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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 minority issues on his country visit to Nepal

Comments by the State*

* The present document is being issued without formal editing.



I. General Observations

1. The Government of Nepal (the “GoN”) welcomes the country visit of the Special Rapporteur and appreciates the constructive engagement undertaken with federal and provincial authorities, constitutional bodies, national human rights institutions, and civil society actors. Nepal values such engagements in the spirit of constructive dialogue and mutual respect.
2. Nepal is a nation characterized by its multi-ethnic, multi-lingual, multi-religious, and multicultural identity, as enshrined in the Constitution of Nepal (the “Constitution”) . The GoN remains committed to further strengthening social harmony, inclusion, and equal enjoyment of rights by all communities.
3. The Constitution of Nepal defines minorities as ethnic, linguistic and religious groups whose population is less than the percentage specified by the federal Law. As per the section 2 (B) of the Act relating to Election of member of National Assembly, 2018, Section 2 (B) of the Act relating to Election of Member of Provincial Assembly, 2017 and Section 2 (C) of the Local Level Election Act, 2017 “minorities community means the ethnic, linguistic and religious groups specified by the Government of Nepal in the notice published in Nepal Gazette under Sub Clause (A) of Clause (1) of Article 306 of the Constitution based on the national census conducted immediately before the election.” As per the notice published by the GoN in Nepal Gazette, minorities groups are those communities (except Dalits) less than 0.5 percent of the total caste-based population as per the census data.
4. The GoN acknowledges that, despite significant progress, further efforts are required to bridge the gap between legal safeguards and effective implementation, particularly to ensure equal access to socio-economic rights and effective participation for persons belonging to Dalits, minorities and other marginalized communities.
5. Nepal’s proportional representation system and constitutional safeguards aim to ensure participation of vulnerable and historically marginalized communities, including minorities, indigenous peoples, Dalits, women, and persons with disabilities.
6. Nepal recalls that the Constitution enshrines equality, non-discrimination, social justice, inclusion, and proportional representation as foundational principles. It explicitly recognizes the rights of Dalits and other marginalized communities and guarantees protection against discrimination on multiple grounds including caste, religion, language, region, and other similar bases.
7. Nepal recognizes the importance of inclusive governance and meaningful participation of minorities and marginalized groups in state structures. In this regard, Nepal’s reservation policies and proportional representation arrangements are key instruments to ensure their rights. The GoN continues efforts to enhance accessibility of elections and encourages participation of all citizens.
8. Nepal has enacted progressive laws and policies to address historical exclusion and discrimination and continues to pursue institutional reforms to address inclusion issues and strengthening safeguards for vulnerable groups.
9. Nepal is currently undergoing a phase of political transition, and the GoN recognizes the importance of restoring public confidence through inclusive democratic processes and accountable governance. The Special Rapporteur’s concerns raised in relation to civic space, trust deficit, and inclusion, especially in the context of recent socio-economic and political development is noted.

The Government of Nepal (GON) appreciates the Special Rapporteur on minority issues for the report on which the Government of Nepal is pleased to submit following comments, clarifications, corrections, and observations. The Government of Nepal would like to request the Office of the High Commissioner for Human Rights (OHCHR) that these comments/amendments/observations of the Government of Nepal be reflected as a publicly available Addendum to the Report.

II. Comments/clarifications, corrections and observations of the Government of Nepal

A. Specific Observations

1. Introduction

10. In para 2 line 3 of the report should be replaced by “met with the officials of” instead of “met with”. In addition, the name of office in same para should be corrected and replaced as the “Office of Prime Minister and Council of Ministers” instead of the “Prime Minister’s Office”; “Ministry of Education, Science and Technology” instead of “Ministry of Education, Science, and Technology”; “Chief Attorney of Madhesh Province” instead of “Attorney General of Madhesh Province” and “Office of the Chief Attorney” instead of “the Office of the Attorney General”.

11. In regards to the Special Rapporteur’s regret on not being able to meet with the National Statistics Office, the Ministry of Federal Affairs and General Administration and the Election Commission, under para 2, line 18, it is duly iterated that the GoN arranged the maximum appointments that were available during the visit.

