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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Visit to Nepal****Report of the Special Rapporteur on minority issues, Nicolas Levrat^{*}, ^{**}***Summary*

In the present report, the Special Rapporteur on minority issues, Nicolas Levrat, provides an overview of his official visit to Nepal, which was conducted at the invitation of the Government, from 4 to 13 December 2025, to evaluate the situation of minorities in the country.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

** The present report was submitted to the conference services for processing after the deadline as a result of consultations with the State.



Annex

Report of the Special Rapporteur on minority issues, Nicolas Levrat, on his visit to Nepal

I. Introduction

1. At the invitation of the Government of Nepal, the Special Rapporteur on minority issues, Nicolas Levrat, conducted a country visit from 4 to 13 December 2025, to evaluate the overall situation of minorities in the country by examining the legislation, policies and practices for the implementation of the country's international human rights obligations concerning persons belonging to minorities. Originally scheduled to take place in October 2025, the Special Rapporteur postponed the country visit to December 2025, following the protests of 8 and 9 September 2025.

2. The Special Rapporteur visited Kathmandu, Janakpur in Madesh Province and Surkhet in Karnali Province. In addition to the United Nations resident coordinator and other members of the United Nations country team, in Kathmandu, he met with officials of the Office of Prime Minister and Council of Ministers, the Ministry of Foreign Affairs, the Ministry of Education, Science and Technology, the Ministry of Law, Justice and Parliamentary Affairs, the Ministry of Women, Children and Senior Citizens, the Ministry of Home Affairs, the national human rights institutions, including the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission; the Office of the Attorney General and the Human Rights Division of the Nepal Police. In Janakpur, the Special Rapporteur met with the Chief Attorney of Madhesh Province and representatives of the Women, Children and Social Justice Committee, the Ministry of Health and Population, the Ministry of Education and Culture, the Ministry of Sports and Social Welfare, the Ministry of Energy, Irrigation and Water Supplies and the Dalit Development Committee. In Surkhet, the Special Rapporteur met with the Chief Minister of Karnali Province and representatives of the Ministry of Social Development, the Ministry of Physical Infrastructure and Urban Development, the Office of the Chief Attorney and the Social Development Committee of the Provincial Assembly Committee of Karnali Province. He deeply laments that it was not possible to arrange meetings with the National Statistics Office, the Ministry of Federal Affairs and General Administration and the Election Commission, which each play relevant roles as regards minority issues.

3. He also met with over 200 civil society actors, including faith leaders, lawyers, Dalit women, women facing intra-minority discrimination, persons with disabilities from Dalit and minority communities, Generation Z students of a Dalit or minority background, Dalit victims of caste-based discrimination and violence and lesbian, gay, bisexual, transgender, queer and intersex community members who are Dalits or belong to minority groups. Of course, in a society as uniquely diverse as Nepal, it was not possible to meet with representatives from all the 142 distinct castes and ethnicities or from all the 124 linguistic groups that are officially recorded in the 2021 National Population and Housing Census.¹

4. The Special Rapporteur also received written submissions,² both in advance and during his visit, from civil society organizations. He is deeply grateful to all those who sent in a submission and to all those who participated in online consultations ahead of the country visit.

5. The Special Rapporteur is appreciative of everyone with whom he met for their willingness to engage in an open dialogue to better understand and assess the human rights

¹ See https://censusnepal.cbs.gov.np/results/files/result-folder/Caste%20Ethnicity_report_NPHC_2021.pdf.

² The Special Rapporteur on minority issues issued a call for input in advance of the country visit to Nepal. See www.ohchr.org/en/calls-for-input/2025/call-input-upcoming-country-visit-nepal.

situation of minorities and Dalits in Nepal. He sincerely extends his gratitude to the interim Government of Nepal for the support and the invaluable cooperation of the Permanent Mission of Nepal to the United Nations Office and other international organizations in Geneva and the Ministry of Foreign Affairs. He appreciates the full cooperation extended to him in fulfilment of his mandate prior to, during and after his visit. He expresses his gratitude to the United Nations Resident Coordinator in Nepal, Office of the Resident Coordinator and the United Nations country team, as well as the interpreters and drivers, for the helpful logistical support. He also expresses his gratitude to the interns from the University of Geneva who supported the preparation of the country visit.³

II. Objectives of the visit

6. The objectives of the visit were to identify, in a spirit of cooperation and constructive dialogue, good practices and to address existing gaps and challenges in the promotion and protection of the human rights of persons belonging to national or ethnic, religious and linguistic minority groups in Nepal, in conformity with the mandate of the Special Rapporteur on minority issues.

7. The mission's overall purpose was to identify ways of improving the effective implementation of international obligations in relation to the human rights of minorities through a close review of existing legislation, policies and practices for the protection and promotion of the rights of minorities.

III. General context

8. Nepal is a landlocked country in the Himalayas in South Asia, bordered by India and China. Nepal was never colonized by any power and was unified as the Kingdom of Nepal in 1768. During the Rana dynasty, from 1846 to 1951, Nepal was largely isolated from the rest of the world, which helped it to retain its sovereignty, but delayed its economic development.⁴ In the 1990s, following the 1990 People's Movement, Nepal transitioned from being an absolute monarchy to a constitutional monarchy, as a violent conflict erupted between the Government and Maoist insurgents, leading to an armed struggle.⁵ The war was driven by grievances of poverty, inequality and discrimination against marginalized communities.⁶ Nepal abolished its monarchy in 2008 and was declared a federal democratic republic, with seven provinces: Bagmati, Gandaki, Karnali, Koshi, Lumbini, Madhesh and Sudurpashchim. Until Nepal was declared a secular State in 2006, the country was officially described as a Hindu kingdom. Its current constitution was adopted in 2015.

9. Most of the population of approximately 30 million people is engaged in agriculture. The agricultural sector remains vulnerable to the effects of climate change.⁷ There is a steady flow of migration from Nepal, largely driven by the lack of domestic job opportunities. The major destinations for Nepali migrations are India, Malaysia, Qatar and Saudi Arabia.⁸ Remittances from migrant workers serve as an important part of Nepal's economy, accounting for around a quarter of the gross domestic product of Nepal, according to the World Bank.⁹

10. On 8 September 2025, large-scale anti-corruption protests erupted in Kathmandu, mainly organized by Generation Z students, following a countrywide ban of several social

³ Special thanks to Nad D'Amico and Sinem Ertugrul.

⁴ Dipesh Kumar Ghimire, "Economic and social development under Rana regimes in Nepal: a historical analysis", *Patan Pragya*, vol. 13 No. 1. Available from www.nepjol.info/index.php/pragya/article/view/71178.

⁵ See <https://un.info.np/Net/NeoDocs/View/6204>.

⁶ See [A/HRC/16/23](https://www.un.org/en/development/desa/policy/2014/04/20140401_a_hrc_16_23.html).

⁷ See www.fao.org/in-action/scala/countries/nepal/en.

⁸ See www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-kathmandu/documents/genericdocument/wcms_837463.pdf.

