lasting toxins in Nepal has been completed while a National Implementation Plan has been prepared for the safe disposal of long-lasting toxins.

Environment Ministry has been prescribed as Designated National Authority (DNA) to work on Clean Development Mechanism after Nepal became a state party to Kyoto Protocol.

Regarding the implementation of international conventions on environment, national information has been prepared as per the Convention on Climate Change; national reports have been prepared on the implementation status of the Convention to combat desertification and Regulation on the control of substances responsible for the depletion of ozone layer, 2057 has been implemented in the context of implementing Convention on Ozone Layer.

Bio-diversity strategy implementation plan has been formulated to implement the Convention on bio-diversity. Sustainable development agenda for Nepal-SDAN is being implemented. The roles of local agencies, non-governmental organizations, community organizations and private sector have been expanded widely in the sector of environmental conservation.

### **(ii) Sustainable development:**

Community forest user groups have been formed in different forest areas and have been handed over to the concerned families. This program has been given continuity gradually. So far over 29 hundred leased forest user groups have been formed and forest areas have been handed over accordingly. A policy of handing over forest areas as leased forests has been adopted in order to provide raw materials to the industries based on forests, make available the forest areas that have been degraded for a long time to the different organizations and industries as well as to develop environmental tourism, herb farming, agricultural forest crops and to plant saplings that are multi-purpose and that grow fast.

A policy has been adopted to supply forest products to the users of faraway places as well easily by managing the productive forests of the Tarai effectively through people's participation while at the same time ending the ill-practice of the past where only those living nearby the forest areas got to use the forests excessively while the user living faraway were deprived from the forest products. District Forest Products Supply Committee and TCN are working to provide timber required for the villagers for their household purpose as well as the timber required for the development constructions as well as for the people suffering from natural calamities in an easy manner.

Various trainings on the studies-research, development of agricultural technologies, domestication, demonstration, conservation and promotion and agricultural technologies are being conducted for the upliftment of herb farming in the different districts of mid-western development region.

### **2.2.8.3 Problems:**

#### **(a) Environment:**

Although the local user groups/committees and non-governmental organizations are active in environment protection, the people's participation in the policy formulation process, plan implementation and monitoring and evaluation is negligible. The problems that have surfaced in course of urbanization, such as garbage, air pollution and water pollution, are becoming more intense. It will be difficult to ensure the right of the people to live in clean environment without solving those problems. The problems identified in course of formulating National Human Rights Action Plan regarding environment are presented as follows:

- The thematic agencies not giving necessary priority to environment management while implementing their programs,
- Weak inter-agency coordination,
- Lack of public awareness about environment conservation,
- Failure to implement and monitor effectively the Environmental Impact Assessment Report including following of approved standards,
- High population increase, increasing urbanization and haphazard settlements,
- Absence of the policy of Polluters Pay.

#### **(b) Sustainable Development:**

- Since most of the office buildings situated in the field were destroyed during the conflict of the past because of which the field staff could not carry out their work in the field, the work of conservation and development of forest areas could not be carried out as expected and service could not be provided to the people.
- Although it was said that a district-level strategic plan would be formulated to manage the forests of the Tarai and the forests would be managed as community, leased, religious, conserved and forest managed by the government after gathering people's participation, the same could not be implemented fully due to the lack of necessary budget and the policy-wise differences arisen between the stakeholders.
- Coordination could not be established between the community forest and partnership forest management due to the lack of coordination between the forest user groups situated near and far from the forests in Tarai and Bhawar areas.
- Although the monitoring and evaluation strategy paper is prepared, effective monitoring work could not be carried out due to the lack of the alternative measures to be adopted in conflict situation.
- There is a lack of policy-wise and legal clarity regarding people's participation in land and water conservation work. Because of this, adequate programs could not be carried out to move forward the works that promote the development of the technologies as per the

geographical region and measures to make this sector more timely, people-oriented and practical.

- Savings and credit programs could not be carried out as per the objective of income generation and skill enhancement for the minimization of poverty.

#### **2.2.8.4 Objectives of National Action Plan:**

- Give attention to the national and international commitments regarding environment management and implement them effectively through necessary institutional structure,
- Make environmental law timely as per the international norms,
- Protect the human rights to be able to live in healthy environment,
- Stress on the conservation, promotion and maximum utilization of natural environment keeping in mind the fact that sustainable development can only be achieved through the interrelation between conservation of environment and economic development.
- Promote sustainable development by gathering public participation in the campaign of preventing urban pollution and making the rural areas clean and beautiful.

#### **2.2.8.5 National Action Plan:**

The following National Human Rights Action Plan shall be implemented for upcoming three years regarding environment and sustainable development.

## National Action Plan

Theme: **Environment and Sustainable Development**

Implementing Ministry: **Environment Ministry and subordinate agencies**

Monitoring and Evaluation Agencies: Office of the Prime Minister and Council of Ministers; National Planning Commission; National Human Rights Commission; Foreign Affairs and Human Rights Committee and other committees of Parliament

S N	Objectives	Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk factor
1	<ul style="list-style-type: none"> <li>Implement laws effectively as per the International commitments to safeguard every person's right to clean environment.</li> <li>Expedite environmental check to benefit from EIA</li> </ul>	<ul style="list-style-type: none"> <li>Implement nationally the international treaties on environment that Nepal is party to;</li> <li>Review and amend laws on environment;</li> <li>Implement adaptable measures to avoid negative effects of climate change.</li> </ul>	<ul style="list-style-type: none"> <li>Develop necessary action plans to implement Convention on environment;</li> <li>Gradually integrate environmental factors through environment assessment system to make social and economic development environment friendly;</li> <li>Amend environment laws;</li> <li>Conduct environmental testing.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry for Law and Justice,</li> <li>Ministry for Forest and Soil Conservation,</li> <li>Ministry for Industry and Commerce ,</li> <li>Ministry for Local Development</li> <li>Ministry of Energy.</li> </ul>	Ongoing	<ul style="list-style-type: none"> <li>Implementation status of international conventions on environment ratified by Nepal;</li> <li>Number of laws amended and enacted in the Environment Protection Act 2053 and its Regulations 2054;</li> <li>Number of projects initiated with EIA</li> <li>Number of environmental testing.</li> </ul>	Lack of adequate support from stakeholders
2	Maintain environmental balance by gathering public participation in the campaign of checking urban pollution and keeping villages clean.	<ul style="list-style-type: none"> <li>Reduce urban, air, sound and water pollution</li> <li>Reduction of indoor air pollution</li> <li>Prepare environmental standards.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and implement additional standards to check pollution;</li> <li>Monitor vehicular emissions on regular basis;</li> <li>Monitor air pollution and make results public</li> <li>Promote environment-friendly alternative energy.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Labor and Transport Management,</li> <li>Ministry of Home</li> <li>Local bodies</li> </ul>	Ongoing	<ul style="list-style-type: none"> <li>Number of additional standards established to check air pollution;</li> <li>Number of places and centers where regular monitoring of air quality is being conducted;</li> <li>Number of environmental standards</li> </ul>	<ul style="list-style-type: none"> <li>Lack of support from other relevant bodies</li> <li>Lack of adequate funding</li> </ul>
3.	Carry out safe disposal of long-lasting toxins.	Program for safe disposal of long-lasting toxins.	Dispose long-lasting toxins.	<ul style="list-style-type: none"> <li>Ministry of Agriculture and Cooperatives</li> </ul>	Within Fiscal Year 2013/14	<ul style="list-style-type: none"> <li>Completion of a policy and Guideline for safe disposal of long-lasting</li> </ul>	

S N	Objectives	Program	Activities	Helping bodies	Duration for Implementation	Indicators	Risk factor
				<ul style="list-style-type: none"> <li>• Local bodies, and</li> <li>• Relevant international agencies.</li> </ul>		toxins including acid batteries. <ul style="list-style-type: none"> <li>• Safe disposal of long-lasting toxins.</li> </ul>	
4.	Raise awareness on environment among the stakeholders	<ul style="list-style-type: none"> <li>• Conduct awareness raising programs on inter-relation between environment, development and human rights;</li> <li>• Enhance national capacity through the proper development and utilization of knowledge, skills and competence in environment sector.</li> </ul>	<ul style="list-style-type: none"> <li>• Support non-profit organizations in conducting environmental education programs;</li> <li>• Conduct community awareness raising programs and to disseminate information;</li> <li>• Promote and utilize mass media to enhance environmental awareness.</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Education;</li> <li>• Local bodies;</li> <li>• Civil Society;</li> <li>• Educational institutions; and Mass Media</li> </ul>	Ongoing	Number of awareness raising programs on pollution and environmental sustainability.	-Lack of fund; -Lack of effective dissemination.
5.	Management of Acid Lead Battery	Define this as Hazardous Waste	<ul style="list-style-type: none"> <li>• Initiate study after forming a Committee</li> <li>• Make amendments in Act, Regulations and Annexes.</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Industry</li> <li>• Ministry of Labor and Transport Management;</li> <li>• Battery producing industries and private sector.</li> </ul>	2010/11		
6.	Protect the fundamental right of general people to live in a clean environment	Establish an implementing and regulatory body on environment related programs.	Establish environment department and regional environment offices.	<ul style="list-style-type: none"> <li>• Ministry of General Administration,</li> <li>• Ministry of Finance,</li> <li>• Office of the Prime Minister and Council of Ministers</li> </ul>	April 2011	Establishment of Environment Department with three regional offices.	





## **2.2.9. Protection and Promotion of Human Rights in the Nepali Army**

### **2.2.9.1 Background:**

Of the four Geneva Conventions, 1949, which Nepal accede to on February 7, 2007, Article 47 of the first Convention stipulates that the high contracting parties undertake, in time of peace as in time of war, to impart training on the provisions of the Geneva Conventions as widely as possible to the all ranks of the army personnel. The constitutional arrangement has also been made to reflect the state parties' obligation of domestication of such provisions. Article 144 (4) of the Interim Constitution 2007 has provisions for imparting trainings to the Nepal Army in accordance with the values of Democracy and human rights. In purview of the mandatory provision of the section 20 of the Nepal Army Act to impart human rights and international humanitarian laws to anyone joining Nepal Army, it has become indispensable to include programs for the Ministry of Defense/Nepali Army in the National Action Plan. For fulfilling this responsibility, the following activities are to be considered in terms of human rights:

1. The Ministry of Defense and subordinate civil servants and military personnel are fully informed on human rights.
2. To observe whether the Nepali Army is observing and protecting human rights.
3. Act and laws on army should be revised in view of human rights.
4. To publicize the activities which the army carried out in course of respecting and protecting human rights transparently

The civilian and military relations will be further deepened in the days to come by developing the Nepali Army, which is accountable to the nation and the people, into a well-equipped, disciplined, professional, inclusive body that has respect for human rights, while at the same time improving its physical, financial and institutional capacity by carrying out activities through the National Human Rights Action Plan.

### **2.2.9.2. Present Situation**

The following are the efforts made by the Nepali Army in protecting and promoting human rights and international humanitarian law: -

- (a) With the setting up of the Directorate of Human Rights in the Nepali Army, human rights divisions and cells have been set up in every divisional and brigade offices.
- (b) Two important directives and IHL integration order issued by the army chief to ensure full respect for and adherence to human rights and IHL have been circulated to the all level of army personnel.
- (c) Booklets on human rights and IHL, Rules of Engagement Cards, etc were distributed to all ranks of the army.
- (d) A legal provision has been made not to recruit a civilian who violates human rights and international humanitarian law in the Nepali Army.
- (e) An internal vetting policy has been implemented disallowing rank and file of the army violating human rights and IHL in UN peacekeeping operations from May 15, 2005.
- (f) All writs registered in the Supreme Court relating to *habeas corpus* have been scrutinized and responded.
- (g) The rank and file violating human rights and IHL has been punished depending on the offences they have committed.

- (h) Arrangements have been made to mobilize soldiers for actions only after comprehensive briefing on human rights and IHL.
- (i) In circumstances wherein prisoners are obliged to be kept in the Nepali Army to fulfill the responsibility given by the Government of Nepal, arrangements have been made allowing representatives of the National Human Rights Commission, the ICRC and the OHCHR to visit inmates, company commanders and members of the rank and file.
- (j) Other additional efforts have been given as follows:
  1. The integration order on human rights and IHL issued by the army chief spells out the fact that the Nepali Army has abided by norms and values of human rights and international humanitarian law in letter and spirit. The order clearly states the doctrine of the Nepali Army, education, trainings for the soldiers, equipment and incorporation of norms and values of human rights and IHL in punishment system. . To effectuate the different aspect of IHL, the NA is coordinating with ICRC to develop IHL hand book and documentary on Dos and Don'ts for Nepal Army.
  2. Similarly, the women rights stipulated in UN Security Council Resolutions 1325 and prohibition of sexual violence and abuses during conflict and post conflict situations provisioned in UN Security Council Resolution 1820 have been incorporated in every package of human rights program with a view to raise awareness of the security personnel and a 72 minutes long documentary on HIV/AIDS has been prepared to raise awareness of the rank and file and this is shown to every unit, as required by the Resolutions.
  3. To widespread trainings on human rights and IHL, arrangements have been made to organize training in the regional headquarters and Brigade level from the army officers who have had trainings from the Nepali as well as foreign trainers to provide trainings and its monitoring will be done by the Directorate.
  4. Nepal Army is publishing a Human Rights Journals to create awareness and to disseminate its efforts to respect human rights and IHL to the national and international agencies. It gives priority to the directives issued by the Nepal Army on different dates on human rights and international humanitarian law, importance of UNSCR 1325 and 1820, protection against sexual abuse while publishing the journal.
  5. The system of holding a lecture series and interaction programs on human rights and humanitarian law in every unit of the Nepalese Army at a time has taken off on Human Rights Day (10<sup>th</sup> Dec). In addition to this, stickers bearing the phrase "Protector of Human Rights" have started to be affixed to all army vehicles to disseminate the importance of human rights and IHL three days before and after Human Rights Day since 2007.

