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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on extreme poverty and human rights on his visit to Nepal

Comments by the State*

* The present document is being issued without formal editing.



Comments on Report of the Special Rapporteur on extreme poverty and human rights on his visit to Nepal

1. The report is comprehensive and has highlighted on the initiatives taken by the Government of Nepal to fight with poverty with its legal, policy and institutional measures. It has identified the gaps and challenges in overall poverty situation, measures adopted and in sectoral aspects. Further, the report has recommended for legal, policy, institutional and programmatic reforms to reduce poverty in Nepal, which is highly appreciative. However, facts, data and factual errors need to be checked and the referral to authentic source of Data need to be mentioned.

In addition, we appreciate if the Special Rapporteur would consider following comments in the report:

(a) In para 2- mention (Banke) after Nepalgunj as Nepalgunj is not a district, Banke is a district.

(b) In para 16-cannot agree that when the Special Rapporteur inquired about the Government's job creation strategy for the upcoming years, the Government referred to foreign employment and remittances only, suggesting a misguided prioritization of encouraging outmigration as a solution to unemployment, rather than strengthening decent job-creating sectors at home. While National Planning Commission never referred to outbound migration as job creation strategy, Ministry of Labor, Employment and Social security did accept the outbound migration as short-term compulsion emphasizing the need to send skilled and semi-skilled workers and expressed long-term strategy to create job opportunities at home.

(c) In para 20- cannot agree that legislation implementing the fundamental rights of the Constitution were rushed through the parliamentary process, often with no or limited consultation. It has to be understood that there was Constitutional due date to draft the laws for implementing the fundamental rights. Despite the time constraint, consultations were held at several rounds and there is legal provisions for amending the laws.

(d) In para 21- contrary to the information mentioned that the legislative process lacks a mechanism to ensure that bills presented for adoption are screened for compatibility with the fundamental rights stipulated in the Constitution or in international human rights treaties ratified by Nepal, an elaborate mechanism is in place that screens all bill to align them with constitutional provisions and international obligations of Nepal.

(e) In para 30 and 38 –consider that without land certificate, with other documents number of public services can be obtained. It is also to be reminded that land ownership document has minimal to no effect on obtaining citizenship certificate as the latter is obtained via vital event registration and legal status of parents.

(f) In para 31- consider this – the person or family having no ownership over any land can also get a loan from the bank in collateral of gold, silver or various schemes operated by the government. Again, there are provisions to have loans without any collateral under the Procedure of Loan for the Poor. There is a scheme for providing up to 2 hundred thousand rupees loan to the small business and youth employment without any collateral and this is being implemented.

(g) In para 34- consider the data with the Ministry of Land Management, Cooperative and Poverty Alleviation-about 1.4 million family are landless and settling in an unmanaged manner. It shows that only about 25% families are deprived of land ownership. At present, the Land Commission has been formed and is working to address and resolve this problem.

(h) In para 35- remove the word " theoretically" in the first line. Revise the first para in line with- if land is acquired for the public purpose, the reasonable compensation is provided to the owner under the Land Acquisition Act, 1977.

(i) In para 40- cannot agree and there is no basis to agree with the statement – about 65% of ancestral lands formerly owned by indigenous peoples has been replaced with national parks and reserves.

(j) In para 53- cannot agree that urgency of guaranteeing women's rights remains vastly under-estimated. Along with Constitution of nation and many landmark laws that exclusively deal with rights of women, government of Nepal understands, internalizes and is committed to guarantee women's rights. In certain strata deep-seated cultural and societal biasness may hinder effective translation of legal and other programs into action, but it cannot be subjected to "under-estimated" by the government officials. Moreover, Nepal has effectively internalized CEDAW in its entire legal, policy and institutional regimes and has been submitting timely reports.

(k) In para 64- cannot agree with "while Nepal is commended for its cooperation with UNHCR in ensuring the resettlement of refugees from Tibet and Bhutan, refugees still do not enjoy the range of social rights to which they are entitled under international law". Despite not being state party to the Convention of refugees on the status of Refugees and capacity constraint, Nepal is one of the few countries providing many social services to refugees.

(l) In para 77- mention about delayed charge pursuant to the Vital Event Registration Law.