⁹ See <https://documents1.worldbank.org/curated/en/099032125103030263/pdf/P179761430153ad672c441889c5ef3740c65113.pdf>.

media platforms. The protests, which spread beyond the Kathmandu valley, were fuelled by the frustration about the deteriorating youth unemployment crisis, nepotism, weak governance, the lack of economic opportunities and rising economic inequalities linked to corruption in Nepal.¹⁰ International human rights organizations report that security forces used disproportionate force against protestors, including the use of live ammunition, tear gas and water cannons.¹¹ It was reported that, according to the Ministry of Health and Population, at least 72 people were killed during the protests, while 2,113 people were injured.¹² From an analysis of the surnames of the 42 civilian victims who were named as martyrs by the Government,¹³ approximately 50 per cent of them had names suggesting a minority or Dalit background. At least two out of the three police officers who died had names suggesting a minority or Dalit background. Many public properties and government buildings were severely damaged, in Kathmandu and other areas of the country, including the Singha Durbar Palace, the Office of the Prime Minister and the Federal Parliament Building.¹⁴ Following the resignation of the Prime Minister, K.P. Sharma Oli, and the dissolution of parliament,¹⁵ an interim government led by the former Chief Justice, Sushila Karki, was established. She is the first woman to hold the position. Elections are planned for March 2026.¹⁶

IV. Ethnic, linguistic and religious minority communities

11. Nepal prides itself on being a diverse nation through its “multi-ethnic, multilingual, multireligious and multicultural characteristics”, as stated in its Constitution.¹⁷ Its demographic makeup is indeed rich and diverse, in ethnicity, religion and language. According to the 2015 Constitution, minorities are considered “ethnic, linguistic and religious groups whose population is less than the percentage specified by the federal law and include groups that have distinct ethnic, religious or linguistic characteristics and aspirations to protect such features and are subjected to discrimination and oppression”.¹⁸ According to the most recent official census, conducted in 2021, there are 142 different castes and ethnicities.¹⁹ Approximately one third of the population is Indigenous, according to the 2021 census, while, according to Minority Rights International, Indigenous organizations indicate that the number is closer to 50 per cent of the total population.²⁰ Indigenous ethnic groups, known as Janajatis, include Newars, Tharu, Magar, Tamang, Gurung, Rai and Limbu.²¹ Comprising 20 per cent of the total population, Madhesis are another ethnic and linguistic minority, which reside in the southern plains along with other minority groups.²²

12. While Nepali is the official language of Nepal and accounts as the mother tongue for 44.86 per cent of the population, according to the 2021 census, approximately 124 different

¹⁰ See <https://kathmandupost.com/national/2025/09/09/gen-z-protests-against-corruption-and-social-media-ban-spread-across-country>; and [A/HRC/WG.6/51/NPL/1](https://www.unhcr.org/refugees/61/41/add.1), para. 155.

¹¹ See www.amnesty.org/en/latest/news/2025/12/nepal-government-must-ensure-accountability-for-unlawful-killings-and-use-of-force-during-gen-z-protests/#:~:text=Widespread%20failings%20by%20Nepal's%20law,said%20in%20a%20new%20briefing; <https://www.hrw.org/news/2025/11/19/nepal-unlawful-use-of-force-during-gen-z-protest>.

¹² See www.reuters.com/world/asia-pacific/death-toll-nepals-anti-corruption-protests-raised-72-2025-09-14/.

¹³ See <https://kathmandupost.com/national/2025/11/04/45-who-died-in-gen-z-movement-declared-martyrs>.

¹⁴ See <https://kathmandupost.com/national/2025/09/10/historical-buildings-and-vital-national-records-destroyed>.

¹⁵ See www.bbc.com/news/articles/c0m4vjwrdwgo.

¹⁶ See <https://gadebate.un.org/en/80/nepal>.

¹⁷ Article 3. See https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov._npDate-72_11_16.pdf.

¹⁸ Article 306.

¹⁹ See https://censusnepal.cbs.gov.np/results/files/result-folder/Caste%20Ethnicity_report_NPHC_2021.pdf.

²⁰ See <https://minorityrights.org/country/nepal/>.

²¹ See <https://mondediplo.com/2025/11/nepal-box>.

²² *Ibid.*

languages are spoken as a mother tongue in Nepal.²³ They include Maithili (11.05 per cent), Bhojpuri (6.24 per cent), Tharu (5.88 per cent), Tamang (4.88 per cent), Bajjika (3.89 per cent), Avadhi (2.96 per cent), Nepalbhasa (Newar) (2.96 per cent), Magar Dhut (2.78 per cent), Doteli (1.7 per cent) and Urdu (1.42 per cent).²⁴

13. Most of the country practices Hinduism, namely around 81.19 per cent, according to the 2021 census.²⁵ Within the Hindu community, there are various groups, including the Hill Hindus (comprising Bahuns/Brahmins, Thakuris and Chettris) and the Terai Hindus (comprising Maithili, Bhojpuri and the Awadhi). Other religious communities include 2.39 million Buddhists (8.21 per cent), 1.48 million Muslims (5.09 per cent), 924,204 Kirats (3.17 per cent), 512,313 Christians (1.76 per cent), 102,048 Prakriti/nature worshippers (0.35 per cent), 67,223 Bon, 2,398 Jains, 537 Bahá'ís and 1,496 Sikhs.²⁶ The Brahmins and Chettris have historically dominated the country, politically and economically,²⁷ holding key positions in the public service, the judiciary and the army.²⁸ The elite in Nepal, comprising so-called higher caste groups (Brahmins, Chettris, Thakuri and the Sanyasi (Dashnami) community), are collectively referred to as Khas Arya.²⁹

V. Legal and institutional framework

A. International framework

14. The Special Rapporteur commends the Government of Nepal for its committed engagement with the United Nations human rights mechanisms, its ratification of many treaties, its reporting to human rights treaty bodies and the universal periodic review mechanism and its active engagement with the special procedures of the Human Rights Council.

15. Positively, Nepal has ratified seven out of the nine core human rights treaties.³⁰ Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the inter-State communication procedure set out in article 11 thereof, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families remains pending.³¹ Ratification of the aforementioned instruments would be relevant to persons belonging to minorities. In addition, Nepal is not a State Party to the Convention relating to the Status of Refugees or the Protocol thereto, nor to the Rome Statute of the International Criminal Court.³²

16. Regrettably, Nepal does not have a standing invitation to receive country visits from special procedure mandate holders.³³ The last official country visit prior to the visit of the Special Rapporteur on minority issues was in 2021 by the Special Rapporteur on extreme poverty and human rights.³⁴ Nepal is expected to receive a country visit by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in early 2026. In terms of its engagement with communications sent by mandate holders, who have raised concerns about human rights violations particularly against minorities and

²³ See https://censusnepal.cbs.gov.np/results/files/result-folder/Caste%20Ethnicity_report_NPHC_2021.pdf.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ See <https://minorityrights.org/country/nepal/>.

²⁸ See <https://mondediplo.com/2025/11/nepal-box>.

²⁹ See the explanation of article 84 of the Constitution of Nepal, available at https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov._npDate-72_11_16.pdf.

³⁰ See https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN.

³¹ Ibid.

³² See <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=15106&file=EnglishTranslation>.

³³ See <https://spinternet.ohchr.org/StandingInvitations.aspx>.

³⁴ See [A/HRC/50/38/Add.2](https://www.ohchr.org/Document/Reports/A_HRC_50_38_Add.2).

Indigenous peoples, Nepal replied to only 11 of the 28 communications it received between 2020 and 2025, while not having provided any response since December 2023.³⁵ In the past five years, mandate holders have expressed concerns about the high number of custodial deaths of Dalits,³⁶ about the alleged arbitrary arrest, detention and prosecution of pastor Keshav Raj Acharya, a member of the Christian religious minority in Nepal,³⁷ about the reported lynching of a group of young Dalit men³⁸ and the arbitrary killings, torture and custodial deaths of minorities, including the Madhesi and the Muslim minority communities, as well as Dalits.³⁹

B. National framework

1. Constitutional framework

17. Although there are areas for improvement, the legal framework of Nepal is exemplary on many levels. The 2015 Constitution contains several human rights provisions with specific relevance for minorities. For example, the Constitution guarantees the right to equality and prohibits discrimination on the basis of “origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds” (art. 18). It is the first constitution in the country’s history to recognize Dalit rights (art. 40), while establishing mechanisms that enable the proportional representation of Dalits across three layers of government, namely federal, provincial and local, as well as their right to social justice (art. 42).