### **2.2.9.3. Problems and Challenges**

Though the Government of Nepal has set up the Directorate of Human Rights in the army headquarters and has been executing works by creating different posts, this is not the case in the divisional and brigade level offices of human rights. These offices are being run by the officers appointed under different other positing and no positions have been created for this particular purpose. Therefore, it is necessary to create separate postings for the division and sections.

### **2.2.9.4. Objectives of the National Action Plan**

The following will be the objectives of the Nepalese Army in the protection and promotion of human rights and international humanitarian law:

- (a) **Immediate Objectives:** The rank and file of the army will fully comply with the principles of human rights and international humanitarian law in practice.
- (b) **Strategic Objective:** To establish the Nepalese Army as an institution free of violation of human rights and IHL in the near future.

#### **2.2.9.5. National Action Plan**

The following National Human Rights Action Plan will be implemented in the next three years under the Ministry of Defense or in the Nepalese Army: -



**Theme: Protection and promotion of Human Rights**

**Implementing Ministry/Agency:** Ministry of Defense and subordinate offices

**Monitoring and Evaluating Agencies:** Office of the Prime Minister and Council of Ministers, NPC, NHRC, parliamentary committee and civil society

<b>S. No.</b>	<b>Objectives</b>	<b>Programs</b>	<b>Activities</b>	<b>Helping Bodies</b>	<b>Duration for Implementation</b>	<b>Indicators</b>	<b>Risk Factors</b>
1.	To develop and expand human resources in the Ministry of Defense and Nepalese Army in order to protect and promote human rights.	To conduct ToT to produce trainers on human rights and international humanitarian laws.	<ul style="list-style-type: none"> <li>- To include package for general knowledge in the career development training programs;</li> <li>- To conduct ToT trainings at the Brigade, Division and Nepal Army HQ to produce trainers.</li> </ul>	NHRC, Ministry of Defense, ICRC, UNIFEM	Continued from the 1 <sup>st</sup> year	Number of training programs on human rights and IHL	
2.	To impart knowledge on international human rights law and humanitarian law to senior army officers through various trainings organized by national and international human rights bodies.	To make human rights focal person in the Ministry of Defense and the officers working with the Directorate of Human Rights of the Nepal Army or the officers recommended by the Directorate participate in training programs on human rights and international humanitarian laws organized both at national or international level.	<ul style="list-style-type: none"> <li>- To participate in the seminars organized by national and international organizations;</li> <li>- To recommend officers from among those who have received trainings on IHL at national level for participation in trainings abroad.</li> </ul>	Through military assistance or scholarship and other forms of assistance received from the neighbouring countries and assistance received from national, international bodies	Continued from the 1 <sup>st</sup> year		
3.	To strengthen the	Expand the human	- To create additional posts in	The Office	Continued from	Number of	

	capacity of Human Rights Directorate and other offices related to military justice adjudication of the Nepalese Army.	resources at the central level of the Nepalese Army and strengthen the capacity of Human Rights Directorate, Human Rights Division, Brigade-level Human Rights Branches and offices responsible for running military justice administration.	the Human Rights Directorate and military justice administration for effective implementation - To provide for the required human resources for capacity building	of the Prime Minister and Council of Ministers, the Ministries of Defense and Finance and Nepal Army HQ	the 1 <sup>st</sup> year	improved human rights department, divisions and units of the NA	
4.	To include curriculum on international human rights and international humanitarian laws in trainings of every level.	To include curriculum on human rights and international humanitarian laws in the basic training, career development training and special trainings of the Nepal Army.	- To include topics on human rights and IHL in the training courses as per need; - To coordinate with different agencies on incorporating different subjects.	Nepal Army HQ	Continued. from the 1 <sup>st</sup> year	Number of human rights related sessions included in training programs provided by the Nepal Army	
5.	To facilitate trainings on international humanitarian law (Laws of War).	To integrate IHL into security agency as stated in the Geneva Conventions.	- To include human rights and IHL laws into military doctrine, military training, operation of military weapons and sanction; - To gradually implement SOP by revising it for protection of human rights and humanitarian laws; a. To amend the Rules of	Ministry of Defense, Nepal Army HQ and other NGOs	Continued from the 1 <sup>st</sup> year	- Number of actions taken against those who are found guilty in human rights violation. - Preparations of materials including documentaries for raising awareness	

			<p>Engagement (principles of use of force) and gradually implement IHRL and IHL in a proper way;</p> <ul style="list-style-type: none"> <li>- To go on publishing a Human Rights Journal with focus on themes related to IHL;</li> <li>- To prepare documentaries in the Nepali language reflecting the provisions of the Geneva Conventions 1949.</li> </ul>			<p>on human rights.</p> <ul style="list-style-type: none"> <li>- A Commander's Handbook will have been prepared by incorporating IHL standards established by the Geneva Conventions.</li> </ul>	
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## **2.2.10 Ministry of Women, Children and Social Welfare**

### **2.2.10.1 Disability:**

#### **2.2.10.1.1 Background:**

Various activities have been carried out for the social inclusion of the persons with disability by mobilizing relevant ministry and agencies to provide services and facilities to such persons as well as to rehabilitate them. Under this program, vocational trainings are being provided for the persons with disability in the five development regions. Continuous support has been provided for the strengthening of organizations working in the field of disability. Various aid materials were provided to the persons with disability through Disability Support Fund while disability identity cards have been distributed regularly from all 75 districts. Activities such as meetings and seminars of Disability Service National Coordination Committee have been conducted for the effective implementation of the programs related with rehabilitation of persons with disability including providing them with services, facilities and opportunities. An umbrella organization National Federation of the Disabled, Nepal having 170 member organizations in some 68 districts of the state is present to advocate for the rights of the persons with disability in the policy-making level.

#### **2.2.10.1.2 Review of the Action Plans of the past and present scenario:**

Ministry of Women, Children and Social Welfare has been designated as the principle governmental mechanism to work for the services and facilities of the citizens with disability while Women Development Office has been designated for the same in local level. The definition and categorization of disability has been passed by the government with amendment on the basis of the timely and right-oriented concept as per the international norms. Community based rehabilitation program for the persons with disability has been implemented in different VDCs of 12 districts and the persons with disability of those districts have benefited from that. Ten-years'-long National Policy and Action Plan regarding persons with disability, 2063 is under implementation.

#### **2.2.10.3 Problems and Challenges:**

- Disability National Coordination Committee is not found to be adequately autonomous and vested with authority.
- A separate authorized and independent agency advocating in favor of persons with disability to guarantee their rights and security could not be established yet.
- The Acts and laws formulated for the rights and interests of the persons with disability are more influenced by altruistic concept rather than right-oriented concept and they are not binding in nature because of which their implementation is not effective.
- There is a lack of an agency to collect, manage and disseminate all kinds of information related with the field of disability in the country.
- Since the topic of disability is considered and interpreted through altruistic viewpoint, this could not be a development issue yet.
- There are limited awareness raising programs on disability being conducted while the programs that are being conducted have negligible participation of the persons with disability and the programs could also not be conducted in a coordinative and integrated manner.
- The State does not have clear policies to establish the persons with disabilities in employment sector.
- The Government does not have any clear policy or active program to ensure the physical access of persons with disabilities.
- The communication policy of the government is not clear about providing information to the persons with disabilities as per the nature of their disabilities.



- The provision made by the law for the persons with disabilities in public transportation has not been implemented effectively.
- Environment adequately conducive for the children with disabilities to be included/ incorporated in the pre-primary and children education program of the government could not be prepared.
- While on one hand it is wrongly believed within the society and family that the persons with disabilities cannot partake in games and entertainment, on the other hand, the government's policy and targeted programs regarding games do not include the issue of development of games for the persons with disabilities.
- The programs conducted for the targeted groups to prevent disability are not found to be adequate and effective.
- Special programs (such as treatment, public awareness, employment, income generation, education, leadership development training etc) for the rehabilitation and empowerment of the persons with disabilities has not been conducted adequately.
- The support materials used by the persons with disabilities could not be supplied as per the demand and necessity.
- The governmental, non-governmental and private sectors do not have adequate programs for the development (economic, physical and technical) of the independent organizations in proportion to their expansion.
- There is no accurate data of the persons becoming handicapped due to the conflict of 12 years of the past while the State hasn't formulated any long-term policy for their rehabilitation.

#### **2.2.10.1.4 Objectives of National Action Plan:**

- Protect and promote the fundamental freedom of persons with disabilities.
- Increase the access, control and ownership of persons with disabilities on natural and economic resources for their development.
- Protect and promote the right of the persons with disability to live with dignity and ensure their social security and human rights.

#### **2.2.10.1.5 National Action Plan:**

The Ministry of Women, Children and Social Welfare will implement the following National Action Plan in the next three years:-

## National Action Plan

Theme: Human Rights of the citizens with disabilities (differently able)

Implementing Ministry: **Ministry of Women, Children and Social Welfare (with assistance from Local Development Ministry)**

Monitoring and Evaluating Agency: **Office of the Prime Minister and Council of Ministers, National Planning Commission** and relevant parliamentary committee of Legislative Parliament

S.N	Objectives	Programs	Activities	Helping bodies	Duration for Implementation	Indicators	Risk factor
1.	Protect the human rights of the persons with disabilities	Review of the existing laws and formulation of the new ones.	<ul style="list-style-type: none"> <li>▪ Study and review the discriminatory laws related with disability and prepare a draft.</li> <li>▪ Implement and cause to implement the laws.</li> <li>▪ Study, survey, monitoring, suggestions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Law and Justice</li> <li>▪ Federation of the Disabled</li> <li>▪ Office of the Prime Minister and Council of Ministers</li> </ul>	2011/12 2013/14	Number of amended as well as new laws and legal provisions for the protection of the rights of the persons with disabilities.	Lack of adequate support from the stakeholders.
2.	Protect and promote the right of the persons with disabilities to live with dignity and ensure their social security.	<ul style="list-style-type: none"> <li>▪ Provide special education and trainings</li> <li>▪ Conduct programs based on positive discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Make reforms in physical infrastructure for the easy access in school-level education.</li> <li>▪ Provide mobility enhancement training.</li> <li>▪ Provide income generating training.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Education</li> <li>▪ Ministry of Local Development</li> <li>▪ Local agencies</li> <li>▪ Federation of the Disabled</li> <li>▪ NGOs</li> <li>▪ Ministry of Labor</li> <li>▪ Ministry of Industries</li> </ul>	2010/11 2013/14	<ul style="list-style-type: none"> <li>-Proportion of disability-friendly schools.</li> <li>-Number of persons with disability trained as training coordinator.</li> </ul>	Work may not be concluded on time due to limited resources.
3.	Enhance awareness of the persons with disabilities towards their rights.	Conduct awareness raising programs on the legal provisions and rights.	<ul style="list-style-type: none"> <li>▪ Produce and broadcast audiovisual materials.</li> <li>▪ Publish in newspapers and magazines</li> <li>▪ Publish booklets</li> <li>▪ Distribute identity cards</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Development Ministry</li> <li>▪ Local agencies</li> <li>▪ Communication Ministry</li> <li>▪ NGOs</li> <li>▪ Federation of the disabled</li> </ul>	2011/12 2012/13	Number of published and disseminated special reports regarding disability.	<ul style="list-style-type: none"> <li>• Lack of financial resources</li> <li>• Lack of effective dissemination.</li> </ul>

## **2.2.10.2 Senior Citizens:**

### **2.2.10.2.1. Background:**

As a result of increasing percentage of the number of senior citizens in every nation of the world, new challenges are arising day by day. Important declarations and conferences have taken place regarding the human rights of senior citizens. Universal Declaration on Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, United Nations' Vienna Convention on Senior Citizens, 1982, United Nations' Principles on Senior Citizens, 1992, Macau Convention, 1997 and Second World Convention on Senior Citizens (Madrid), 2002 have mentioned about the health, social security and participation, improvement in economic situation and dignified life of the senior citizens.

The Government of Nepal has expressed commitment to work towards attaining achievements from the implementation of aims and action plans outlined in the aforementioned declarations, conventions and forums. It is the obligation of the government to protect and promote the rights of the senior citizens and to guarantee their human rights as well as to conduct special programs. Besides this, it is also the main responsibility of the State to provide the senior citizens with necessary facilities such as, food and housing, equal opportunities as other citizens of the country and rights, to be able to live with dignity in social, economic, physical and psychological manner.

### **2.2.10.2.2 Review of the Past Action Plans and Present Context:**

Senior Citizens Health Treatment Program was conducted in 52 districts and around 4000 senior citizens have benefitted from it. Institutional assistance and grants are being provided to different old-age homes and elderly daycare centers throughout the country. Five-year-long national program incorporating the issues such as, health, security, rehabilitation, facilities and respect related to the wellbeing of senior citizens has been initiated. Senior Citizens' Act, 2063 was passed in Nepal for the first time and is in the process of implementation.