2. General context

12. In para 8 the 2nd statement should be amended as “Nepal was never colonized by any power, Nepal was unified as the Kingdom of Nepal in 1768.” instead of “Never colonized by a European power, Nepal was established as the Kingdom of Nepal in 1768.” Further, the 7th line of same para should be corrected as “...leading to the armed struggle” instead of “leading to the Nepalese Civil war”. In same para the statement should be replaced to “Until Nepal was declared a secular state in 2006, the country was officially described as a Hindu kingdom.” Instead of “Until it was declared a secular state in 2008, Hinduism was the official religion of the country.” as Nepal was declared a secular state in 2006 (formalized in the 2007 Interim Constitution), not in 2008. Prior to this, Nepal was constitutionally described as a Hindu kingdom rather than Hinduism being explicitly designated “official religion.”

13. Para 10 of the report states “following a country-wide ban of several social media platforms, including Facebook, Instagram, WhatsApp, YouTube..... the building of the federal parliament”.

14. The above-mentioned observation does not truly reflect the real cause of the protest. It should be noted that the protests of September 8, 2025 were not related to a country-wide ban on social media platforms, as no such ban was imposed. Rather, the GoN had requested those social media-platforms to register in Nepal in accordance with existing law of Nepal. The formal organizers of the protest had raised issues calling for good governance and better delivery of economic and employment opportunities. Further, clarification is required with regard to the characterization of the events of September 2025, including allegations of disproportionate use of force and casualty figures, which remain subject to official verification and review. The GoN views that conclusions drawn from surname-based analysis to determine casualty based on the caste or minority status of victims’ gross generalization and subjective interpretation. Matters relating to public order, investigations, and subsequent political developments should be understood in light of due process and ongoing institutional procedures.

3. Ethnic, linguistic and religious minority communities

15. In para 11 of the report, the term "Gurkha group" is mentioned in the list of indigenous ethnic groups; however, while Nepal recognizes 59 indigenous nationalities (Adivasi Janajati) pursuant to the National Foundation for Development of Indigenous Nationalities Act, 2002, the term "Gurkha groups" does not constitute an officially recognized indigenous ethnic group. The last line of the same para needs the amendment as "Madhesis are another ethnic and linguistic minority who reside in the southern plains along with other minority groups."

4. Legal and institutional framework

International framework

16. In para 15, clarification is required to the statement "ratification of the pending conventions would be of particular relevance to persons belonging to minorities" as the ratifications is not only relevant to the persons belonging to minorities but is relevant to all sections of the community. The GoN views that the observation in the last line is beyond the mandate of the visit.

17. In para 16, line 8 clarification is required with regard to the characterization that Nepal "rarely provides a response" to communications from Special Procedures and the listing of allegations as established concerns, as Nepal continues to engage with Special Procedures through visits and communications, and allegations raised by mandate holders are addressed in accordance with due process and relevant national mechanisms. Further in same para, the reference is made to concerns regarding the alleged arbitrary arrest, detention and prosecution of Pastor Keshav Raj Acharya, a member of the Christian religious minority in Nepal, this should be clarified that Pastor Keshav Raj Acharya was arrested and prosecuted not because he belongs to Christian community but he violated criminal laws. The National Criminal Code, 2017 holds perpetrators liable for custodial deaths, the Torture and Compensation Act, 1996 of Nepal guarantees compensation to persons subjected to physical or mental torture or cruel, inhuman, or degrading treatment during detention, inquiry, investigation, or hearing, and the Police Act, 1955 along with the Police Rules, 2014 provide for administrative actions against such misconduct.

5. National framework

A. Constitutional framework

18. With regard to the last two sentences of para 18 of the report, the GoN clarifies that Article 26(3) of the Constitution does not conflict with the freedom of religion guaranteed under Article 26(1). Rather, it provides a lawful limitation aimed at preventing forced or coercive conversion, consistent with international human rights standards.

B. Legislative and policy frameworks

19. With regard to the 2nd statement of para 20, the GoN clarifies that the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 is a specialized legislation addressing caste-based discrimination and untouchability while discrimination on other grounds, including color, national or ethnic origin, is prohibited under the Constitution and other applicable laws.

20. In para 21, GoN clarifies that although there is no separate law solely on minority protection, the constitution, general laws and relevant special legislation have provided sufficient provision to ensure equality, non-discrimination and the cultural, linguistic and educational rights of minority communities.