18. In terms of freedom of religion and belief, the Constitution defines Nepal to be a “secular” State, while explaining that “secular” means “religious, cultural freedoms, including protection of religion, culture handed down from the time immemorial” (art. 4 (1)). Article 26 of the Constitution states that “each person shall be free to profess, practice and preserve his religion according to his faith”. This article is in tension with article 26 (3), which states that to “convert another person from one religion to another or any act or conduct that may jeopardize other’s religion is punishable by law”.

19. According to the Constitution, all languages spoken as a mother tongue in Nepal are the languages of the nation. While Nepali is the official language of Nepal, a province may, by provincial law, determine one or more languages of the nation spoken by most people within the province as its official language(s), in addition to the Nepali language. The Language Commission may decide other matters in relation to languages (arts. 6, 7 and 287 (6)). In addition, the Constitution guarantees that every person and community has the right to use their language, while every Nepalese community has the right to preserve and promote its language, script, culture, cultural civilization and heritage (art. 32).

2. Legislative and policy frameworks

20. The Caste-based Discrimination and Untouchability (Offence and Punishment) Act was enacted in 2011 and criminalizes caste-based discrimination in public and private spheres. As expressed in 2023 by the Committee on the Elimination of Racial Discrimination, the Act fails to prohibit discrimination based on colour or national or ethnic origin, while also failing to prohibit direct and indirect forms of discrimination.⁴⁰ Impunity for violations of the Act remains high due to a lack of adequate investigations and enforcement by Nepali police, including delays caused by the police or refusal by the police to file first information reports, the three-month limitation for filing a case, the lack of awareness by victims of the option to

³⁵ All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³⁶ See communication NPL 4/2024.

³⁷ See communication NPL 5/2022.

³⁸ See communication NPL 4/2021.

³⁹ See communication NPL 4/2020.

⁴⁰ See CERD/C/NPL/CO/17-23.

file cases and the lack of protection for victims and witnesses.⁴¹ The Special Rapporteur was also informed time and again that victims and witnesses were often encouraged by authorities and members of their community to not file or to drop a complaint in order to resolve matters informally. According to information from the Office of the Attorney General, between the fiscal years 2011/12 and 2023/24, 144 caste-based discrimination and untouchability cases were decided by district courts, of which only 81 led to convictions, while 63 resulted in acquittals. Similarly, out of 67 cases decided by high courts during the same time period, 17 resulted in convictions, with 50 acquittals. At the Supreme Court level, only seven cases have been adjudicated, with four convictions and three acquittals.

21. The Special Rapporteur echoes the concerns expressed by the Committee on the Elimination of Discrimination against Women concerning the absence of comprehensive anti-discrimination legislation that could protect minorities and other disadvantaged and marginalized groups facing intersecting forms of discrimination.⁴² The Special Rapporteur would welcome comprehensive anti-discrimination legislation⁴³ protecting ethnic, religious and linguistic minorities, including those affected by forms of intersectional discrimination, such as Dalit women, the Tharu community, the Badi community, minorities belonging to the lesbian, gay, bisexual, transgender, queer and intersex communities, Dalits and minorities with disabilities, Madhesi, Muslims and Christians. Such legislation would prohibit all forms of discrimination based on all grounds recognized in international law and cover all areas of life, including work, housing, healthcare, justice and political participation. Moreover, comprehensive anti-discrimination law would enhance access to justice for minorities and Dalits. For example, while the Caste-based Discrimination and Untouchability (Offence and Punishment) Act criminalizes caste-based discrimination, a comprehensive anti-discrimination law could provide civil remedies (including damages, injunctions and orders to change discriminatory practices) and would lower the evidentiary burdens needed in comparison with criminal prosecution under the Act. In addition, a comprehensive anti-discrimination law would address structural or institutional discrimination against minorities and Dalits within school systems and in the delivery of public services, hiring practices and access to housing.

3. National human rights institutions

22. The National Human Rights Commission is a constitutional body (art. 248 (1)) and the country's national human rights institution accredited with A status by the Global Alliance of National Human Rights Institutions. The National Human Rights Commission Act (2012) describes the functions, duties, powers and procedures of the Commission.⁴⁴ In terms of its resources, the Commission reports that its funding appropriation needs to be increased in order for it to ensure the full implementation of its mandate, in alignment with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In this regard, the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions has recommended that, in addition to advocating for increased funding, the Commission should also engage with marginalized groups and communities, including in regional and remote areas, and address all complaints.⁴⁵

23. In addition to the National Human Rights Commission, and the already existing National Women Commission, the 2015 Constitution created the National Dalit Commission, the National Inclusion Commission, the Madhesi Commission, the Tharu Commission, the Muslim Commission and the Indigenous Nationalities Commission, with the mandates to

⁴¹ See <https://idsn.org/wp-content/uploads/2025/09/FINAL-Executive-Summary-and-Briefing-UPR-Nepal-4th-Cycle.pdf>; and

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=15106&file=EnglishTranslation>.

⁴² CEDAW/C/NPL/CO/7, para. 10.

⁴³ For guidance on enacting comprehensive anti-discrimination legislation, see www.ohchr.org/sites/default/files/documents/publications/2022-11-28/OHCHR_ERT_Protecting_Minority%20Rights_Practical_Guide_web.pdf.

⁴⁴ To better align with constitutional provisions and to ensure coherence with the Paris Principles, a new bill has been drafted to replace the 2012 Act (A/HRC/WG.6/51/NPL/1, para. 20).

⁴⁵ See <https://ganhri.org/wp-content/uploads/2025/04/en-sca-report-march-2025-april-23.pdf>.

protect and promote the rights of marginalized communities. The Special Rapporteur learned that not one of the commissions has the financial or human resources to uphold the rights of minorities or Dalits effectively. More analysis is provided below.

VI. Overall challenges of minorities and Dalits

A. Equal access to socioeconomic rights

24. The major challenge for persons belonging to minorities and Dalits is their marginalization in socioeconomic life. Through the Muluki Ain (National Code), which served as the foundational legal text for Nepal from 1854, the caste hierarchy and caste-based discrimination was formally codified and operationalized.⁴⁶ The Muluki Ain included notions of purity, pollution and hereditary occupation, legally excluding so-called lower caste groups from access to opportunities in politics and inter-caste marriages, while reinforcing untouchability and social exclusion.⁴⁷ The Muluki Ain was replaced in two stages: by the 1963 National Code, which abolished legal caste-based discrimination and then, in 2018, through the enactment of separate codes, the Muluki Criminal Code, the Criminal Procedure Code, Muluki Civil Code and the Civil Procedure Code.⁴⁸ Despite the formal abolition of codified caste-based discrimination, the attitudes and social norms shaped by centuries of caste hierarchy continue to influence everyday interactions. These entrenched beliefs manifest in subtle or overt ways – ranging from social exclusion and discriminatory behaviour in public spaces to unequal treatment in schools, access to healthcare, workplaces and community life – revealing how deeply internalized and persistent caste-based stratification remains within Nepalese society.