### **2.2.10.2.3 Problems and Challenges:**

- In the poverty stricken social context, nuclear family system is gradually replacing joint family system.
- Inadequate human resources to take care of the health, security and rehabilitation issues of the elderly is increasing psychological problems of the elderly
- This sector could not be made lucrative for the involvement of private sector
- Lack of appropriate institutional structure and coordination to implement the program
- Absence of appropriate operational network linking relevant governmental and non-governmental organizations for the effective implementation of the long-term plans, policies and rules.
- Absence of appropriate programs to utilize the skills, knowledge and experience of the elderly people.
- Positive attitude towards the elderly is yet to be fully adopted in the community/society.
- Institutional and sustainable development of qualitative and proper old-age homes, elderly day care centers and of such other institutions has not taken place.
- Lack of adequate programs/resources to address the population of the elderly on rise.

### **2.2.10.2.4 Objectives of National Action Plan:**

- Protect and promote the fundamental freedom of the senior citizens.
- Increase to the maximum the access, control and ownership of the senior citizens on the natural and economic resources to contribute for the senior citizens well being

- Protect and promote the right of the senior citizens to live with dignity and ensure their social security and human rights.

**2.2.10.2.5 National Action Plan:**

**National Action Plan**

Theme: **Human Rights of Senior Citizens**

Implementing Agencies: **Ministry of Women, Children and Social Welfare (with support from Ministry for Local Development)**

Monitoring and Evaluating Agencies: **Office of the Prime Minister and Council of Ministers, National Planning Commission and concerned parliamentary committee of Legislative Parliament**

S. N	Objectives	Programs	Activities	Helping bodies	Duration for implementation	Indicator	Risk factors
1.	Protection of human rights of the senior citizens	reforms in the Senior Citizens Act.	<ul style="list-style-type: none"> <li>▪ Distribution and publicity of Acts and Rules</li> <li>▪ Workshops</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry for Law and Justice</li> <li>▪ Office of the Prime Minister and Council of Ministers</li> <li>▪ NGOs</li> </ul>	2011/12	Number of the amended and newly formulated legal provisions in Senior Citizens Act.	Senior citizens' allowance may get affected.
2.	Improvements in the living standard of senior citizens.	<ul style="list-style-type: none"> <li>▪ Financial support</li> <li>▪ Management of old age homes</li> <li>▪ Medical treatment</li> <li>▪ Awareness raising</li> </ul>	<ul style="list-style-type: none"> <li>▪ Operate old age homes for the elderly</li> <li>▪ Provide the elderly with social security including the facility of medical treatment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry for Local Development</li> <li>▪ Ministry for Health</li> <li>▪ Ministry for Home Affairs</li> <li>▪ Social Welfare Council</li> <li>▪ Local agencies</li> <li>▪ Non-Governmental Organizations</li> </ul>	Ongoing	Establishment of old age homes in all five development regions	Possibility for the lack of resources
3.	Enhance the rights and social awareness of the senior citizens.	<ul style="list-style-type: none"> <li>▪ Formulate and publicize programs</li> <li>▪ Implementation of the legal provisions</li> <li>▪ Reduce generation gap</li> </ul>	<ul style="list-style-type: none"> <li>▪ Regular tv and radio programs</li> <li>▪ Conduct interactions and studies</li> <li>▪ Publish notices in accordance with the Act</li> <li>▪ Conduct inter-generational discussions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Communication and Information</li> <li>▪ NGOs</li> </ul>	Ongoing	The scope of public awareness raising campaign on the rights of the senior citizens.	<ul style="list-style-type: none"> <li>• Lack of financial resources</li> <li>• Lack of effective dissemination.</li> </ul>
4.	Create an environment where the experiences and skills of senior	Conduct studies about the possible areas where senior citizens can transfer their	Carry out studies on the utilization of the experiences and skills of senior citizens.	<ul style="list-style-type: none"> <li>▪ Thematic Ministries</li> <li>▪ NGOs</li> </ul>	Ongoing		<ul style="list-style-type: none"> <li>• Lack of financial resources</li> <li>• Lack of effective</li> </ul>

S. N	Objectives	Programs	Activities	Helping bodies	Duration for implemen- ta- tion	Indicator	Risk factors
	citizens can be utilized.	skills.					dissemination

### **2.2.10.3 Women's rights and social justice**

#### **2.2.10.3.1 Background:**

Women are found to be falling behind men comparatively in the social, economic and political standings. Globalization, development of new technologies and internationally expressed commitments and efforts for women development, empowerment and gender equality are few important elements that can improve the situation of women. However, when viewed from human rights perspectives, women are still discriminated against. Illiteracy, poverty and orthodox culture are being encouraged due to patriarchal thinking, patriarchal social structure and discriminatory legal system and thereby, the women are being compelled to be exploited, victimized and unsafe.

Since the progressive and full progress of the society is not possible until the situation of women, who are the half of the total manpower of the society, is improved, the state has made attempts to include the women into the mainstream of national development through different international commitments, legal and policy-wise provisions and expansion of programs for their social, economic and political development as well as to establish and ensure their rights.

#### **2.2.10.3.2 Review the Past Action Plans and Present Situation:**

In the context of women's rights and social justice, few legislations have been amended and modified to lessen the unequal treatment and discrimination against the women and the right to gender equality has been established fundamentally. A joint effort has been initiated for the gender mainstreaming in partnership and participation of the civil society or organizations and the regional agencies working in the field of gender equality. Women Development Departments have been established in few ministries while gender liaison centers have been established in all ministries. Efforts to steer the programs of regional agencies towards the direction of gender mainstreaming after implementing gender-sensitive budget system have begun. Central and District Committees have been formed to control human trafficking. A Women's Commission vested with rights has been formed to protect and promote the human rights of the women as well as to investigate and take necessary action in case of the violation of their rights. A second amendment has been carried out in Civil Service Act, 2049 including the provision of reservation for women in order to increase the access of women to Civil Service. The Interim Constitution of Nepal, 2007 has made a provision that one-third of the candidates of the election based on proportional representation shall be women in order to ensure significant presence of women in the Constituent Assembly. Special programs have been carried out from different sectors for women empowerment as well.

#### **2.2.10.3.3 Problems and Challenges:**

- There could not be full guarantee of substantive equality from the perspective of formal gender equality.
- Continuity of gender-based discrimination and the problems resulting therefrom.
- Prevalence of domestic and sexual violence and trend of taking such violence as natural.
- The programs of women empowerment are influenced by altruistic concept and are often linked with women's traditional role.
- Failure to formulate and implement strong policies and programs increasing female participation in the state structure as per the commitment expressed by the state in periodic plans as well as in the parliament.
- No evaluation of the women's productive work.
- Prevalence of the problem of human trafficking and the lack of effective legislation for the prevention and control thereof.

- Failure to protect the women's right to reproductive health and lack of adequate attention towards women's health.
- Lack of women-friendly environment at the work place.
- Low access and control of women in economic resources, excessive participation of women in unproductive field and their situation where they are not able to do as they please even with their own income.
- Prevalence of ill-traditions, such as, witchcraft, *Tilak*, veil and *Deuki* traditions.

**2.2.10.3.4 Objectives of National Action Plan:**

- Improve the existing laws in accordance with the international women's rights standards.
- End gender-based discrimination by empowering women.
- Formulate laws to protect the rights, interests and human rights of the women strongly and effectively.

**2.2.10.3.5 National Action Plan:**

With regard to women's rights and social justice, the following National Action Plan will be implemented in the next three years:



**National Action Plan:**

**Theme: Women's Rights and Social Justice**

Implementing Ministry: jointly by **Women, Children and Social Welfare Ministry and Ministry of Local Development**

**Monitoring and Evaluating Agencies:** Office of the Prime Minister and Council of Ministers, National Planning Commission, National Women Commission, Legislative Parliamentary Thematic Committee, and other relevant parliamentary committees.

S.No.	Objective	Program	Activities	Helping bodies	Duration for implementation	Indicators	Risk factor
1	Make provisions for formal and substantive equality for women.	Review and amend the existing law to make it consistent to international standards.	<ul style="list-style-type: none"> <li>Amend gender discriminatory laws</li> <li>Formulate new laws</li> <li>Inform the general public on the reformed laws.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Law and Justice</li> <li>Office of the Prime Minister and Ministers' council</li> <li>NHRC</li> <li>Nepal Law Commission</li> </ul>	2011/12	Number of laws and legal provisions reviewed, amended and enacted to ensure formal and substantive equality for women.	Possibility that it may not be completed within the stipulated time due to the legal processes.
2.	Ensure easy access of women in civil service.	Formulate necessary policies to facilitate easy access of women in civil service	Conduct special preparation classes for the female candidates for public service commission exams.	<ul style="list-style-type: none"> <li>Ministry of General Administration</li> <li>Cooperating agencies</li> <li>National Women Commission</li> <li>Women, Children and Social Welfare Ministry</li> </ul>	Ongoing	Proportions of women holding the civil service positions and proportion of persons from target groups.	Training cannot be conducted for the expected number of participants due to inadequate resources.
3.	Promote the human rights, civil rights and constitutional and legal rights to ensure the social justice for rural, marginalized, helpless and economically backward women.	Conduct awareness raising programs.	<ul style="list-style-type: none"> <li>Conduct seminars.</li> <li>Hold discussions.</li> <li>Produce audio-visual materials.</li> <li>Avail PCRW (Productive Credit for Rural Women) program in all VDCs for women empowerment</li> </ul>	<ul style="list-style-type: none"> <li>Local Development Ministry</li> <li>National Women Commission</li> <li>Local bodies</li> <li>NGOs</li> <li>Ministry of law and justice</li> <li>Ministry of Women, Children and Social Welfare</li> </ul>	Ongoing	Number of workshops and events held to raise awareness on equality and justice for women and members of marginalized groups.	-Lack of financial resources. -Lack of effective dissemination.

## **2.2.10.4 Child Rights and Development:**

### **2.2.10.4.1 Background:**

The United Nations General Convention passed Convention on the Rights of the Child on 20 November 1989 to protect and promote child rights; and issued universal declaration on 30 September 1990 for the safety, protection and development of the lives of children. The special session of UN General Convention passed a document titled 'World fit for children' in May 2002. The Government of Nepal has also expressed commitments through its participation in the worldwide efforts being carried out for the protection of child rights and their development. In this context, the Government of Nepal has made special provisions regarding children and has ratified the Convention on the Rights of the Child on 14 September 1990. Additionally, the Government of Nepal has ratified two optional protocols of CRC, Optional Protocol of CRC against Use of Children, 2000 and Optional Protocol of CRC against Child Trafficking, Child Prostitution and Pornography, 2000, as well as the SAARC Convention on regional arrangement for the promotion of child welfare in South Asia, 2002.

### **2.2.10.4.2 Review of the Action Plans of the Past and Present Scenario:**

Children's Act, 2048 and its Regulation, 2051 and Child Labor (Prohibition and Control) Act, 2056 have been promulgated for the protection of Child Rights. In order to develop a child friendly justice system to promptly and effectively decide on the cases related with children, Child Justice (Procedure), 2064 was implemented while Child benches have been established in 28 districts. Additionally, competent human resources is being prepared through conduction of training on Child Social Activists and Child Psychology while Draft on Children's Act, 2067 for the protection and promotion of Child Rights as per the international commitments and to ensure child rights has been completed and has been forwarded to Ministry of Law and Justice for the formulation of the Act. Ministry for Women, Children and Social Welfare, Central Child Welfare Committee and District Child Welfare Committee are part of institutional arrangement. In addition to this, a proposal has been submitted to the Council of Ministers for the institutional structural change to convert existing Women Development Department to "Women and Children Department" with added responsibility of implementing policies and programs regarding children and to convert district-level Women Development Office to "Women and Children's Office".

Children Search Coordination Centre has been established and is working effectively to protect the children from all kinds of risks and 104 is a toll-free telephone number which has been operated for the same. Similarly, a free children's helpline of number 1018 is being run for the emergency rescue, relief and counseling service for the children and this service is gradually being expanded in different districts. There has been improvement in the situation of children's health due to the expansion of awareness raising campaigns in the society on polio eradication and vitamin A campaign as well as health service programs. Children's enrolment rate in schools and birth registration rate have also increased. Children's participation in policy formulation process is also on the rise. For the protection of destitute and orphaned children, government and non-governmental organizations are running Child Protection Homes in different places. The rate of registration of the Child Clubs with children's participation is also increasing day by day. Attempts to promote the child-friendly VDCs concept are being made for the protection and advancement of child rights. The government has moved forward the policy and action plan of rehabilitating and reintegrating the displaced and separated children into their families and the society after the restoration of peace in the country. A child reform centre is being run for the rehabilitation of the juvenile delinquents as well as to provide them with counseling service while buildings are being constructed in Pokhara and Biratnagar for the same purpose. Land has been acquired in Nepalgunj for the same purpose.