C. National human rights institutions

21. In 4th line of para 22, "NRHC" should be corrected as "NHRC".

6. Overall challenges of minorities and Dalits

A. Equal access to socio-economic rights

22. In regards to para 28 of the report, where the Special Rapporteur has mentioned about the forceful eviction of Dom family in Siraha on religious grounds, it is important to mention that the individuals ordering such eviction were arrested and this case is sub-judice under the Siraha District Court. It is important to note that any definitive factual or motive-based conclusions in public discourse may prejudice the judicial process and contradict the principles of fair trial, due process and presumption of innocence.

B. Inclusive governance and effective participation

23. In para 30 the statement “Dalits are largely absent from law enforcement, prosecution, and other decision-making positions, undermining both community trust in the legal system and equitable access to justice” is not true. GoN clarifies that, Dalit representation is comparatively low, but they are not “largely absent.” The Constitution and other existing laws and policy have guaranteed representation based on population, including Dalits in proportional representation in the House of Representatives and National Assembly. Similarly, Nepal has a policy of ensuring 9 percent reservation for Dalits in all GoN recruitment processes. The Armed Police Force Regulation, 2015 under Rule 9 serves as model that it reserves 15 percent for Dalit community in its recruitment. Members of the Dalit community do serve in law enforcement, prosecution, and other decision-making positions. In the Armed Police, for example, 9.46 percent of personnel in the Nepal Police (law enforcement) are from Dalit community. Law enforcement agencies are working to execute the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011. In a notable application of this law, Nepal Police arrested the landlady on June 20, 2021, after she allegedly refused to rent a room to Rupa Sunar specifically because Sunar belongs to Dalit community.¹

24. In para 33, line 19, GoN would like to clarify that the GoN is committed to fulfilling its national and international human rights obligations and has been implementing recommendations of these commissions with priority within its capacities, resources and procedures.

25. In para 34, the GoN clarifies that the National Human Rights Commission of Nepal maintains a central office in Kathmandu, seven provincial offices, and three provincial branch offices, enabling engagement at the provincial and local levels. The Commission employs staff from diverse communities with multilingual capacities, including Maithili, Magar, Newari, and other languages, and receives complaints in languages comfortable to complainants, subject to staff capacity. Most of the commissions are also entitled to open their provincial offices and depute officials as per the requirement and available resources. Recruitment follows the Public Service Commission’s inclusive framework, in line with constitutional principles of equal opportunity and proportional representation of women and marginalized groups.

C. Freedom of religion and belief

26. In para 35 of the report GoN clarifies that, freedom of religion is guaranteed by the Constitution. Any restrictions are intended to prevent coercion, undue influence, or forced conversions, and are designed to remain within the permissible limitations under international law, including those related to public order. In addition, the Constitution and the Criminal Code do not prohibit voluntary religious conversion; rather, Article 26(3) of the Constitution and the relevant provisions of the Criminal Code are intended to prevent coercion, undue influence, or forced conversions.

27. In para 36, the GoN clarifies that there is no legal prohibition on religious minorities establishing places of worship, and that registration and burial ground issues are

¹ <https://myrepublica.nagariknetwork.com/news/landlady-arrested-for-refusing-to-rent-out-room-to-tenant-citing-her-lower-caste>, access date <Jan 20, 2026>.

administrative and location-specific matters being addressed by the competent authorities and concern society.

28. In para 37, clarification is required, Nepal remains one of the most multicultural and religiously diverse countries, with a strong tradition of mutual respect and tolerance among communities. Nepali citizens of all communities are living together in an exemplary state of tolerance and harmony since ages and that the Constitution guarantees religious freedom and social harmony. GoN also maintains legal and institutional mechanisms to prevent hate speech, protect religious minorities, and address discrimination.

D. Linguistic Rights

29. In para 41, line 13 of the report, GoN clarifies that children dropout rates are not related to merely language barrier, but it may be linked with other socio-economic, geographical and infrastructure causes.

7. Situation of particularly vulnerable minority groups

A. Dalits

30. In para 45, the cases referenced to the report are subject to ongoing judicial proceedings, and it would be inappropriate to characterize the justice system as having failed to deliver while matters remain sub-judice at Supreme Court. The GoN reiterates its commitment to ensuring accountability through due process and respect for judicial independence.

B. Madhesis

31. In para 51, The GoN views the reflection mentioned in, line 3 "*Madhesis have and the police*" is the gross generalization of some media narrative. The Constitution and prevailing laws have ensured the proportional representation of the Madhesi community in the mainstream of the GoN and public services. The GoN has undertaken significant measures to protect, promote, and respect the democratic, social, political, and cultural rights of the Madhesi community through proportional representation and reservations in the civil service, security forces, and other public services. Notably, Nepal's first President and the current Vice-President who belongs to the Madhesi community reflects the progress achieved towards social inclusion within state institutions.