25. When it comes to education, the 2015 Constitution guarantees the right for every citizen to compulsory and free education to the basic level and free education up to the secondary level from the State (art. 31). Despite the formal guarantee of free primary and secondary education, many Dalit and minority children struggle to remain enrolled because of persistent out-of-pocket costs, such as for uniforms, transportation and school supplies. In addition, the frequent, if not exclusive, use of Nepali as the language of instruction places children whose mother tongue differs at a further disadvantage. The school system is highly fragmented, with public and private schools operating in parallel. Families who can afford it tend to choose private schools, which follow the public curriculum but have greater financial resources to deliver higher quality education. Dalits and children belonging to minority groups often depend on scholarships to maintain their enrolment in schools. Shockingly, 13.1 per cent of Dalit children – rising to 27.5 per cent in Madhesh Province – have never attended school, while 32.6 per cent of Dalits remain illiterate.⁴⁹ The lack of Dalit representation among teachers and the absence of an inclusive curriculum continue to fuel high dropout rates, particularly among Dalit girls.⁵⁰

26. On a few occasions, the Special Rapporteur was informed that, in the context of access to post-secondary education, Dalit students are discriminated against on the basis of untouchability when they seek to rent a room or apartment. Once landlords discover that they are Dalits, either through their surname or by enquiring about their background, the students are prevented from renting. This not only impedes their access to education, it also violates their right to proper housing.

27. Although the Land Act (1964) was amended to ensure equitable land distribution and resolve issues of landlessness, squatting and informal settlements,⁵¹ several minority groups and Dalits continue to face severe challenges in realizing their right to housing, including the

⁴⁶ See <https://heiup.uni-heidelberg.de/catalog/view/769/1274/93830>.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ See <https://idsn.org/wp-content/uploads/2025/09/FINAL-Executive-Summary-and-Briefing-UPR-Nepal-4th-Cycle.pdf>.

⁵⁰ Ibid.

⁵¹ A/HRC/WG.6/51/NPL/1, para. 24.

Raute community, the Badi community and other Dalits. For example, in Karnali Province, many in the Badi community are landless and face severe discrimination in access to proper housing, leading them to live in temporary shelters, exposed to the threat of wild animals and other environmental hazards, and lacking proper water and sanitation.

28. Forced evictions of Dalits and landless communities occupying land under informal tenure are also too frequent. In February 2025, a Dom family was forcibly evicted from a house in Siraha, in which they had lived for approximately 30 years.⁵² Built on public land, their house was bulldozed at the orders of the rural municipality's chairperson to make way for a *mahayagya* (grand Hindu ritual), as the presence of the Dom family was believed to make the area "impure". While the National Human Rights Commission started an investigation into this case of caste-based discrimination, it has borne no fruit and justice remains pending.

29. Several health issues exist for which specific groups need targeted attention from the authorities. For example, over 90 per cent of the diagnosed cases of sickle cell anaemia concern members of the Tharu community.⁵³ They are highly vulnerable due to the high prevalence of the sickle cell trait and the disease itself. There is a lack of facilities available to diagnose and treat Tharus experiencing sickle cell anaemia. Often residing in remote areas in the Terai plains, Tharus have to travel long distances in order to carry out simple blood tests. In 2014, the Government of Nepal recognized that the Tharu community experiences sickle cell anaemia at higher rates than the rest of society – thanks to the campaigning of a member of the parliament who advocated for his community.⁵⁴ This case shows why political representation of minority communities is crucial.

B. Inclusive governance and effective participation

30. While the Constitution contains provisions to guarantee proportional participation in State organs, their composition is far from adequately and proportionally representing Nepalese society, especially minorities and Dalits. The Civil Service Act (1993) mandates affirmative action measures by reserving 45 per cent of all open competition civil service posts for women and other historically marginalized groups, including Madhesis and Dalits (art. 7 (7)). Despite a noted upward trend in the participation of women and other historically marginalized groups in the civil service,⁵⁵ it remains disproportionately low compared with their demographic presence in society. Overall, Dalits represent less than 2.37 per cent of positions in the civil service, while less than 2 per cent of posts are filled by Dalits in the judiciary.⁵⁶ The civil society organization Dignity Initiative informed the Special Rapporteur that, in addition to no Dalit ever having been appointed as a judge to the Supreme Court, Dalits are severely underrepresented in law enforcement, the prosecution service and other decision-making positions, undermining both community trust in the legal system and equitable access to justice.

31. The House of Representatives Election Act (2017) requires every political party to reserve seats for Dalits (13.8 per cent) on the list of candidates for proportional representation in the House of Representatives.⁵⁷ In practice, Dalits make up 6.2 per cent of the Federal Parliament and 5.6 per cent of the provincial assemblies.⁵⁸ Section 6 (2) of the Local Level Election Act (2017) reserves two seats for women in every ward – one in each specifically designated for a Dalit woman.⁵⁹ As a direct outcome of this affirmative measure, 6,620 Dalit

⁵² See <https://kathmandupost.com/province-no-2/2025/10/24/dom-families-in-siraha-face-eviction-assault-and-caste-based-humiliation>.

⁵³ See www.gavi.org/vaccineswork/nepali-community-burdened-high-rates-sickle-cell-anemia-seek-support.

⁵⁴ Ibid.

⁵⁵ [A/HRC/WG.6/51/NPL/1](#), para. 126.

⁵⁶ See <https://idsn.org/wp-content/uploads/2025/09/FINAL-Executive-Summary-and-Briefing-UPR-Nepal-4th-Cycle.pdf>.

⁵⁷ [A/HRC/WG.6/51/NPL/1](#), para. 54.

⁵⁸ See <https://idsn.org/wp-content/uploads/2025/09/FINAL-Executive-Summary-and-Briefing-UPR-Nepal-4th-Cycle.pdf>.

⁵⁹ [A/HRC/WG.6/51/NPL/1](#), para. 127.

women secured elected positions at the local level in 2022.⁶⁰ Dalit civil society organizations report that, while the representation of Dalit women at the local government level is acceptable, the meaningful participation of Dalit women remains limited, and they are frequently excluded from decision-making processes and leadership roles.⁶¹

32. In terms of electoral rights, enabling Nepalis to vote in a district other than their own is a key measure for upholding and expanding the accessibility of voter rights. The cost of returning to one's district of origin to exert voting rights has made it inaccessible for persons with limited financial capacity, which include most of the persons belonging to minorities and Dalits. This leads to socioeconomic discrimination in the exercise of democratic rights, which must be halted. This would be an important measure to enable minority groups living outside of their villages of origin for employment or educational reasons to cast their vote in the upcoming elections of 2026.

33. In addition to the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission are each tasked with a distinct mandate to protect a marginalized group of concern. Overall, the commissions lack the financial resources to be fully effective in their advisory and awareness-raising roles. Moreover, the Government has failed to consistently consider the recommendations that are provided by the commissions. The National Human Rights Commission has made 1,446 recommendations to the Government since its establishment, yet only 13.66 per cent of the recommendations have been fully implemented, 35.09 per cent partially implemented and 51.23 per cent of the recommendations have not yet been implemented.⁶² According to a study conducted by the Justice and Rights Institute (Nepal), in which it analysed the rate of implementation of the commissions' recommendations over the course of the period 2018–2021: 1 out of 75 recommendations by the National Dalit Commission was implemented by the Government of Nepal; 2 out of 94 recommendations by the Madhesi Commission; 3 out of 103 recommendations by the Muslim Commission; 2 out of 45 recommendations by the Tharu Commission; 3 out of 36 by the National Inclusion Commission; and none of the 22 recommendations by the Indigenous Nationalities Commission.⁶³ A committee comprising representatives from the National Human Rights Commission, the Ministry of Foreign Affairs and other line ministries has been reportedly formed to facilitate the implementation of the recommendations of the National Human Rights Commission.⁶⁴ The Special Rapporteur strongly warns that the persistent disregard by the Government of Nepal for the recommendations of these commissions represents a serious failure to uphold its human rights obligations. He welcomes the commitment made by the Government of Nepal after his visit to improve this situation.