#### **2.2.10.4.3 Problems and Challenges:**

There is a necessity for further development and reform of the legislations, policies and institutional provisions further in order to have effective efforts concerned with the child rights and development. While formulating National Human Rights Action Plan the following issues related to protection, security and advancement of child rights were identified and are presented as the following:

- National legislation not in compliance with the Convention on Rights of the Child.
- Lack of political commitment towards the protection and promotion of child rights.
- Negligible programs to raise awareness about child rights.
- All children not having equal access or participation to schools.
- Child rights issues not included in both the formal and informal education curriculum.
- Children dropping out of school in the middle, high dropout rate
- Urbanization giving rise to the incidents related to loss, abduction, rape and murder of children
- Inadequate pre-primary schools.
- All children not benefitting from health service.
- Excessive mal-nutrition.
- Inadequate children hospitals.
- Failure to provide on time the appropriate arrangements to the conflict affected and displaced children
- Prevalence of child marriages, unequal marriages and forced marriages.
- Exploitation of child labor in the society.
- Very low birth registration rate.
- Prevalence of child sexual abuse/sexual exploitation, and child trafficking; state failure to implement the legal provisions for the effective control of the aforementioned issues.
- Adoption related legal provisions are not in sync with the present context; irregular monitoring and evaluation
- Failure to conduct effective monitoring and evaluation of the Child Protection Centers

#### **2.2.10.4.4. Objectives of the National Action Plan:**

- Reform the existing laws related to children for the protection and promotion of child rights
- Ensure child rights guaranteed by the UN Convention on the Rights of the Child and its optional protocols.
- Protect and rehabilitate the children with disabilities and the children in difficult situations.
- Control all kinds of discrimination and crimes against children; and eliminate child abuse.

#### **2.2.10.4.5 National Action Plan:**

## National Action Plan

### Theme: Child Rights and Development

Implementing Ministry: **Ministry for Women, Children and Social Welfare, and Ministry for Local Development**

Monitoring and Evaluating bodies: **Office of the Prime Minister and Ministers' Council, National Planning Commission, National Women Commission, Legislative Parliamentary Thematic Committee, and related other committees**

S.N	Objectives	Programs	Activities	Helping bodies	Duration for implementation	Indicators	Risk factors
1	Guarantee the protection and promotion of child rights. Formulate the adoption law in accordance with the international standards for the best interest of the children.	<ul style="list-style-type: none"> <li>Policy formulation</li> <li>Contemporary amendment in the existing laws</li> <li>Formulate child protection policy</li> <li>Ratify Hague convention.</li> </ul>	<ul style="list-style-type: none"> <li>Draft policies and legislations</li> <li>Discussions over the draft</li> <li>Make the adoption related terms and processes transparent and make amendments.</li> </ul>	<ul style="list-style-type: none"> <li>Office of the Prime Minister and Ministers' council</li> <li>Ministry for Law and Justice</li> <li>Law Commission</li> <li>Central Child Welfare committee</li> <li>NGOs</li> </ul>	2011/12 2012/13	Number of laws and provisions related to child rights amended, enacted and implemented.	Laws may not be formulated on time since prescribed process needs to be completed.
2	Ensure children's right to education.	<ul style="list-style-type: none"> <li>Special program for the school drop outs</li> <li>Hundred percent school enrolment program.</li> </ul>	<ul style="list-style-type: none"> <li>Awareness raising activities in 25 districts for the guardians, teachers and the local government officials etc</li> <li>Provide objective assistance.</li> </ul>	<ul style="list-style-type: none"> <li>Central Child Welfare committee</li> <li>District Child Welfare committee</li> <li>NGOs</li> </ul>	2010/11 – 2012/13 (3 years)	Number of workshops, seminars and trainings for the local stakeholders on the promotion and protection of child rights	Programs may not be conducted within the stipulated time due to limited resources.
3.	Ensure the rights of conflict-affected children	Rehabilitation program in the family and community.	<ul style="list-style-type: none"> <li>Identify conflict-affected children</li> <li>Provide periodic educational and health services</li> <li>Provide psycho-social counseling</li> <li>Rehabilitation.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry for local development</li> <li>Ministry for women, children and social welfare</li> <li>Central Child Welfare committee and District Child Welfare committee</li> </ul>	2010/11 – 2012/13 (long-term)	Number of conflict affected children that have been rehabilitated.	Problems may arise in conducting sustainable programs due to limited resources.

S.N	Objectives	Programs	Activities	Helping bodies	Duration for implementation	Indicators	Risk factors
4.	Protect and rehabilitate the displaced children, orphans or the children not having anyone to take care of them and the children at risk.	Rehabilitation program.	<ul style="list-style-type: none"> <li>Mobilize NGO network to rehabilitate displaced and destitute children.</li> <li>Establish and operate periodic shelter homes</li> <li>Operate and expand child help lines.</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Home Affairs</li> <li>Ministry of Labor and Transport Management</li> <li>Social Welfare council</li> <li>Local bodies</li> <li>NGOs</li> <li>Central Child Welfare committee and District Child Welfare committee</li> </ul>	2010/11 (ongoing)	Establishment of four children homes for orphans and displaced children.	Problems may arise in conducting sustainable programs due to limited resources.
5	Increase awareness on child rights.	<ul style="list-style-type: none"> <li>Conduct awareness raising program</li> <li>Allocate certain amount for the children from the annual budget of the local bodies.</li> </ul>	<ul style="list-style-type: none"> <li>Encourage the NGOS to promote activities on child rights</li> <li>Make provisions of allocating certain amount from the grant going to local bodies for use in children's interest.</li> </ul>	<ul style="list-style-type: none"> <li>Home Ministry</li> <li>Ministry of labor and transport management</li> <li>Local bodies</li> <li>NGOs</li> <li>Central and District Child Welfare Committees.</li> </ul>	2010/11 (ongoing)		Possibility of misuse of the fund of local bodies.
6.	Eliminate violence and abuse against children.	Effective awareness raising programs.	<ul style="list-style-type: none"> <li>Raise awareness among the journalists, teachers, students and other relevant bodies on child abuses and trafficking of the girl child through various workshops/ activities.</li> </ul>	<ul style="list-style-type: none"> <li>Home Ministry</li> <li>Local bodies</li> <li>NGOs</li> <li>Central Child Welfare committee and District Child Welfare committee</li> </ul>	2010/11 (ongoing)		Problems may arise in conducting sustainable programs due to limited resources.
7.	Make efficient and effective child-friendly justice system	Promotion of child rights.	<ul style="list-style-type: none"> <li>Provide training to the judge, child psychologist and social workers of juvenile court.</li> <li>Audio-visual program</li> <li>Interaction program</li> </ul>	<ul style="list-style-type: none"> <li>Ministry for Law and Justice</li> <li>Justice system</li> <li>Central Child Welfare committee</li> </ul>	Ongoing	Number of trainings and workshops conducted for raising awareness among the	<ul style="list-style-type: none"> <li>Lack of financial resources.</li> <li>Lack of effective dissemination.</li> </ul>

S.N	Objectives	Programs	Activities	Helping bodies	Duration for implementation	Indicators	Risk factors
			<ul style="list-style-type: none"> <li>Formation of groups</li> <li>Form child clubs</li> </ul>			personnel of the child justice administration.	
8.	End child labor.	<ul style="list-style-type: none"> <li>Awareness raising program to regulate and prohibit domestic child labor.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a code of conduct for the government officials on domestic child labor.</li> <li>Distribute identity cards to the child labors.</li> <li>Production, promotion and distribution of audio-visual materials</li> </ul>	<ul style="list-style-type: none"> <li>Home Ministry</li> <li>Ministry for Labor and transport management</li> <li>General Administration Ministry</li> <li>Central Child Welfare committee and District Child Welfare committee</li> </ul>	2010/11 (ongoing)	Formulation and implementation of the policy on child labor.	<ul style="list-style-type: none"> <li>Lack of financial resources.</li> <li>Lack of effective dissemination.</li> </ul>
9.	Ensure birth registration of children	<ul style="list-style-type: none"> <li>Make birth registration compulsory</li> </ul>	<ul style="list-style-type: none"> <li>Raise awareness</li> <li>Birth registration</li> </ul>	<ul style="list-style-type: none"> <li>Local Development Ministry</li> <li>Local bodies</li> <li>NGOs</li> <li>Central Child Welfare committee and District Child Welfare committee</li> </ul>	2010/11 (ongoing)	Review and updating of birth and death registration of all children	Lack of resources.

## **2.2.10.5 Sexual and Gender Minorities**

### **2.2.10.5.1 Background**

Lesbians, gays, bisexuals, transgender/third gender and intersex are sexual and gender minorities. Sexual and gender minorities have been victimized by their households, families, society and the State at large in Nepal. Discriminatory social structures based only on male and female and accompanying discriminatory legal structures have forced these people to live a life of non-citizens. Despite being citizens of the country, persons of the third gender community have been deprived of a chance of acquiring citizenship genuinely depicting their gender identity, while several of them have been victims of different legal problems, slander and discrimination due to citizenship of wrong identity provided by the government. As the government itself has failed to protect the rights and interests of this community which has a different sexual orientation, they have been excluded by their families and society, deprived of their right to claim ancestral property, rusticated from schools and colleges charged with slanders of different kinds, arrested by police and subjected to mental and physical torture while moving around with their actual identity. They have been raped in detention. Despite such violation of human rights, they have been deprived of justice. Sexual and gender minorities have been deprived of the enjoyment of human rights due to no execution of a directive order of the Supreme Court in response to a petition by those including Sunil Babu Pant on Dec 21, 2007 emphasized the need for government to provide citizenships to the persons of third gender in accordance with their gender identity and repeal all discriminatory laws that are against sexual and gender minorities. So it is the government's responsibility to come up with different programs targeted to sexual and gender minorities by enabling their equal participation in every sector for the protection and promotion of sexual minorities who are highly marginalized among the marginalized communities.

### **2.2.10.5.2 Review of the Past Action Plans and Present Status**

On Dec 21, 2011, the Supreme Court ordered the government to repeal discriminatory laws against the sexual and gender minorities, grant citizenships to third gender keeping their actual gender identity and form a seven member committee to study the same-sex marriage. Besides, Rs 2.5 million and Rs 3 million had been allocated in the budgets of fiscal years 2065/66 and 2066/67 respectively for sexual minorities. The Fundamental Rights Protection Committee and the Committee to Protect the Rights of Minorities and the Marginalized communities have in their preliminary draft reports included to grant citizenships to third gender as per their gender identity, not discriminate against them on the ground of sexual orientation and gender identity. But the State still needs to do a lot to protect their rights.

### **2.2.10.5.3 Problems and Challenges**

- Sexual and gender minorities are facing problems due to discriminatory social and legal structures.
- The third gender community is facing different kinds of problems as they fail to obtain citizenship in accordance with their gender identity.
- The Dec 21, 2007 directive order of the Supreme Court is yet to be implemented.
- Due to different kind of gender identity and sexual orientation, persons of the third gender and lesbian community have been kicked out of their houses, families and society

- For lack of clear laws on same-sex marriages, persons of the third gender and lesbian community are under pressure to get married with persons of opposite sex against their wish.
- A high-level independent body is yet to be established for the protection of rights of the gender and sexual minorities.
- No separate policy or program has been worked out targeting the sexual and gender community.
- Persons of the sexual and gender minorities have not been represented in government bodies and there is a lack of a clear policy to establish them in jobs.
- Education, health and employment of this community have not been ensured yet.
- Public awareness raising programs on sexuality and gender have not been worked out.
- Persons found guilty in domestic and sexual violence have not been subjected to punishment.
- The sexual and gender minorities have no access to the means and resources of the State.
- The subject of sexuality and gender has not been included in the formal as well as informal education.

#### **2.2.10.5.4 Objectives of the National Action Plan**

- To ensure access and representation of the sexual and gender minorities at all levels and bodies of the State.
- To ensure social security and human rights of the sexual and gender minorities by protecting and promoting their right to live with dignity.
- To ensure access, control and ownership of the sexual and gender minorities in natural and economic means and resources for their development.
- To end all forms of discriminations and equality based on caste, gender, language, religion, culture, sexual orientation and gender identity.

#### **2.2.10.5.5 National Action Plan**

The following will be the objectives in the next three years in terms of the sexual and gender minorities: -





**Theme:** Sexual and Gender Minorities

**Implementing Agencies:** the Ministry of Women, Children and Social Welfare; the Department of Women and Children and Women Development Offices

**Monitoring and Evaluating Agencies:** Office of the Prime Minister and Council of Ministers; the National Planning Commission; the National Human Rights Commission; and thematic committees of the Legislature-Parliament and other related committees

S. No.	Objectives	Programs	Activities	Helping Bodies	Duration for Implementation	Indicators	Risk Factors
1.	To protect human rights of sexual and gender minorities	<ul style="list-style-type: none"> <li>- To run public awareness raising programs on sexual and gender minorities</li> <li>- To review and revise laws to make them consistent with int'l standards</li> </ul>	<ul style="list-style-type: none"> <li>- To amend discriminatory laws from the gender perspective</li> <li>- To make special arrangement for special reservations of sexual and gender minorities in law</li> <li>- To implement or cause to implement laws</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry for Women, Children, and Social Welfare</li> <li>- Office of the Prime Minister and Council of Ministers</li> </ul>	Continuous	<ul style="list-style-type: none"> <li>- Laws will be amended</li> </ul>	May not be completed on time as the prescribed procedures have to be followed.
2.	To make sexual and gender minorities self-dependent	To conduct skill-oriented, income-generating and awareness raising programs targeting the sexual and gender minorities	To conduct such trainings as cooking, sewing, driving, etc and job-oriented trainings	<ul style="list-style-type: none"> <li>- Ministry for Women, Children, and Social Welfare</li> <li>- Ministry for Local Development</li> <li>- Other Ministries</li> </ul>	Continuous	<ul style="list-style-type: none"> <li>- Status of dissemination</li> <li>- Different reports</li> </ul>	<ul style="list-style-type: none"> <li>- Lack of financial resources</li> <li>- Lack of effective dissemination</li> </ul>
3.	To build rehabilitation home or center for sexual and gender	To take initiatives to make them able to live in house, family and society with dignity	<ul style="list-style-type: none"> <li>- To keep a record of those who have been kicked out of their houses</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Finance</li> <li>- Ministry of Local Development,</li> </ul>	Continuous	<ul style="list-style-type: none"> <li>- Establishment of rehabilitation home</li> </ul>	Lack of financial resources

	minorities		<ul style="list-style-type: none"> <li>- To create an environment wherein they can have food and accommodation</li> <li>- To provide education, health and job opportunities</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Women, Children and Social Welfare</li> </ul>			
4.	To eliminate abusive treatment against the sexual and gender minorities	<ul style="list-style-type: none"> <li>- To conduct effective awareness raising program</li> <li>- To establish human rights cell in every police office and punish those found guilty in the incidents of abuse</li> </ul>	<ul style="list-style-type: none"> <li>- To produce posters and organize street dramas in order to provide info on sexuality/ gender</li> <li>- To conduct trainings for journalists, security personnel, student and others on concerned themes</li> </ul>	The Home Ministry and partner agencies, NGOs, other Ministries			



## **2.2.11 Law and order, Law Enforcement and Protection of Human Rights**

### **2.2.11.1 Background**

#### **(a) Law and order, law enforcement and protection of human rights**

To maintain law and order, the home administration is actively working towards effectively implementing the existing Act and laws and protection/promotion human rights by optimally making use of available physical and human resources. Proper management of post-conflict is a prerequisite for sustainable peace establishment and political, social and economic stability. The government, political parties, civil society and human rights activists all have a constructive role to play in maintaining social goodwill and tolerance within the multi-cultural character of the Nepalese society. In the present context marked by the increased trend of human rights violations by different groups, there is a glaring need for all conscious Nepali citizens to acknowledge the fact that in a democratic polity, one should not violate the rights of others while exercising one's own rights.