C. Refugees

32. In para 53, clarification is required with regard to the statement that "the lack of Refugee Cards renders approximately 75 percent of Tibetans "stateless"", as the absence of documentation does not equate to statelessness under international law. In addition, the GoN would like to humbly posit that Nepal has been hosting Tibetan refugees on humanitarian grounds and renewing their documents from time to time and issuing new documents to their children wherever and whenever so required. The latest decision by the GoN on November 23, 2025, to renew their documents and provide new documents to their children is a testimony to this effort. Clarification is also required regarding the statement that "Nepal has banned all Tibetan cultural and religious activities", as restrictions relate to political activities and public order considerations, and do not constitute a blanket prohibition on cultural or religious practices.

33. In para 55 the correct number of Bhutanese refugees resettled in third-party resettlement programme is "113,579". Furthermore, the GoN wishes to clarify that the requirement of exit permits and the imposition of immigration-related fines amount to a violation of article 12 of the International Covenant on Civil and Political Rights, because the right to leave any country is subject to lawful and proportionate restrictions. And procedures relating to exit permits and immigration status are governed by immigration law and administrative processes in every country.

D. Minority and Dalit persons with disabilities

34. In para 56, clarification is required with regard to the statement that “Dalits and minorities with disabilities do not have legal recognition under the Disability Rights Act, 2017”, as the Act provides legal recognition and protection to all persons with disabilities without discrimination on any ground.

8. Conclusion and Recommendation

35. The GoN is thankful for the recommendations provided by the Special Rapporteur. In regards to the recommendation no (65(b)) to "*Withdraw the reservation to article 4 of CERD and the declaration regarding article 6 of CERD*". The GoN, affirms that its reservations and declarations under CERD were made in accordance with both domestic law and international obligations, reflecting the need to harmonize the effective implementation of the Convention with Nepal's constitutional framework and national context. The GoN remains committed to combating racial discrimination and continues constructive engagement to align its international obligations with domestic laws and policies.

36. The GoN humbly submits that the recommendation no. 65 (k) to repeal or amend the anti-conversion provisions in the Criminal Code (Section 156, 158, and 159) contradicts with the Constitution provision.

(a) These provisions are designed to prevent coercion, undue influence, or forced conversions and to uphold religious harmony and public order among all religious communities, in line with the principles of natural justice and equality before the law. Allowing unrestricted conversion could compromise the fundamental rights of individuals to freely practice their religion and may facilitate coercion, which is inconsistent with international human rights standards. The GoN remains committed to protecting freedom of religion while ensuring that the law is not misused to force conversions or undermine social harmony.

(b) Nepal reiterates that Nepal remains one of the most multicultural and religiously diverse countries, with a strong tradition of mutual respect and tolerance among communities. Nepali citizens of all communities are living together in an exemplary state of tolerance and harmony since ages and that the Constitution guarantees religious freedom and social harmony. Nepal is worried of the practices of conversion that are undertaken through various inducements or exploitation of vulnerable communities may lead to disruption of social harmony and mutual respect and dignity.

(c) Nepal reemphasizes that voluntary belief and religious practice are not prohibited. The GoN remains committed to ensuring that legal provisions are applied in a manner that safeguards freedom of religion and belief while preventing exploitation and maintaining social harmony.

37. In regards to the recommendation no. 65(q), The GoN request the Special Rapporteur to reconsider the recommendation related to overstay fines. These fines are applied to all foreign nationals who breach the Immigration Act of Nepal, ensuring compliance with national law. Waiving such requirements could encourage Nepal to become a transit point for irregular migration and human trafficking posing risks to national security, state sovereignty, cultural and economic distortion, and long-term national interests. While the GoN remains committed to facilitating third-country resettlement for recognized refugees in cooperation with relevant international agencies. It must also uphold its immigration regulations and protect its legitimate national interests also in consideration with limited resources as an LDC.

38. In regards to the recommendation no. 65 (w), the GoN has constitutionally adopted secularism and fully guarantees religious freedom in all its forms, ensuring equal rights, peaceful coexistence, and protection of property, trusts, and social rites for all religious communities. The registration and rights of religious institutions are already addressed under existing laws and regulations.