34. Being based in Kathmandu, there is a disconnect between the commissions and the communities that they are meant to protect. In this regard, it is critical for the commissions to establish provincial offices to enhance their engagement at the local level, if they are allowed to do so. It is concerning that the commissions can only receive complaints in Nepali or in English. Complaints in other mother tongue languages are handled on a case-by-case basis, depending on the language capacity of the staff at the commission concerned. A worrying observance is that these commissions are largely staffed by the dominant groups – minority and Dalit representation is severely lacking. It is unclear whether commissions can effectively address the needs of minority groups when their own staff lacks representation from those communities.

⁶⁰ Ibid.

⁶¹ See <https://idsn.org/wp-content/uploads/2025/09/FINAL-Executive-Summary-and-Briefing-UPR-Nepal-4th-Cycle.pdf>.

⁶² See https://www.nhrnepal.org/uploads/publication/NHRI_Nepal_Joint_Submission_.pdf.

⁶³ See https://jurinepal.org.np/wp-content/uploads/2023/01/Final-NHRIs_Infographics-single-page-1.pdf.

⁶⁴ [A/HRC/WG.6/51/NPL/1](#), para. 21.

C. Freedom of religion and belief

35. Building on the concerns expressed by the Special Rapporteur's predecessor and other mandate holders, the Special Rapporteur is concerned about the compatibility of article 26 (3) of the Constitution and articles 156 and 158 of the Criminal Code with international human rights.⁶⁵ The Special Rapporteur expresses deep concern about the curtailment of religious freedom, through the selective use of the anti-conversion provision, leading to discrimination experienced by religious minorities, including Christians. Through the prohibition of proselytizing, the Constitution and section 158 of the Criminal Code restrict the freedom of religion and belief by prohibiting the conversion of anyone from one religion to another. While forced conversions should be prohibited, freedom of religion and belief as guaranteed by the International Covenant on Civil and Political Rights includes the right to adopt a religion; the current vague formulation of the law can cause it to be misinterpreted and abused.

36. The Special Rapporteur is concerned that religious minorities, such as Christians, Muslims and Baha'is, cannot register their places of worship as religious organizations. They are forced to register these buildings as properties owned by individuals or as non-governmental organizations. Another matter of serious concern is that religious minorities, including Christians, Muslims and the Kirat, do not have access to specifically allocated burial grounds in Kathmandu.

37. Muslims across Nepal face anti-Muslim violence and hate speech, which are underreported in mainstream media. The occurrence of anti-Muslim violence is even fervently denied by State authorities. The Special Rapporteur learned that clashes between Hindus and Muslims are increasing, especially following provocations around each other's places of worship and during religious festivals. In Madhesh Province, Muslim girls face discrimination when attending schools for wearing the hijab. They are mocked and ostracized by other students and not sufficiently protected by schoolteachers, leading them to drop out of school, putting them at additional risk of being subjected to child marriage. In Karnali Province, Muslim women are often confined to the private space, banned from leaving their homes to gain access to education or work, on the basis of patriarchal interpretations of religious scripts. In one testimony presented to the Special Rapporteur, a woman community leader from Karnali Province described how she resisted community pressure and exercised her right to pursue an education. By becoming literate, she broke through the cycle of poverty and continued to service her community in facilitating their access to healthcare and information.

D. Access to justice

38. The Special Rapporteur is concerned about the high rate of impunity of crimes against Dalits, such as violence linked to inter-caste marriages. The figure provided to the Special Rapporteur by the Office of the Attorney General was that, in 2024, 63 per cent of the cases linked to violence against Dalits had led to an acquittal. Access to justice must include well-functioning enforcement mechanisms that lead to the sanctioning of perpetrators. This is needed for the dismantlement of a system and the corresponding mindsets that have enabled caste-based violence and discrimination as anchored in a culture of impunity.

39. At the initiative of the Government, there are police units called Dalit Desks in 253 district police offices to address issues related to Dalit communities. Many Dalits informed the Special Rapporteur that, while the idea of a Dalit Desk is noteworthy, they had not proven to accelerate Dalits' access to justice. The Dalit Desk in a police station is often solely a sign that reads Dalit Desk without any staff there ready to help. Implementation of this initiative, which has the potential to make a real difference in Dalits' access to justice, needs to be substantially upgraded.

⁶⁵ See communication NPL 5/2022.

40. Nepal adopted an integrated legal aid policy in 2019, which is meant to ensure access to justice.⁶⁶ There are legal aid officers providing free legal aid in 74 out of 77 districts, in coordination with the Central Legal Aid Committee.⁶⁷ The Special Rapporteur was told on many occasions that, in practice, victims are not able to acquire access to government-sponsored legal aid services, but instead depend on support from civil society organizations.

E. Linguistic rights

41. The Special Rapporteur observed that privileged groups, including government officials and elites, frequently presumed that Nepali was widely spoken and understood. However, from the most marginalized communities, including those belonging to minority groups and Dalits who are dependent on public services for education, healthcare and housing, experience substantial language barriers, as they may not be proficient in Nepali. For example, when filing a complaint to the police, it is not possible to officially do so in one's mother tongue if it is not Nepali. This means that young Maithili-speaking women who try to file a complaint about domestic violence at a police station in the Madhesh or Koshi provinces face barriers in clearly explaining the violence that they experienced, leading to incomplete and inaccurate complaints or misinterpretation by officials, which can cause their cases to be dismissed. Ultimately, this language barrier severely impedes their equal access to justice. Furthermore, linguistic minorities may be discouraged from reporting crimes. In a similar vein, and in addition to some socioeconomic factors, in primary schools, children whose mother tongue is not Nepali should be taught in their mother tongue at least during primary school education, to ensure their equal access to education. Too many children still drop out of school in the first year, as they do not understand the language used by their teachers.

42. According to the 2021 census, there are 51,373 deaf people, 51,520 hard-of-hearing people and 10,187 deafblind people in Nepal.⁶⁸ The Constitution guarantees that citizens with disabilities have the right to free higher education (art. 31 (3)) and that citizens with a hearing or speaking impairment have the right to free education through sign language (art. 31 (4)). The Special Rapporteur learned that deaf and hard-of-hearing people face severe barriers in access to employment, healthcare and schooling, all due to the lack of sign language interpretation.

V. Situation of particularly vulnerable minority groups

A. Dalits

43. The Dalit community represents approximately 13 to 20 per cent of the population of Nepal.⁶⁹ While opinions may vary as to how caste-affected groups fall under the purview of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, it is undisputed that Nepalis belonging to caste-affected groups face multiple and intersecting forms of discrimination as a result of their descent. Notwithstanding the constitutional guarantees of equality, Dalits in Nepal remain among the most marginalized communities, experiencing deeply entrenched caste-based discrimination. Their rights are violated on many fronts, as they experience high levels of poverty, landlessness, barriers to access to education, healthcare and employment, as well as systematic exclusion from decision-making and State institutions.

44. Having ratified the International Convention on the Elimination of All Forms of Racial Discrimination, in 1971, the Government of Nepal is and has been under the obligation

⁶⁶ A/HRC/WG.6/51/NPL/1, para. 47.

⁶⁷ Ibid.

⁶⁸ See https://censusnepal.cbs.gov.np/results/files/result-folder/National%20Report_English.pdf.

⁶⁹ See [https://idsn.org/countries/nepal/#:~:text=Estimates%20of%20the%20number%20of,the%20total%20population%20\(or%20appr.](https://idsn.org/countries/nepal/#:~:text=Estimates%20of%20the%20number%20of,the%20total%20population%20(or%20appr.)

to prohibit caste-based discrimination.⁷⁰ Despite the existence of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, discrimination and negative attitudes against Dalits remain rampant, and Dalits continue to face deep-rooted discrimination. For example, Dalits are often excluded from being hired as cooks or as office assistants, as non-Dalits will not want to consume the food that they prepare and serve, due to the “untouchability” belief and practice.