With due respect of the human rights enshrined in the Constitution and other international treaties and agreements reforming in prison system is the need of the day. Nepal should develop community service as an alternative to prisons, and it is also necessary to bring about reforms in the concepts of crimes and punishment. Developing a creative and reformative system that enable the criminals to rehabilitate themselves as good citizens after they are set free, and protecting the rights of offenders who are punished with imprisonment are the subjects which fall with the government's obligation.

### **2.2.11.2 Present Situation**

#### **(a) Law and order, law enforcement and protection of human rights**

In line with the commitments Nepal has made to different international treaties and agreements in the field of human rights, it has enacted Acts and regulations and also revised them as per necessity and brought them into implementation. Work is being done on reports which Nepal has to submit to the UN on the Convention against Torture, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights and the Universal Periodic Report.

The Special Program, 2010 aimed at making law and order more effective, ending impunity and protecting human rights; and the Code of Conduct for security personnel and employees has been prepared and already implemented. It has been increased in the direction of investigating and monitoring the incidents of human rights violations and protecting human right by establishing human rights units in the Home Ministry and agencies under it. Efforts to educate and calm down to the security personnel by organizing different trainings and seminars on human rights are also underway.

As regards the necessary works to be executed in terms of the incidents human rights violation as raised by human rights activists and other national and international human rights institutions are being carried out with priority. The Home Ministry is continuously writing to the concerned bodies to provide compensation and taking action against the guilty to conflict victims and their family members as recommended by the National Human Rights Commission.

To prevent human rights violation that taking place due to ongoing violent activities in the Tarai region, police activity has been increased and security arrangement has been made. Also, initiatives are being taken to resolve problems by holding dialogue with those groups.

The human rights cell in the Home Ministry is engaged in protection and promotion of human rights in coordination with other ministries, and other agencies including the National Human Rights Commission.

#### **(b) Prison Management and Reforms**

There is still a lack of minimum facilities to fulfill the basic humanitarian needs within the prison. Some works have been done to this effect to fulfill necessity and obligation the Government of Nepal and other non-governmental organizations. A common campaign is needed to revamp the prison system and uplift the life standard of the inmates is in fact long overdue. It is necessary to bring about reformative changes in the penal system and prison administration in order to bring it at a par with existing international standards.

The government is committed to protecting the rights of prison inmates by expediting different initiatives for prison reforms. In this connection, the report of the Prison Reforms commissions is being implemented for the protection of rights of the inmates:

### **2.2.11.3 Problems and Challenges**

#### **(a) Law and order, law enforcement and protection of human rights**

- Lack of awareness on civic rights and responsibility education
- Trend of not observing law on the rise
- Lack of understanding and tolerance
- Lack of resources and trained manpower
- No timely amendments to Acts and regulations
- No proper arrangement of penalties and rewards
- Number of existing police personnel not enough to fight against growing criminalization and anarchic activities

#### **(b) Prison Management and Reforms**

- Lack of review of old legal structures and reforms
- Dilapidated condition of buildings and physical structures of prisons
- Inadequacy of basic services and facilities to inmates
- Inadequate medicines and treatment for inmates
- Limited information, education, gymnasium facilities and lack of skill-oriented and income-generating opportunities
- Inadequate care and protection of dependent children of inmates
- Prisons holding inordinately more inmates than their capacity
- The practice of keeping all kinds of inmates of all ages in one single place
- Availability of the least legal aid vis-à-vis the number of detainees
- Lack of ways or means to improve the conduct of inmates as an alternative to punishment

### **2.2.11.4 Objectives of the National Action Plan**

- (a) Law and order, law enforcement and protection of human rights
  - To protect people's life and property by maintaining peace in the country
  - To protect the inalienable and basic human rights of all by effectively implementing laws
  - To contribute on the management of post-conflict situation
  
- (b) Prison Management and Reforms
  - To protect human rights of prisoners
  - To change prisons into correction houses
  - To develop and expand alternatives on punishment to replace imprisonment

#### **2.2.11.5 National Action Plan**

The following National Human Rights Action Plan will be implemented for the next three years in this connection: -





Theme: **Law and order, Law Enforcement and Protection of Human Rights**

Implementing Ministry: **Ministry of Home Affairs**

Monitoring and Evaluating Agencies: **the Office of the Prime Minister and Council of Ministers, National Planning Commission, Foreign Affairs and Human Rights Committee and other parliamentary Committees**

S. No.	Objectives	Programs/Activities	Helping Bodies	Duration for Implementation	Indicators	Risk Factors	Remarks
1.	Enactment of new laws related to human rights and review of existing laws	<ul style="list-style-type: none"> <li>▪ Review the existing laws as per the need;</li> <li>▪ Enact new laws prohibiting torture and providing for compensation to torture victims in accordance with CAT</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Law and Justice</li> <li>▪ NHRC</li> <li>▪ Office of the Attorney General</li> <li>• Ministry of Foreign Affairs</li> </ul>	Within the first two years	Number of laws, both newly enacted and amended, related to human rights	<ul style="list-style-type: none"> <li>• Lack of political stability</li> <li>• Lack of political consensus</li> </ul>	
2.	To enhance the capacity of civil employees of the Ministry of home	<ul style="list-style-type: none"> <li>▪ To include human rights protection and promotion with priority into the agenda in the conference of CDOs to be organized regularly;</li> <li>▪ To provide trainings on human rights to personnel associated with human rights units/cells;</li> <li>▪ To logistically equip human rights units/cells of the ministry and security agencies</li> </ul>	<ul style="list-style-type: none"> <li>• NHRC</li> <li>• National Police Academy</li> <li>• NGOs</li> <li>• Office of the Prime Minister &amp; Council of Ministers</li> </ul>	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>▪ Number of conferences seminars and other events undertaken for raising awareness and skills on human rights</li> <li>▪ Number of CDOs trained on human rights</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lack of resources</li> <li>▪ Lack of priorities</li> <li>▪ Chances of showing indifference to change</li> </ul>	
3.	To disseminate human rights	To disseminate international instruments on human rights to which Nepal is a party	<ul style="list-style-type: none"> <li>▪ Ministry of Law and Justice</li> <li>• NHRC</li> <li>• NGOs</li> </ul>	Within the first year	Number of publications of international treaties ratified by Nepal and their dissemination	<ul style="list-style-type: none"> <li>▪ Lack of resources</li> <li>▪ Lack of priorities</li> </ul>	
4.	Assist in post-conflict management	<ul style="list-style-type: none"> <li>▪ To guarantee a secure environment to conflict victims and create an environment for IDPs to return their home;</li> </ul>	<ul style="list-style-type: none"> <li>• Parliament</li> <li>• Ministry of Peace and Reconciliation</li> </ul>	Continued from the 1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>▪ Number of IDPs who have safely returned home or rehabilitated;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Political fluidity and stalemate</li> <li>▪ Lack of priorities</li> </ul>	

		<ul style="list-style-type: none"> <li>▪ To restore police posts displaced during conflict;</li> <li>▪ To assist in returning properties seized;</li> <li>▪ To provide relief and compensation to victims and take actions against perpetrators including on the basis of the recommendations of NHRC and other authorized bodies for investigation.</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Finance</li> <li>• Ministry of Defense</li> <li>• Ministry of Home Affairs</li> <li>• Political parties</li> <li>• NHRC</li> </ul>		<ul style="list-style-type: none"> <li>▪ Number of victims who have received compensation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lack of resources</li> </ul>	
5.	To improve detention centers	To improve physical aspects of detention centers	<ul style="list-style-type: none"> <li>• Nepal Police HQ</li> <li>• Armed Police Force HQ</li> </ul>	Continued from the 1 <sup>st</sup> year	Number and proportion of improved detention centers	<ul style="list-style-type: none"> <li>▪ Lack of resources</li> <li>▪ Lack of priorities</li> </ul>	
6.	To effectively implement the compensation provisions of Torture Compensation Act 2053	To create a torture compensation fund at the central level to immediately provide compensation as provided for in Act.	<ul style="list-style-type: none"> <li>• Ministry of Finance</li> <li>• Office of the Prime Minister &amp; Council of Ministers</li> </ul>	Continued from the 1 <sup>st</sup> year	Use of torture victims compensation fund and its provision in the budget	Budget may not be outlaid	
	Monitoring and evaluation of action plans	To monitor and evaluate action plans approved by the Ministry of Home Affairs, Nepal Police, APF and Prison Management Department	<ul style="list-style-type: none"> <li>• Office of the Prime Minister &amp; Council of Ministers</li> <li>• I/NGOs</li> </ul>	Continued	Number of field visits undertaken for monitoring the implementation of human rights action plan		

**Theme:** Prison Management and Reforms

Implementing Ministry: **Ministry of Home Affairs, Department of Prison Management**

Monitoring and Evaluating Agencies: **Office of the Prime Minister and Council of Ministers, the National Planning Commission, NHRC, Foreign Affairs and Human Rights Committee and other related parliamentary committees**

S. No.	Objectives	Programs/Activities	Helping Bodies	Duration for Implementation	Indicators	Risk Factors	Remarks
1.	To increase the economic, social and physical facilities of the prison inmates	To build prisons in every development region that can accommodate at least 2000 prison inmates along with factories, hospitals, and schools	<ul style="list-style-type: none"> <li>• Finance Ministry</li> <li>• Home Ministry</li> <li>• Department of Housing and Urban Development</li> </ul>	Within 5 years	Amount and share of police budget allocated for improvement of prisons	Will not be in priority	
2.	To make timely amendments to the existing laws and formulate new laws in accordance with international principles and standards in order to protect the rights of prison inmates	To review and amend the existing laws and enact new laws	<ul style="list-style-type: none"> <li>• Ministry for Law and Justice</li> <li>• Ministry of Home Affairs</li> <li>• Law Reforms Commission</li> <li>• NHRC</li> </ul>	Within second year (mid-term)	<ul style="list-style-type: none"> <li>• Number of laws, newly enacted and amended, which are consistent with int'l Conventions</li> </ul>		
3.	To provide human rights trainings, education, and awareness to those who are associated with	<ul style="list-style-type: none"> <li>• To provide human rights education to prison inmates</li> <li>• To provide trainings on human rights to security personnel, administrators, law enforcement officials and inmates and organize programs for sharing of experiences</li> </ul>	<ul style="list-style-type: none"> <li>• NHRC</li> <li>• Nepal Bar Association</li> <li>• NGOs</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Number of training programs, counseling and awareness raising events undertaken for prison inmates</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate budget</li> <li>• Not prioritized</li> </ul>	

	prison management and prison inmates	<ul style="list-style-type: none"> <li>To conduct awareness raising and training programs on human rights targeting all concerned bodies and officials.</li> </ul>					
4.	To provide effective counseling to prison inmates	To make available counseling service by legal and medical professionals to prison inmates bearing in mind their psychological state	NGOs	Continuously from the second year (long-term)		Lack of adequate budget	
5.	Mental cases should be kept in separate places	To conduct a feasibility study regarding building a separate prison.	<ul style="list-style-type: none"> <li>- Ministry of Home Affairs</li> <li>- Ministry of Law and Justice</li> <li>- Ministry of Health and Population</li> <li>- Community centers</li> </ul>	Within second year	To make a feasibility study for separately keeping mentally unhealthy inmates and prisoners	<ul style="list-style-type: none"> <li>- Lack of adequate budget</li> <li>- Not prioritized</li> </ul>	
6.	To develop a system of engaging offenders in petty cases in community services	<ul style="list-style-type: none"> <li>- To carry out the feasibility study</li> <li>- To formulate a law and develop programs on community service</li> <li>- To implement pilot programs on community service and open prison in at least two districts</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Home Affairs</li> <li>- Ministry of Law and Justice</li> </ul>	Continuously from the first year (long-term)	Development of methodology for pilot programs on engaging inmates and prisoners in community service	<ul style="list-style-type: none"> <li>- May lack public support for being a new concept</li> <li>- May not be prioritized</li> </ul>	
7.	Re-socialization of prison inmates	<ul style="list-style-type: none"> <li>- To conduct a feasibility study to classify inmates and develop standards and manuals in order to make their re-socialization easier,</li> <li>- To formulate laws on re-socialization and develop pilot programs</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister and Ministers' Council</li> <li>• Ministry of</li> </ul>	Continuously from the first year (long-term)		<ul style="list-style-type: none"> <li>- This concept being new, it may take time to</li> </ul>	

		<ul style="list-style-type: none"> <li>- To implement pilot program in two districts</li> <li>- To mobilize NGOs</li> </ul>	<p>Home Affairs</p> <ul style="list-style-type: none"> <li>• Ministry of Law &amp; Justice</li> <li>• Local bodies</li> </ul>			<p>garner public support</p> <ul style="list-style-type: none"> <li>- Concerned body remaining passive</li> </ul>	
8.	To improve the physical condition of prisons to protect the rights of prisoners and change prisons into correction homes	<ul style="list-style-type: none"> <li>- Programs aimed to improve physical condition and facilities of prisons</li> <li>- To carry repair works on prisons</li> <li>- To provide for vehicles and ambulances</li> <li>- To strengthen the capacity of central prison hospital</li> <li>- To develop counseling mechanism</li> <li>- To define minimum food and health services provided to prison inmates.</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Home Affairs</li> <li>- Ministry of Law &amp; Justice</li> <li>- Ministry of Women, Children, and Social Welfare</li> <li>- Ministry for Physical Infrastructure and Construction</li> <li>- NGOs</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>- Number of health posts with approved postings of health personnel and ratio of prisons with such personnel</li> </ul>	<ul style="list-style-type: none"> <li>- May not be in priority</li> </ul>	
9.	To provide skill-oriented and income-generating programs to inmates so that they can get jobs when they are released	To conduct vocational trainings for the inmates	<ul style="list-style-type: none"> <li>- Ministry of Home Affairs</li> <li>- Ministry of Industry</li> <li>- Ministry of Finance</li> <li>- Local bodies</li> <li>- NGOs</li> </ul>	Continuously from the first year (long-term)	Proportion of prisons providing vocational trainings to inmates	<ul style="list-style-type: none"> <li>- Lack of adequate space</li> <li>- May not be in priority</li> </ul>	
10.	System for correcting pedophiles	<ul style="list-style-type: none"> <li>- To increase the capacity of child correction centre in Kathmandu</li> <li>- To establish new child correction centers in four development regions</li> </ul>	<ul style="list-style-type: none"> <li>- Ministry of Women, Children, and Social Welfare</li> </ul>	From the second year (long-term)	Number of rehabilitation and child correction centers	<ul style="list-style-type: none"> <li>- Lack of adequate budget</li> <li>- May not be in priority</li> </ul>	

			<ul style="list-style-type: none"> <li>- Ministry of Law &amp; Justice</li> <li>- Ministry of Finance</li> </ul>				
11.	- To protect and promote the rights of minors who are with their parents in prisons.	To provide education, health, entertainment and other facilities to children of inmates	<ul style="list-style-type: none"> <li>- Ministry of Women, Children, and Social Welfare</li> <li>- Ministry of Education</li> <li>- Ministry of Health</li> <li>- NGOs</li> <li>- Nepal Children's Association</li> </ul>	Continuously from the first year	Number and proportion of prisons with child development programs for minors	Lack of resources	

Theme: **Law and order, law enforcement and protection of human rights**

Implementing Agency: **Ministry of Home Affairs, Police Headquarters**

Monitoring and Evaluating Agency: **Office of the Prime Minister and Council of Ministers, the National Planning Commission, NHRC, Foreign Affairs and Human Rights Committee and other related parliamentary committees**

S. No.	Objectives	Programs/Activities	Helping Bodies	Duration for Implementation	Indicators	Risk Factors	Remarks
1.	To enhance the knowledge and skills of Nepal Police on human rights and law enforcement	<ul style="list-style-type: none"> <li>▪ To review all kinds of training courses to be organized for Nepal Police from the perspective of implementation of law and human rights</li> <li>▪ To conduct ToT trainings on Human rights</li> <li>▪ To use human rights trainers as mobile trainers for conducting trainings and</li> </ul>	Own machinery and in coordination with other national and international agencies as	Continuously from the first year	<ul style="list-style-type: none"> <li>▪ Number of human rights training modules, reviewed and revised.</li> <li>▪ Number of trained trainers</li> <li>▪ Raising public awareness about human rights the number and proportion of the districts where follow-up</li> </ul>	Required budget, mobilization of manpower and law and order situation	

		<p>follow-up programs at the zonal, regional and central levels</p> <ul style="list-style-type: none"> <li>▪ To prepare and distribute human rights related posters</li> <li>▪ To reprint the human rights standing directives</li> <li>▪ To publish human rights publications</li> <li>▪ To conduct other awareness-raising human rights programs</li> </ul>	per necessary		programs have been undertaken		
2.	To enhance the manpower, quality and capacity of the Nepal Police Human Rights Cell	<ul style="list-style-type: none"> <li>▪ To develop the present human rights unit into a human rights department</li> <li>▪ To establish human rights unit at the regional level</li> <li>▪ To establish a human rights cell at the zonal level</li> <li>▪ To take initiatives for the postings required for the purpose</li> <li>▪ To take initiatives for the identification and availability of means and resources required for human rights units</li> </ul>	<ul style="list-style-type: none"> <li>• Nepal govt</li> <li>• Ministry of Home Affairs</li> <li>• Ministry of Finance</li> </ul>	As soon as possible	<ul style="list-style-type: none"> <li>▪ Number of human rights units, cell and posts established in regions and zones</li> <li>▪ Proportion of the budget allocated for human rights (and related activities) in the Home Ministry</li> </ul>	Provision for appointments	At present, the human rights unit of Nepal Police has only two postings – one for police inspector and one for police jawan
3.	Vis-à-vis prevention and investigation of crimes, maintain law and order, and human rights, to take initiatives for identification of areas required for making more effective the investigative and penal aspects of Nepal Police	<ul style="list-style-type: none"> <li>▪ To take initiatives for making available modern and scientific means and resources and techniques necessary for the effective investigation and prevention of crimes</li> <li>▪ To take initiatives for the availability of modern and scientific means and resources, and techniques necessary for police action.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Nepal Govt</li> <li>▪ National and Int'l agencies</li> </ul>	Continuously from the first year	Number and proportion of units whose capacity has been enhanced for the effective investigation and prevention of crimes	Budget appropriation	
4.	To develop the	<ul style="list-style-type: none"> <li>▪ To investigate into the incidents of</li> </ul>		Continuously		Lack of	

	culture of zero tolerance	<p>human rights violation allegedly committed by Nepal Police and take action against the guilty</p> <ul style="list-style-type: none"> <li>▪ To inform all police offices of the actions being taken</li> <li>▪ To regularly monitor police units</li> </ul>		from the first year	<ul style="list-style-type: none"> <li>▪ Number of cases of human rights violations investigated by Nepal police;</li> <li>▪ Number of police employees against whom legal and administrative actions were taken for having them found guilty in human rights violation</li> </ul>	government commitment	
5.	To manage human rights documentation	<ul style="list-style-type: none"> <li>▪ To create Human Rights Database</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Home Affairs</li> <li>• National and Int'l agencies</li> </ul>	As soon as possible	Development of software and creation of human rights database.	Lack of budget	
6	To conduct public awareness raising programs on human rights	<ul style="list-style-type: none"> <li>▪ To conduct awareness-raising programs activities, law enforcement and human rights at school and college level</li> <li>▪ To organize interactions on topical issues at national and local level</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Home Affairs</li> <li>• NGOs</li> </ul>	Continuously from the first year		Lack of budget and human resources	
7	Coordination and cooperation with human rights related national and international agencies in order to carry out other activities for the protection and promotion of other works	<ul style="list-style-type: none"> <li>▪ To make correspondence and regularly meet for exchange of information</li> <li>▪ To identify the areas of cooperation and coordination and put them into action</li> </ul>		Continuously from the first year		Lack of budget	



Theme: **Law and order, law enforcement and protection of human rights**

Implementing Agency: **Ministry of Home Affairs, Armed Police Force HQ**

Monitoring and Evaluating Agency: **Office of the Prime Minister and Council of Ministers, the National Planning Commission, NHRC, Foreign Affairs and Human Rights Committee and other related parliamentary committees**

S. No.	Objectives	Programs/Activities	Helping Bodies	Duration for Implementation	Indicators	Risk Factors	Remarks
1.	To conduct workshops for representatives of all bodies, civil society and political parties, intellectuals and distinguished persons on the role of APF in the promotion and protection of human rights	To get works executed by BOP stationed in the border areas	<ul style="list-style-type: none"> <li>– Home Ministry</li> <li>– Human rights agencies</li> </ul>	Continuous	Number of human rights training modules, revised and implemented	Lack of necessary assistance and resources	
2.	To engage APF personnel as many as possible in advance trainings on IHRL and IHL	To take initiatives to ensure participation of APF personnel as many as possible in trainings in coordination with human rights agencies	<ul style="list-style-type: none"> <li>– Home Ministry</li> <li>– Human rights agencies</li> </ul>	Continuously from the first year	Number and proportion of APF personnel participating in human rights training programs	Lack of assistance and resources	
3.	To raise public awareness through the dissemination of human rights norms and values and international principles established by them	To organize various public awareness-raising programs in coordination with various human rights national and international organizations	<ul style="list-style-type: none"> <li>– Home Ministry</li> <li>– Human rights agencies</li> </ul>	Continuously from the first year	Number of public awareness-raising programs on human rights and the areas it has covered	Lack of assistance and resources	
4.	To revise the existing training course in coordination with human rights agencies	To improve Improve and contextualize the existing curriculum	<ul style="list-style-type: none"> <li>– Home Ministry</li> <li>– Human rights agencies</li> </ul>	From the second year		Lack of assistance and resources	

5.	To make human rights principles and norms and values effect and implement them right down to the subordinate offices, and also to monitor it	To expand the nodal officers who are now only at the battalion level to the company level.		Continuously from the first year		Lack of necessary human resources	
6.	To inform all male and female personnel of APF about gender discrimination	To develop courses on gender discrimination and conduct classes in all units	<ul style="list-style-type: none"> <li>– Home Ministry</li> <li>– Human rights agencies</li> </ul>	From the second year	Number and proportion of units where programs on gender discrimination have been undertaken	Lack of necessary assistance and resources	



## 2.2.12 Institutional Strengthening

### 2.2.12.1 Background:

For the protection and promotion of human rights, the concerned organizations must have, *inter alia*, the willingness to participate, eagerness to help, availability of resources, appropriate technology and equipment and willpower for reform. Apart from this, the organizations working in this field must be capable, impartial, helpful, competent, people-oriented and responsible.

### 2.2.12.2 Review of the Action Plans of the Past and Present Scenario:

The two action plans of the past had aimed to carry out institutional strengthening of the organizations working in the field of human rights in the country. In this context, the review of the action plans of the past and present scenario has been mentioned as follows:

- The National Human Rights Commission (NHRC) formed under Human Rights Commission Act, 2053 has attained a constitutional status after the promulgation of the Interim Constitution of Nepal, 2063.
- As per the policy of the Government of Nepal to carry out timely alterations in the function, duties, powers and procedure of NHRC, draft bill on National Human Rights Commission has been prepared and is under the process of becoming a legislation.
- National Women's Commission Act, 2063 and National Women's Commission Regulation, 2065 have been promulgated to provide for the functions, duties, powers and procedure of the National Women's Commission.
- Draft bill on National Dalit Rights Commission has been prepared to provide for the functions, duties, rights and procedure of National Dalit Commission and is under the process of becoming a legislation.
- The National Human Rights Commission and National Women's Commission have formulated strategic plans and have been executing their work accordingly.
- Separate websites of National Human Rights Commission, National Women's Commission and National Dalit Commission are being operated enabling anyone to read about the Commissions' functions, proceedings or decision, thereby making the functions, proceedings or decisions of the Commissions timely, transparent and accessible.
- In order to execute the functions and proceedings of the Commission more effectively, timely alteration in the organizational structure of the Commission has been carried out while necessary trainings have also been conducted for the staff of the Commission .
- Policy of appointing officials as soon as possible if the positions fall vacant in the Commission has been adopted.
- Work has been carried out by keeping the availability of financial, physical and human resource of the Commission as priority.
- Necessary works has been carried out to provide necessary resources in human rights units, sections and divisions in other agencies of the Government of Nepal, to conduct necessary trainings for the employees there and to make the work of monitoring and inspection carried out by those units, sections and divisions more effective and regular.

### **2.2.12.3 Problems:**

There are many reasons behind the deteriorating situation of safety of the general public and the weakening human rights situation. One of those reasons is inability to strengthen the relevant agencies working for the protection and promotion of human rights. Many institutions have been set up in different areas of the country for institutional strengthening for the restoration of human rights. However, success could not be achieved as expected in the area of strengthening those institutions. In this context, the problems identified in course of formulating National Human Rights Action Plan regarding institutional strengthening are as follows:

- Continued distrust on the impartiality of the human rights institutions.
- Lack of coordination between the institutions working in the field of human rights and continued trend of evading one's responsibilities.
- Ignoring the commitments of the personnel working in governmental sector towards human rights.
- Not carrying out monitoring of the activities of the agencies working for the protection and promotion of human rights.
- Relevant agencies not being capable to protect and promote human rights.
- Unavailability of trained manpower and resources.
- Commission's recommendation not being implemented effectively.