45. There are several cases where the Nepali justice system has failed to deliver, including with regard to the Rukum massacre in Karnali Province, where, in 2021, a Dalit man, Nawaraj BK, and his friends were killed by opponents of his inter-caste relationship.⁷¹ Another case where the delivery of justice remains pending concerns the 2016 death of Ajit Dhakal Mijar – another Dalit young person who was found dead in a suspicious manner after having been in an inter-caste relationship.⁷² While the case is before the Supreme Court, his body has remained preserved for the past nine years in the morgue of a hospital. As all legal remedies are not exhausted, the Special Rapporteur expresses his hope that justice will be rendered soon.

46. While the Constitution guarantees the rights to be free from any kind of slavery⁷³ and the Bonded Labour Prohibition Act (2002)⁷⁴ officially abolished bonded labour, it is estimated that approximately 400,000 people, including children, are agricultural bonded labourers in Nepal.⁷⁵ Various so-called lower caste groups within the Dalit community have been subjected to forms of bonded labour, including the Hurawa-Charuwa agricultural bonded labourers in the eastern Terai,⁷⁶ the Haliya agricultural bonded labourers in the western hills⁷⁷ and the Kamaiya in the western Terai. While the Haliya system was abolished in 2008 and a rehabilitation framework was established in 2023, the International Labour Organization reports that thousands of formerly bonded Hilaya families in Karnali Province face significant challenges in access to housing, education and healthcare, while they are also excluded from formal employment.⁷⁸

47. Intersectional discrimination exacerbates Dalits’ vulnerability. Amnesty International explains that Madhesi Dalits occupy the lowest position in the social hierarchy of Nepal and lag significantly behind Hill Dalits and all other caste groups across nearly every social indicator. Madhesi Dalit women face even greater vulnerability, experiencing layered discrimination based on caste, gender, class and language, particularly as many do not speak Nepali, further limiting their access to services and rights.⁷⁹

⁷⁰ The Convention prohibits any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin. Committee on the Elimination of Racial Discrimination, general recommendation No. 29 (2002) on descent in the context of article 1 (1) of the Convention.

⁷¹ See <https://www.ohchr.org/en/press-releases/2020/05/nepal-bachelet-condemns-dalit-killings-calls-independent-investigation>.

⁷² See https://amnestynepal.org/press_release/en-ensure-accountability-and-justice-in-ajit-dhakal-mijars-case.

⁷³ Article 29 (3) of the Constitution bans the sale and trafficking of human persons and prohibits the practice of bonded labour. Similarly, article 29 (4) states that no one can be forced to work against their will. In article 51, under State policy, it is mentioned that the rehabilitation of Kamaiya (bonded labourers), Kamhari, Haruwa-Charuwa, Haliya, the landless and squatters is done by identifying them and making arrangements for housing or providing a small plot of land or house, employment or arable land for their livelihood.

⁷⁴ See https://daoibanke.moha.gov.np/assets/23/bonded_labour_prohibition_act_2058_2002.pdf/file.

⁷⁵ The International Labour Organization indicates that Freedom Fund reports that nearly 400,000 people, including women and children, are estimated to be in agricultural bonded labour across Nepal. See <https://www.ilo.org/sites/default/files/2025-06/Analysis%20of%20situation%20of%20the%20free-Haliyas%20in%20Karnali%20Province%20of%20Nepal.pdf>.

⁷⁶ The Harawa-Charawa agriculture bonded labourers were declared liberated in 2022. See www.freedomfund.org/news/harawa-charawa_liberation_announcement/.

⁷⁷ See www.ilo.org/sites/default/files/2025-06/Analysis%20of%20situation%20of%20the%20free-Haliyas%20in%20Karnali%20Province%20of%20Nepal.pdf.

⁷⁸ See www.ilo.org/sites/default/files/2025-06/Analysis%20of%20situation%20of%20the%20free-Haliyas%20in%20Karnali%20Province%20of%20Nepal.pdf.

⁷⁹ See www.amnesty.org/en/documents/asa31/7980/2024/en/.

B. Minority and Dalit young people

48. Minority and Dalit young people are a fundamental component of the Generation Z movement. They have been advocating to eradicate the root causes of socioeconomic inequalities and the cross-cutting layers of discrimination felt by the most marginalized communities in Nepal. When asked whether they see their future in Nepal or abroad, in order to pursue their dreams and aspirations, their message to the Special Rapporteur was clear. They are here to stay and desire to see a Nepal that is more just, with equal access to opportunities for all, no matter one's ethnic, religious, linguistic, national or caste background. In their words, "that is what we fought for in the September 2025 protests".

C. Minority and Dalit women and girls

49. Minority and Dalit women and girls face several layers of discrimination in society, and even additional layers depending on whether they are living with disabilities, a senior citizen or widowed, or all of the above. Though explicitly prohibited by the Witchcraft Accusation (Crime and Punishment) Act (2015), Dalit and minority women and girls continue to face false accusations of witchcraft. Child marriage and adolescent pregnancy remain prevalent across Nepal, especially in remote areas.⁸⁰ Many women have limited autonomy over decisions related to their sexual reproductive health and rights. Violence against women and girls continues to be widespread, most often occurring within the family. Dalit and minority communities, including Madhesis and Muslims, experience higher levels of violence and face significant barriers to access to justice. For example, when seeking to file a complaint about domestic violence with the police, several such women and girls informed the Special Rapporteur that they had been discouraged to do so.

50. In various areas of Nepal, women and girls belonging to minority groups are ostracized when they menstruate. Through the *chhaupadi* practice, they are forcibly exiled from their homes while menstruating to "menstruation huts". Although the *chhaupadi* practice is criminalized in the Criminal Code (art. 168 (3)) and its prevalence has decreased, it remains prevalent in Karnali Province.

D. Madhesis

51. Comprising more than one third of the population, Madhesis are an ethnic group that primarily live in the southern plains of Nepal, in the area bordering India.⁸¹ Madhesis are predominately Hindus, albeit some are Muslims or Christians.⁸² Madhesis have generally felt marginalized by the elite, the northern hill people, also known as the Khas Arya⁸³ (see para. 13 above). Simultaneously, the Khas Arya have been suspicious of Madhesis' loyalty to Nepal, due to their proximity to India.⁸⁴ The Special Rapporteur was informed that Madhesis experienced entrenched, multidimensional discrimination in Nepal and remained significantly underrepresented in the civil service and the police. Madhesis face significant hurdles in access to citizenship, culminating in barriers to vote, own property and access public services. As described above, Madhesi women face additional layers of discrimination and are often additionally subjected to harmful cultural practices, including the dowry system and early and forced marriage, perpetuating economic insecurity and gender-based violence.

⁸⁰ See https://un.org.np/sites/default/files/doc_publication/2021-02/HP_perception_survey_0.pdf.

⁸¹ See www.aljazeera.com/features/2016/4/5/nepals-ethnic-madhesis-fight-for-dignity-and-equality.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

E. Refugees

52. While Nepal has not ratified the Convention relating to the Status of Refugees, or the Protocol thereto, and it has not acceded to the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, the country is home to around 20,000 refugees, including from Bhutan, Myanmar, Pakistan and Tibet Autonomous Region.⁸⁵

53. Tibetan refugees have been arriving in Nepal since 1959, and, to date, Nepal hosts around 12,000 Tibetan refugees.⁸⁶ Since 1995, Nepal has stopped issuing the Refugee Card⁸⁷ and so, approximately 75 per cent of Tibetans lack official documentation, making them stateless. Without documentation, these Tibetans cannot pursue higher education, travel abroad, work legally, own property, open a bank account, obtain driving licenses or properly register births, marriages and deaths. Since 2008, Nepal has banned all Tibetan political activity, and Tibetan cultural and religious activities are severely restricted and deemed “political” or as “anti-China activities”.⁸⁸ The wearing of traditional Tibetan dress or displaying the Tibetan flag can lead to arbitrary detention, harassment and deportation from Nepal.⁸⁹ The Special Rapporteur also learned that, since the Generation Z protests of September 2025, Tibetans have also become a target of online hate speech, through which animosity is incited against Tibetans and the deportation of Tibetan refugees is called for.

54. The situation of other refugees, such as Bhutanese or Rohingya refugees, also needs to be addressed in conformity with international human rights standards. While the Special Rapporteur appreciates the Government’s 2021 Cabinet decision on the recommendations regarding the problems and solution measures for Bhutanese refugees, which is facilitating the process of inclusion of 6,400 Bhutanese refugees, he encourages its full implementation to enable durable solutions for Bhutanese refugees.⁹⁰

55. Nepal proudly reports that it has resettled 113,579 Bhutanese refugees under third-country resettlement programmes, including with the support of the Office of the United Nations High Commissioner for Human Rights.⁹¹ Refugees in Nepal who have the opportunity to be resettled in a third country are required to apply for an exit permit in order to leave Nepal. The exit permits are issued with government approval through the Department of Immigration under the Ministry of Home Affairs. Currently, there are at least 15 families that have been given an opportunity to resettle in Canada with the support of the Office of the United Nations High Commissioner for Refugees, but they are being prevented by the Nepalese authorities from leaving Nepal. Some have had to pay so-called “overstay fines” to the Ministry of Home Affairs in order to obtain the exit permit, reaching for some amounts as high as \$100,000, while still being denied the possibility of leaving the country. The overstay fine and the penalties imposed on refugees, who are seen as “illegal migrants”, has been waived in the past on an ad hoc basis by the Ministry of Finance, when those concerned were leaving Nepal for third-country resettlement.⁹² In imposing a requirement of an exit permit, as well as arbitrary “overstay fines”, Nepal is de facto violating its international human rights obligations under article 12 of the International Covenant on Civil and Political Rights, which stipulates that everyone shall be free to leave any country.⁹³ The Special

⁸⁵ See www.unhcr.org/media/nepal-factsheet.

⁸⁶ *Ibid.*

⁸⁷ Asian Dignity Initiative, “Tibetan refugee rights in Nepal amidst ever-growing Chinese influence”, 2024. See also [A/HRC/55/NGO/180](https://www.unhcr.org/refugees/55/NGO/180).

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ See www.unhcr.org/uk/sites/uk/files/2023-05/unhcr-nepal-country-strategy-evaluation-report_16.pdf.

⁹¹ [A/HRC/WG.6/51/NPL/1](https://www.unhcr.org/refugees/WG.6/51/NPL/1), para. 9.

⁹² See <https://thehimalayantimes.com/nepal/700-illegals-set-for-3rd-country-resettlement/>; <https://ceslam.org/news-media/36-urban-refugees-to-get-exit-permits/>; and <https://kathmandupost.com/valley/2015/03/24/73-foreigners-get-visa-amnesty>.

⁹³ Restrictions on the right to leave are only permissible if they meet strict criteria outlined in article 12 (3) of the International Covenant on Civil and Political Rights: they must be established by law; they must be necessary in a democratic society for specific purposes like national security, public order or protecting the rights and freedoms of others; and they must be proportionate, meaning that

Rapporteur expresses serious concern that the Ministry of Home Affairs of Nepal regards refugee claimants as “illegal migrants”, while imposing heavy fines on them for “overstaying their visas”. Claiming asylum is a fundamental human right, and refugee claimants should not be penalized for seeking to live in safety in Nepal or to access third-country resettlement.

F. Minority and Dalit persons with disabilities

56. According to the 2021 census, 2.2 per cent of the total population have one or more types of disabilities.⁹⁴ Persons with disabilities who are Dalits or from minority communities, including Madhesis and Muslims, do not have specific legal recognition in the Disability Rights Act (2017) or related policies and legislation. Due to the existing medical model based on disability identification and categorization, they are being left behind. There is no official disaggregated data available based on the intersections of caste, disability, gender, ethnicity, age, sex and socioeconomic status. Being invisible in the statistics, they are not taken into account in the design and implementation of policies and programmes of the State. There is also a lack of participation and representation of Dalits and minorities with disabilities in State mechanisms that are meant to provide them with services.

57. Dalits or persons belonging to minorities with disabilities face a lot of stigma in Nepal. One account that was shared with the Special Rapporteur concerns a minority woman living with disabilities in Karnali Province; she shared that, while attending a religious event, the superstition was shared by the Hindu religious leader that menstruating women touching others would cause the other persons to have a disability in their next life. The woman described feeling humiliated and ostracized by her own community and by the religious leader for spreading misconceptions about persons with disabilities and menstruating women. There have also been cases where mothers have forced their daughters living with disabilities to undergo sterilization by hysterectomy, to prevent them from bearing children.

G. Minority and Dalit persons belonging to the lesbian, gay, bisexual, transgender, queer and intersex communities

58. Nepal has a progressive legal framework for the rights of lesbian, gay, bisexual, transgender, queer and intersex persons, with the Constitution guaranteeing equality regardless of sexual orientation or gender identity. While the law is progressive, society’s attitude towards accepting members of the lesbian, gay, bisexual, transgender, queer and intersex communities, including within some minority communities, has a long way to go. The severity of social stigma and discrimination is dependent on a number of factors, including the cultural norms and values of the minority group to which they belong, the attitude of one’s family and one’s proximity to Kathmandu, where there is more openness towards diverse sexual and gender identities and expressions.

V. Conclusions and recommendations

59. **The Special Rapporteur commends Nepal for the progressive legal framework designed to reduce discrimination against traditionally marginalized communities, such as Dalits and minorities. He appreciates the genuine effort of the Nepalese authorities to implement the ambitious aim to eradicate centuries old forms of discrimination. However, more efforts are needed to accelerate implementation. In enacting its progressive Constitution, Nepal must close the gap between clear legal provisions and their meaningful implementation, in order to prohibit discrimination against persons belonging to minorities, as well as Dalits, effectively and to promote their full enjoyment of human rights.**

they should be the least restrictive means to achieve a legitimate goal and not undermine the essence of the right.

⁹⁴ See https://censusnepal.cbs.gov.np/results/files/result-folder/National%20Report_English.pdf.

60. As Nepal finds itself in a period of political transition, it must seize the opportunity that lies before it to augment human rights protection for all parts of its society. The time is now to rebuild the trust in the Nepalese social contract. Minorities and Dalits must feel that they can trust State institutions to protect them, while Nepalese society as a whole must trust that the contributions of the currently ostracized people will enrich and uplift society as a whole. At the same time, minorities and Dalits must build trust in themselves through education and collective action to advocate for and realize their civil, political, economic, social and cultural rights.

61. The full realization of the rights of persons belonging to minorities or Dalits will be realized by their non-discriminatory access to economic and social rights in Nepal. The key to achieving this objective is to guarantee unhindered access to education in order to empower future generations so that they will be able to claim and fully enjoy their human rights, without any discrimination. Minorities' and Dalits' unhindered access to education is the gateway to building skills and confidence, while breaking through cycles of poverty that have prevented them from realizing the full enjoyment of their rights and their meaningful contribution to society as a whole.

62. State institutions must better reflect the diversity of Nepalese society in their composition and leadership. Minorities must be able to recognize themselves in those exercising power; they must feel heard and understood by public servants, including by teachers, judges and the police, including in their mother tongue languages.