### **2.2.12.4 Objectives of National Action Plan**

- Carry out institutional strengthening of the human rights agencies.
- Make the relevant agencies (including local agencies) capable in the protection and promotion of human rights.

### **2.2.12.5 National Action Plan:**

Following action plan shall be implemented within upcoming three years for the strengthening of the human rights institutions in order to carry out institutional strengthening in the country.

**National Action Plan**

Theme: **Institutional Strengthening**

Coordinating Agency: **Office of the Prime Minister and Council of Ministers**

Monitoring and Evaluating Bodies: **Office of the Prime Minister and Council of Minister, National Planning Commission, NHRC, Foreign Affairs and Human Rights Committee and other related parliamentary committee**

SN	Objective	Programs and activities	Implementing bodies	Duration for implementation	Indicators	Risk Factor
1	Strengthen National Human Rights Commission (NHRC) for the protection and promotion of human rights	<ul style="list-style-type: none"> <li>• Implement program to make NHRC well-equipped and strong.</li> <li>• Formulate new NHRC Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Legislature-Parliament</li> <li>• Office of the Prime Minister and Council of Ministers</li> <li>• Finance Ministry</li> <li>• NHRC</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Budget allocated for strengthening NHRC.</li> <li>• Number of laws and provisions reviewed, amended and enacted for the independence and strengthening of NHRC</li> <li>• Formulation of Basic Operating Guidelines (BOG) for NHRC</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate resources</li> <li>• May not be prioritized</li> <li>• Remain passive to the change</li> </ul>
2.	Strengthen National Women’s Commission (NWC) for the protection and promotion of women rights.	<ul style="list-style-type: none"> <li>• Implement the program to strengthen the NWC.</li> </ul>	<ul style="list-style-type: none"> <li>• Finance Ministry</li> <li>• Ministry of Women, Children and Social Welfare</li> <li>• National Women Commission (NWC)</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Budget allocated for NWC</li> <li>• Number of laws and provisions of NWC Act 2063 and NWC Regulations 2065 reviewed, amended and enacted</li> <li>• Formulation of Basic Operating Guidelines for NWC.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate resources</li> <li>• May not be prioritized</li> <li>• Remain passive to the change</li> </ul>

SN	Objective	Programs and activities	Implementing bodies	Duration for implementation	Indicators	Risk Factor
3.	Strengthen National Dalit Commission (NDC) for the promotion and protection of human rights of Dalits.	<ul style="list-style-type: none"> <li>• Implement the program to make NDC well-equipped and strong.</li> </ul>	<ul style="list-style-type: none"> <li>• Finance ministry</li> <li>• Ministry of Local Development</li> <li>• NDC</li> <li>• Donors</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Number of laws and provisions reviewed, amended and enacted for the independence and strengthening of NDC</li> <li>• Budget allocated for NDC</li> <li>• Formulation of Basic Operating Guidelines (BOG) for NDC</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate resources</li> <li>• May not be prioritized</li> <li>• Remain passive to the change.</li> </ul>
4.	Formulate and implement the policy that promotes the view of different Government agencies towards human rights.	<ul style="list-style-type: none"> <li>• Strengthen the capacity of following human rights units by making them well-equipped: <ul style="list-style-type: none"> <li>➤ Human rights division and unit of Nepal Army;</li> <li>➤ Human rights division and unit of Nepal police;</li> <li>➤ Human rights division and unit of Armed Police Force;</li> <li>➤ Human rights cell of Home Ministry;</li> <li>➤ International law, treaties and human rights division of Ministry of Law and Justice;</li> <li>➤ United Nations and International law section of Foreign Ministry</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Finance Ministry</li> <li>• Home Ministry</li> <li>• Defense Ministry</li> <li>• Nepal Army headquarters</li> <li>• Nepal Police headquarters</li> <li>• Armed police force headquarters</li> <li>• Ministry of Law and Justice</li> <li>• Foreign Ministry</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Number of training and awareness-raising programs undertaken for mainstreaming human rights in Governmental programs and agencies;</li> <li>• Formulation of Basic operating guidelines for mainstreaming human rights in Governmental programs and agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate resources</li> <li>• May not be prioritized</li> <li>• Remain passive to the change</li> </ul>

SN	Objective	Programs and activities	Implementing bodies	Duration for implementation	Indicators	Risk Factor
5.	Prioritize, strengthen and mainstream human rights in the Government decision-making process	<ul style="list-style-type: none"> <li>• Make reforms in the physical situation of the Division.</li> <li>• Make reforms in the financial situation of the Division.</li> <li>• Provide national and international trainings on human rights for all the employees of the Division.</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister and Council of Ministers.</li> </ul>	Continuously from the first year (long-term)	<ul style="list-style-type: none"> <li>• Allocated budget,</li> <li>• Number of trainings,</li> <li>• Number of trained manpower,</li> <li>• Number of programs conducted,</li> <li>• Formulation of Basic Operating Guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of adequate resources</li> <li>• May not be prioritized</li> <li>• Difficulty in coordination.</li> </ul>



## **Part - 3**

### **Chapter - 1**

#### **3.1.1 Implementation and Monitoring of International Human Rights Treaties**

##### **3.1.1.1 Ratification and Implementation of the International Human Rights Treaties:**

Nepal shall implement the recommendations of the United Nations' Treaty Monitoring Bodies. For this purpose, the Government of Nepal shall review the remarks of those bodies and the decisions taken on that regard shall be implemented.

Close collaboration with the UN agencies and their Representatives in Nepal shall be continued in order to obtain necessary assistance to implement programs and projects for the protection and promotion of human rights.

The Non-Governmental Organizations working in the field of human rights shall be encouraged to collaborate with each other as well as with the international non-governmental organizations and altruistic organizations.

Assistance shall be provided for the United Nations' activities carried out in South Asian region. Nepal shall assist in establishing regional law and institutional structure regarding human rights.

A list of international human rights treaties yet to be ratified by Nepal shall be prepared ratification of those treaties shall be a matter of serious scrutiny.

##### **3.1.1.2 Implementation of the International Human Rights Treaties to which Nepal is a party:**

All the obligations created by the international human rights treaties and treaties in draft form shall be reviewed with the domestic laws. The Government of Nepal shall carry out an evaluation on what needs to be done to ensure that the ministries, agencies and local bodies will implement the provisions in the treaties.

A list of the jurisdiction and activities as per obligation under the international treaties, of every ministry, agency and local administrative organization of the government of Nepal shall be prepared. The Ministry of Law and Justice shall prepare and submit an annual report to the government on the same.

Ministries and relevant governmental agencies shall be responsible to review and implement the international treaties and to prepare a remark on their implementation status.

Following the ratification and/or accession of international human rights, conventions/treaties, they shall be officially translated into Nepali language and published for public use. A boll containing interpretations of the treaties, with support from government and non-government organizations will be published.

The international human rights law shall be included in the professional training curriculum of the civil servants and mainly Police, Nepali Army, judicial and other law enforcement agencies.

Complaint procedures for an individual or group to file cases of human rights violations seeking remedies in public institutions, National Human Rights Commission and Court shall be wide disseminated for public knowledge. Provisions of the international human rights, treaties to which Nepal is state party to, shall be included as the basis of the complaint.

The organizations with foreign investment or semi-government organizations or units shall be, as the national agencies, equally accountable to human rights obligations and procedure.

Capacity of National Human Rights Commission (who look into the complaints lodged by individuals on human rights violations) shall be strengthened. NHRC shall be authorized to hear the complaints on the violation of human rights treaties to which Nepal is a state party to.

### **3.1.1.3 Monitoring, Review and Evaluation of the implementation of human rights laws and international treaties**

Following actions shall be taken to implement the obligations accepted by Nepal under the international treaties on human rights (eg. Codes, Conventions, Protocols etc).

An inter-ministerial unit shall be established with the responsibility of preparing reports Nepal needs to submit under the international treaties on time. Such a unit shall include the representatives from all relevant governmental agencies. In addition, necessary provisions shall be made so that the non-governmental organizations, NHRC and distinguished personalities of this sector provide suggestions to the unit. Office of the Prime Minister and Council of Ministers, Ministry of Foreign Affairs and Ministry of Law and Justice shall work jointly for this purpose.

The National Human Rights Commission shall evaluate the implementation status of all international treaties presented by the concerned ministries.

The Human Rights Committee of Legislative Parliament shall review and evaluate the status of human rights protection and promotion. The government of Nepal shall implement the suggestions given by the Committee.

The brief structures of the procedures and precedents of the courts of all level concerned with the hearing of complaint regarding violations of human rights guaranteed by international treaties as well as domestic laws shall be integrated. A manual shall be developed for the judges on the basis of such information.

Prior to submitting the report to the UN treaty monitoring body, the draft prepared by OPM and inter-ministerial unit would be revised based on information received by non government organizations and interested individuals.

### **3.1.1.3 Monitoring, Review and Evaluation of the implementation of laws and international treaties on human rights:**

The National Human Rights Commission shall play important role in independent monitoring of implementation of the National Human Rights Action Plan. In addition to this role, National Human Rights Commission is authorized by Constitution and Act, for the effective implementation of rights provided in the Constitution and other prevailing laws, and for the protection and promotion of human rights. The Government of Nepal shall provide the National Human Rights Commission with necessary statistics and information for supervision and monitoring.

The commission can inquire and investigate on a) human rights violation, abuse and discouragement b) negligence by any individual, organization or agency in preventing human rights violation. The Commission has the authority to : visit, inspect, observe any agency, prison or any

organization under the government; give necessary advice to the Government of Nepal for taking steps to protect human rights; to review the provisions on protection given in the Constitution and other prevailing laws regarding the human rights, and to give necessary recommendation for the effective implementation of such provisions; to give necessary and appropriate suggestion for the effective implementation of relevant provisions after studying the international treaties, agreements, and documents related to human rights; to review the existing situation of human rights in the country; and to give necessary advice to the Government of Nepal regarding reports to be sent by Nepal as per provisions in the international treaties, agreements related to human rights.

Regarding obligation of the Government of Nepal to send the reports as per international treaties, agreements on human rights, the government will take the Commission's advise .

The National Human Rights Commission shall have the authority to independently monitor implementation of National Human Rights Action Plan.

## Chapter -2

### 3.2.2. Implementation, Monitoring and Financial Provisions

#### 3.2.2.1 Background:

Government of Nepal is committed to planning and implementation of the Human Rights National Action Plan together with the three-year plan. Government of Nepal shall strengthen the laws of the Office of the Prime Minister and Council of Ministers and the Human Rights Directorate for coordination among different ministries, departments and other government areas; and for ensuring monitoring as well as overseeing of the day to day activities. The objective of strengthening the main directorate for coordination, under the office of the Prime Minister and the Council of Ministers, is to ensure monitoring and necessary work to be executed by various ministries.

On behalf of the Government of Nepal, the Law and Human Rights Directorate of the Office of the Prime Minister and Council of Ministers shall monitor the implementation aspect of the Action plan together with the National Planning Commission, National Human Rights Commission, local agencies and non-government organizations. Its activities will be closely related with the three-year plan and other human development plan. The directorate shall recommend review of the action plan as per need, jointly with the concerned ministries and organizations.

As per standards reflected in the three - year plan, other plans of Government of Nepal, and the concept of economic and social development of Nepal, all concerned ministries, agencies and organizations shall include appropriate measures in their annual work-plan regarding the human rights National Action Plan. The concerned ministries shall implement the Action Plan as per instructions from the National Action Plan Implementation and Monitoring Committee. The concerned ministries shall present the Quarterly, Half Yearly and Annual Progress Reports regarding this to the Committee in the format given by the Committee.

The Law and Human Rights Directorate of the Office of the Prime Minister and the Council of Ministers shall summarize the implementation of the National Human Rights Action Plan and its outcomes, remaining within the area of authority of each ministry of Government of Nepal.

All local agencies shall include in their annual work plan programs for the protection and promotion of human rights, implement them and present the reports regarding them to the Government of Nepal.

The Law and Human Rights Directorate of the Office of the Prime Minister and the Council of Ministers will have the authority to give advice to the concerned ministries to include or reflect extremely important work during the course of implementation of national concept of economic and social development of Nepal. In addition, the Directorate will also have the authority to monitor and review the implementation aspect of the program and to propose revision of the action plan.

Human Rights National Action Plan has been founded on the principles of right based concept. The right based concept emphasizes the importance of both the process and the product in the development strategy. Accordingly, Human Rights National Action Plan too has been drafted in a very participatory manner, and it reflects the concerns of wider sector including that of the deprived groups. Presently the challenge to the Government of Nepal is to promote the right based concept in

the implementation process. It shows respect to many principles, especially participation, equality, end of discrimination, transparency and accountability.

#### **3.2.2.2 Law and Human Rights Directorate in the Office of the Prime Minister:**

The Office of the Prime Minister and the Council of Ministers is the supreme body of the Government of Nepal and it has the authority to coordinate, supervise and control all other government agencies. The Law and Human Rights Directorate of the Office of the Prime Minister and Council of Ministers shall be strengthened to coordinate regarding human rights and to ensure effective monitoring of implementation aspect of National Human Rights Action Plan. The Chief Secretary and the Secretary related to the section shall give directions and guidance to the Directorate for effective implementation of the Human Rights National Action Plan.