63. Civil society organizations play a vital role in empowering minorities and Dalits. Civil society organizations have delivered programmes to educate minorities and Dalits about their human rights and how to claim them; they have supported their access to justice; they have provided interpretation and legal aid; and they have financially supported children to go to school by paying for school supplies and uniforms. They are essentially backstopping the Government in fulfilling its obligation to protect and promote Dalits' and minorities' human rights, including their right to education, to equality and non-discrimination and to a fair trial. The Special Rapporteur expresses profound concern that, in the current global funding crisis, civil society organizations are under significant pressure due to diminishing financial support. This is a worrisome trend, particularly for minorities and Dalits who often depend on civil society organizations to support them in claiming their rights, and at times, for their daily survival.

64. The donor community must efficiently support Nepal in designing and implementing empowering programmes conceived with and for the benefit of persons belonging to minorities and Dalits. A strong engagement and partnership with local authorities that have the task to deliver effective support to minorities and Dalits in the communities where they reside will be a key factor of success.

65. The Special Rapporteur calls upon the Government of Nepal to:

International human rights obligations

(a) Ratify the international human rights treaties that it has not yet ratified, particularly treaties with provisions that have direct relevance to persons belonging to minorities, including the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance;

(b) Withdraw the reservation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and the declaration regarding article 6 of the Convention;

(c) Extend a standing invitation to all United Nations special procedure mandate holders;

National institutions

(d) Provide sufficient resources to ensure the effective functioning of its national human rights institutions, to ensure the implementation of their recommendations, as well as their presence at the local level, including the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission;

(e) Ensure that the appointed commissioners and the staff of the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission represent the population groups that the commissions are meant to serve;

(f) Establish a legal framework to enable timely State responses to the recommendations of the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission, as well as mechanisms for public reporting on follow-up actions, to ensure accountability and implementation;

(g) Support the National Human Rights Commission, the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Tharu Commission, the Muslim Commission, the Indigenous Nationalities Commission and the Madhesi Commission in carrying out nationwide awareness-raising campaigns to eliminate the practice of caste-based, ethnic and faith-based discrimination, to prevent caste-based, ethnic and faith-based violence and to inform communities on how to lodge complaints and submit information to the commissions;

Data collection

(h) Establish a comprehensive public system to collect data on discrimination against minorities, as well as based on caste, disaggregated by age, religion, caste, nationality, ethnicity, gender, disability and socioeconomic status, in order to inform policy and to capture the correlation between caste, ethnicity, discrimination and inequality;

Legislation

(i) Adopt comprehensive anti-discrimination legislation that prohibits indirect and direct discrimination against minorities and Dalits and that protects minorities, Dalits and other disadvantaged and marginalized groups, including in all areas of private and public life. This would include ensuring the appropriate intersectional legal recognition of all persons with disabilities from minority groups and Dalits;

(j) Amend the Caste-based Discrimination and Untouchability (Offence and Punishment) Act to strengthen protections for victims, expand the definition of caste-based offences to reflect emerging forms of discrimination and ensure that investigations and prosecutions proceed without requiring formal complaints from victims, in alignment with international human rights obligations;

(k) Amend the punitive anti-conversion provisions in the Criminal Code (arts. 156, 158 and 159) and create safeguards to ensure that the prohibition of forced conversions is not being used, as has been the case, as a tool to discriminate against or harass religious minorities in Nepal;

Equal access to socioeconomic rights

(l) Adopt and implement targeted, adequately funded and time-bound measures to ensure equitable access to quality education for minority and Dalit children, including by expanding scholarships and financial support, increasing recruitment of teachers from minority and Dalit communities, integrating inclusive and

anti-discrimination content into the national curriculum and eliminating all structural, linguistic and caste-based barriers that hinder school enrolment, retention and completion;

(m) Establish a comprehensive community health initiative targeting the Tharu population to combat sickle cell anaemia. This should include regular genetic screening and counselling (especially premarital and antenatal), culturally tailored health and nutritional education and improved access to diagnosis and treatment services in local health centres;

(n) Ensure the realization of the right to adequate housing for Dalit, landless communities and minority communities by prioritizing inclusive housing policies and programmes. This should include targeted subsidies, land allocation and access to safe, affordable housing in both rural and urban areas. Measures must address systemic discrimination in property ownership and integrate legal safeguards to prevent eviction and promote tenure security;

(o) Facilitate the integration into society of refugees, including those who have been living in Nepal for long periods of time, through the provision of essential identification documents and civil events registration, which would allow them to officially have access to public services and employment;

(p) Register all refugees born in Nepal, including Tibetan children, with birth certificates so that they can enjoy their human rights and have access to higher education. This is in line with the obligation of Nepal under the Convention on the Rights of the Child, which states that every child should be registered at birth and provided with a birth certificate;

(q) Ensure that “overstay fines” are not used as administrative and financial hurdles to de facto prevent third-country resettlement, especially when organized in close cooperation with the Office of the United Nations High Commissioner for Refugees;

Inclusive governance and effective participation

(r) Develop and implement comprehensive human rights education awareness-raising campaigns for the general public, with a particular focus on promoting awareness about Dalit and minority rights. These campaigns should be prepared with civil society organizations representing minorities and Dalits and focused on fostering respect, equality and inclusion to tackle entrenched stigma related to untouchability and to transform attitudes that sustain caste-based and social hierarchies;

(s) Adopt measures in the electoral process to ensure that every Nepali citizen can exercise their right to vote, free from any barriers arising from their economic capacity to reach or access a polling station, which includes facilitating their ability to vote outside of their district of origin;

(t) Meaningfully engage with and listen to the needs and aspirations of minority and Dalit Generation Z movement members, through positive feedback loops and consultations, including in the design, implementation, monitoring and evaluation of the policies and programmes of the future government;

(u) Enforce the policies on reserved positions on electoral lists to achieve a higher representation of Dalits and minorities in State organs; concerning these reserved positions, candidates should be selected based on merit, instead as an act of tokenism;

(v) Guarantee the substantive inclusion of Dalits and minority groups in all State institutions by adopting time-bound targets, mandatory recruitment and promotion quotas, and enforcement mechanisms that go beyond existing policies on reserved positions on electoral lists to ensure equitable representation at all levels of government;

Freedom of religion and belief

(w) **Enable the legal registration of religious minorities' institutions, including of Christians, Muslims and Kirats, and ensure their rights to property, trusts and cemeteries;**

(x) **Engage with faith leaders to tackle harmful cultural practices and to promote interfaith harmony between different religious communities, especially in Madhesh Province;**

Access to justice

(y) **Ensure comprehensive data collection to adequately document incidents and cases of caste-based discrimination under the Caste-based Discrimination and Untouchability (Offence and Punishment) Act;**

(z) **Ensure prompt and effective access to justice for victims of caste-based discrimination, especially children, and the imposition of appropriate and effective custodial sentences for the perpetrators;**

(aa) **Allocate sufficient resources to adequately operationalize Dalit Desks in every district police office across Nepal. These posts should be occupied by Dalits themselves, who are in a better position to understand the demands and needs of members of Dalit communities;**

(bb) **Accelerate efforts to eliminate *chhaupadi* by enforcing the legal ban, conducting targeted awareness programmes in affected regions and engaging local leaders and young people in advocacy. Provide safe alternatives for menstrual hygiene management and integrate menstrual health education into school curricula to dismantle stigma;**

Linguistic rights

(cc) **Ensure the recruitment and availability of multilingual officers and interpreters, including sign-language interpreters, especially in district police offices where minority languages are frequently used;**

(dd) **Ensure that forms and digital platforms are available in multiple languages to inform about one's human rights, as well as to facilitate the lodging of complaints, including at the National Human Rights Commission and first information reports at the district police offices;**

(ee) **Support the recruitment of primary schoolteachers who understand and speak the local minority language in communities with a presence of linguistic minority children;**

(ff) **Ensure increased availability of sign language interpreters for government services, political processes and healthcare.**