#### **3.2.2.3 Role of the National Human Rights Commission:**

The National Human Rights Commission shall play important role in independent monitoring of implementation aspect of the Human Rights National Action Plan. In addition to this role, the constitution and the Act have authorized the National Human Rights Commission for the effective implementation of rights endowed by the constitution and other prevailing laws, and for the protection and promotion of human rights. The Government of Nepal shall provide the National Human Rights Commission with necessary statistics and information for supervision and monitoring.

The commission can inquire and investigate - a) human rights violation, abuse and discouragement, and b) negligence by any individual, organization or agency in preventing human rights violation. The commission has the authority to visit, inspect, observe any agency, prison or any organization under the government and to give necessary advice to the Government of Nepal for taking steps to protect human rights; to review the provisions on protection given in the constitution and other prevailing laws regarding the practice of human rights, and to give necessary recommendation for the effective implementation of such provisions; to give necessary and appropriate suggestion for the effective implementation of relevant provisions after studying the international treaties, agreements, and documents related to human rights; to review the existing situation of human rights in the country; and to give necessary advice to the Government of Nepal regarding reports to be sent by Nepal as per provisions in the international treaties, agreements related to human rights.

Regarding obligation of the Government of Nepal to send the reports as per international treaties, agreements on human rights, the reports shall be sent after taking advice from the Commission.

The National Human Rights Commission shall have the authority to independent monitoring of implementation aspect of Human Rights National Action Plan.

#### **3.2.2.4 Role of the National Planning Commission:**

National Planning Commission is the agency responsible for all the development plans and budget in Nepal. Its role is to promote right based concept in the up-coming plans and budgets. In addition to this, the commission shall evaluate the execution of work in the process of implementation of plans and projects of various government agencies; and also evaluate the implementation aspect of the Human Rights National Action Plan. The National Planning Commission shall also evaluate the implementation of Human Rights under the three-year plan.

### **3.2.2.5 Role of the Ministry of Finance:**

The ministry of Finance has the lead role in the approval of national plans and in the provision of necessary budget from the national fund for the implementation of those plans. Similarly, the ministry of Finance also plays important role in the approval of human rights related plans proposed by the relevant ministries for the implementation of Human Rights National Action Plan, and to allocate budget for the implementation of such plans. The ministry of Finance shall work in coordination with Office of the Prime Minister and Council of Ministers and the National Planning Commission for the effective implementation of Human Rights National Action Plan.

### **3.2.2.6 Role of Donor Agencies:**

Cooperation and support is anticipated from donor agencies for the implementation of Human Rights National Action Plan by the Office of the Prime Minister and Council of Ministers.

### **3.2.2.7 Human Rights National Action plan Implementation and monitoring Committee:**

In order to ensure participation, non-discrimination, total transparency and responsible mechanism for the implementation of Human Rights National Action Plan, Human Rights National Action plan Implementation and Monitoring Committee has been established in the chairpersonship of the Chief Secretary of the Government of Nepal. Functions of giving instructions to the Law and Human Rights Directorate and the focal points of different ministries working on the implementation of the Action Plan; final identification of activities to be conducted in the implementation process of Human Rights National Action Plan; reviewing the dynamic process and giving approval; engaging in consultations regarding human rights related policies of Government of Nepal; and reviewing situation of human rights fall under the responsibility of this Committee.

For ensuring transparency, all the records of approvals by the Committee will be available publically. Human Rights National Action plan Implementation and monitoring Committee will consist of members as follow:

1. Chief Secretary, Office of the Prime Minister and Council of Ministers	Chairperson
2. Secretary, Office of the Prime Minister and Council of Ministers	Member
3. Secretary, Local Development Ministry	Member
4. Secretary, Women, Children and Social Welfare Ministry	Member
5. Secretary, Law and Justice Ministry	Member
6. Secretary, Education Ministry	Member
7. Secretary, Culture Ministry	Member
8. Secretary, Home Ministry	Member
9. Secretary, Defense Ministry	Member
10 Secretary, Environment Ministry	Member
11 Secretary, Labor and Transport Management Ministry	Member
12 Secretary, Health and Population Ministry	Member
13 Secretary, Peace and Reconstruction Ministry	Member

14 Secretary, Finance Ministry	Member
15 Secretary, National Planning Commission	Member
16 Secretary, National Human Rights Commission	Member
17 Head of the Law and Human Rights Directorate of the Office of the Prime Minister and Council of Ministers	Member Secretary

Secretaries of other relevant ministries and chairpersons of various commissions may be invited to the meeting of the Committee as per requirement.

The meeting of the committee shall take place at least once in every three months as per need. The Law and Human Rights Directorate of the Office of the Prime Minister and Council of Ministers shall function as the secretariat of the Committee.

### **3.2.2.8 Financial provision for the Implementation of Human Rights National Plan:**

Financial provisions for the Human Rights National Action Plan will be managed from the following resources:

- 1) Amount received from the national and local budget;
- 2) Financial support received from the United Nations, other international organizations, and donor countries;
- 3) Grants and donations received from non- government organizations, business institutions and private sectors

**Part – 4**  
**Chapter-1**

**4.1.1 Human Rights in the Three-Year Interim Plan**

**4.1.1 Background:**

Humans are sensible and political beings. Human beings require some fundamental rights in order to live as human beings. These rights necessary for human beings to live as human beings are known as human rights. These rights are related to life, freedom, equality, honor and dignity of a person. There would be no difference in the life of an animal and that of a person in the absence of these rights. Therefore, human rights are essential to distinguish human beings from other animals and enabling human beings to live as humans in its true sense. These rights are inherent, universal, indivisible, obligatory and natural rights and related to human values and dignity. Universality, inalienability, indivisibility, interrelatedness, non-discrimination, and equality are fundamental principles of human rights. International endeavors started in respecting, protecting and promoting of human rights after the establishment of United Nations in 1945. Dozens of documents have been issued in this regard from the United Nations. Similarly, treaties, conventions and declarations have been issued at the regional level too. Nepal has been continuously expressing its international commitment to respect, protect and promote human rights since it became the member of the United Nations. In this context, Nepal has become the party state by ratifying and acceding to many instruments including the Principle Bill of Human Rights and Six Core Conventions. Being a party state to these instruments, Nepal has always been striving and sensitive about its obligations to avail the provisions of these instruments to its citizens. In this connection, Nepal has also been building strong organizational, policy-based, legal structure. This plan will be focused on fulfilling responsibility created through the commitments expressed in the area of human rights before the international world, and establishing a society based on equality and justice by developing a culture of human rights in the nation through equal respect, protection and promotion of human rights of citizens of all castes, race, language, religion, color, community, sex and region.

**4.1.2 Review of Present Situation:**

In accordance with the policy of conducting development programs by linking them with the human rights related programs, separate policy and programs related to the women, children, physically challenged, and senior citizens, including separate policy and plans related to human rights, were incorporated for the first time in the tenth five-year plan. As per provisions in the 1990 Constitution of Nepal on fundamental human rights and those in the international agreement to which Nepal is a party state, the Tenth Plan had its goals set to ensure aspects of human rights in practice and facilitate in the work of poverty alleviation by linking with human rights related programs with development programs while remaining within the periphery of limited resources; however, apart from its implementations not being proper, it is not hidden from us that the civilians have suffered due to further increase in the incidents of human rights violations. A separate policy related to protection and promotion of human rights was incorporated in the Three-year Interim Plan. In the context of the fundamental rights of the people having been guaranteed by the Constitution of Nepal BS 2047, and a number of commitments expressed by the state at the international level, in the Three-year Interim Plan human rights was coordinated with the regional development. Being an active member state of the United Nations, the plan had adopted a long term view to building an inclusive, fair, and prosperous nation based on the culture of human rights, while implementing and promoting in practice the commitments expressed as a party state to various human rights related international



documents. For this purpose, endeavors were made to ensure in practice the fundamental rights endowed by the constitution and the provisions made in the human rights related international documents to which Nepal is a party; conduct human rights related programs by linking them with development programs; develop a culture of human rights; institutional strengthening of the justice system; including implementation of National Action Plan related to human rights and implementation of Millennium Development Goals by linking them with regional plans. With the participation of stakeholders sector-wise national action plans related to education, health, women empowerment, human trafficking, protection and development of children, disability, senior citizen, gender based violence have been planned and they are also being implemented. In addition to this, work has been done in the sector of protection and promotion of human rights by the National Human Rights Commission, National Women Commission, National Dalit Commission, and National Foundation for Development of Indigenous Nationalities. However, it is found that the culture of human rights to work on the basis of universal values, norms, and ideal by various agencies of the state and the officers working there has not developed yet. The number of incidents of human rights violations has not decreased; and there are voices heard that there is further increase in impunity. Therefore, in the context ensuring the fundamental rights bestowed by the constitution and the international commitments expressed by the state, there is need for the government to work in a more sensitive way.

#### **4.1.3 Problems, challenges and Opportunities:**

##### **a) Problem:**

After the success of the second people's movement, the country is in the stage of giving shape to the new constitution and the peace process. Presently, at a time when the country is going through transition, there has not been policy based stability in political, economic, social or any important sector of the nation. There is massive increase in the incidents of human rights violations; and impunity has not decreased. Various agencies of the state and the officers working there have not developed the culture of human rights to work on the basis of universal values, norms, and ideals. There has not been any anticipated improvement in the peace and security situation. Institutionalization of poverty alleviation and social justice through economic, social development has not been achieved. Similarly, it has not been possible to reassure the minorities and the marginalized communities facing discrimination and injustice in the past of their protection, development, empowerment; and of participation of those communities in the management of the state. In addition, the anticipated success has not been achieved in providing treatment, compensation, search, relief by the state to the individuals and their families injured, killed, disappeared, or displaced during the course of armed conflict.

##### **b) Challenge:**

While addressing all these issues at the same time, and fulfilling the commitments created from the fundamental rights endowed by the constitution and human rights related international documents, the challenge before us is to establish a society based on justice and equality by institutionalizing the culture of respecting, protecting and promoting human rights.

##### **c) Opportunity:**

After the second people's movement, the citizens of all the races, castes, religions, languages, color, sex and sectors have become aware of and attentive to the protection and promotion of their fundamental human rights. Human rights have become the main topic of debates and discussions in the government and non-government sectors. Nepal has become a party state to many document related to the human rights, including the Principle Bill of Human Rights and the Six Core Conventions. In the capacity of being a party state to these documents, Nepal is seen to be endeavoring and attentive towards implementing within the country the provisions in those documents. Nepal has been working in this connection by preparing a strong institutional, policy based, legal structure at the national level. In the non-government sector too, organizations working in the interest of human rights, doing monitoring, studying, investigating, recording, and bringing incidents of human rights violations to light, have been growing quantitatively and qualitatively. Right based approach has started getting importance in the national policies, plans, laws and programs. Initiation has also been taken in implementation issues of human rights by linking them to the development process. This has made the concerned individuals positive and enthusiastic. Therefore, there is need for the state to be more organized and coordinated, and to work actively for respecting, protecting and promoting human rights, making good use of the opportunity.

#### **4.1.1.4 Long Term Thinking:**

Create a human rights culture-based inclusive, fair, and affluent nation, in the capacity of an active member of United Nations, by ensuring in practice the commitments expressed by Nepal in the human rights related documents, and the fundamental rights delegated by the constitution,

#### **4.1.1.5 Objectives:**

- To end all the economic and social discriminations, and to ensure in practice all the national, international commitments expressed by the state.
- To draft and implement programs for protection, development, empowerment of the economically, socially and educationally disadvantaged groups and communities.
- To control incidents of human rights violations and to develop a rich culture of human rights.

#### **4.1.1.6 Strategies**

- To include the issues of human rights in the development policy, plans, and program of all the sectors.
- To conduct special programs for the target groups.
- To strengthen institutionally all the government and non government organizations working in the area of human rights and to enhance their capacity and impact
- To develop a culture of respecting human rights by the officers of the public offices through human rights education and good governance.

#### **4.1.1.7 Policies and Working Polices**

- The fundamental rights conferred by the constitution and the commitments expressed through a number of international documents shall be implemented by revising the provisions in the prevailing law and making new laws as per requirement.

- The drafting, implementing, monitoring and evaluating of the policies, plans and programs of regional development shall be conducted by linking them with the subject of human rights.
- In order to make the Human Rights National Action Plan relevant with time, requisite programs shall be finalized and effectively implemented.
- All types of discrimination, untouchability, exploitation, violence and ill-treatment shall be put to an end and programs shall be conducted to protect and promote political, economic, social and cultural rights of all the citizens.
- Special emphasis shall be given to the protection, development and empowerment of the minorities and the marginalized, and their participation in the state mechanism shall be ensured.
- Impunity and corruption shall be put to an end, and policy shall be adopted to realize the concept of rule of law.
- Necessary programs shall be drafted and effectively executed in order to solve the problems pertaining to those individuals and families who were injured, killed, or displaced in the course of the armed conflict.
- Human rights related education shall be provided through formal and non-formal education.
- Programs shall be drafted and implemented in order to encourage the public media to create and broadcast programs related to human rights.
- Programs shall be conducted by the state to encourage individuals and organizations making important contributions to protection and promotion of human rights.
- Provisions shall be made to make it obligatory that the subject of human rights is included in the institutional training and other trainings provided to the security personnel.
- Necessary arrangement shall be made to develop the prisons as correction homes and to guarantee the human rights of the prisoners and the detainees.
- The services provided by the state shall be extended further and rights of the citizens to get quick and quality service shall be ensured.
- Capacity, efficiency and impact of government and non-government organizations related to human rights shall be enhanced.