

**2025**

# **REPORT OF**

## **National Women's Coalition-Secretariat for Universal Periodic Review (UPR)**

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**Submitted to;  
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## **I. INTRODUCTION**

1. This joint submission has been prepared by the National Women's Coalition, as a part of three coalitions, the Nepal National Coalition for Universal Periodic Review (NNC-UPR), and the Durban Review Conference Follow-up Committee (DRCFC) Nepal. The National Women's Coalition comprises 49 civil society organizations (Annex 1).

## **II. METHODOLOGY**

2. The report has reviewed the UPR 3<sup>rd</sup> cycle report of Nepal, CEDAW concluding observation report 2025 and the report of the special rapporteur on extreme poverty for Nepal 2022, including the mid-review report of UPR by Civil Society Organizations (CSOs), census report of Nepal and other reports published by various NGOs/INGOs. This report also gathered primary data from 2 national consultations, one with representatives of key stakeholders and the other with the representatives of government and National Human Rights Institutions (NHRIs), 7 provincial and 1 thematic consultation with more than 500 participants and relevant stakeholders. Participants included representatives from the National Human Rights Commission (NHRC), government, sexual minorities, Muslims, religious minorities, Dalit and Madhesi communities, indigenous peoples (IPs), journalists, lawyers, freed bonded laborers, women human rights defenders, and child rights activists. Data were even collected from Google Forms from the participants and the stakeholder organizations.

## **III. IMPLEMENTATION STATUS OF UPR 3<sup>rd</sup> CYCLE (2021) RECOMMENDATIONS AND DEVELOPMENTS SINCE THE PREVIOUS REVIEW**

3. The Nepal government had supported 197 out of 233 recommendations made by the Human Rights Council including on the rights of women human rights defenders, addressing impunity during the time of civil war<sup>i</sup>; addressing gender-based discrimination and violence; and protection of vulnerable communities including women with disabilities, sexual and religious minorities, indigenous people, Dalits and women migrant workers while the implementations of such recommendation are partial and not satisfactory. The Nepal government had conducted the National Population and Housing Census (NPHC) in 2021 with disaggregated data for monitoring the achievement of Sustainable Development Goals (SDG) targets related to gender equality, working conditions, health, poverty and such. The government has developed the 16th five-year plan (2024/25-2029/30), including the national target for SDGs. Nepal has

amended the *Citizenship Act* 2006, by the Second Amendment in 2025, paving the way for obtaining citizenship in the name of the mother as ensured in the Constitution of Nepal which is yet criticized.<sup>ii</sup>

#### **IV. BACKGROUND AND FRAMEWORK**

##### **A. Scope of International Obligations**

4. The third cycle of UPR had recommended ratification of several international treaties for improving the women's human rights situation in Nepal. Still, the following treaties have not been ratified.

##### **5. Recommendations**

- a) (i) The ICMW, ICPED, The Rome Statute of the ICC, United Nations Convention against Cybercrime, 2024; the Convention relating to the Status of Refugees, 1951 and its Protocol, 1967 are to be ratified immediately.
- b) Likewise, AP I, AP II and AP III of Geneva Conventions shall be ratified.
- c) In addition, Optional Protocol to ICESCR, CAT, CRC, and CRPD shall be ratified.

##### **B. Constitutional and Legislative Framework**

6. *The constitution of Nepal*, 2015, has committed to women's human rights in its Article 38 in fundamental rights and guarantees a constitutional remedy. While other constitutional provisions are equally important in securing women's human rights, such as citizenship, representation and participation of women in leadership in government, including an independent commission for women. A study report by the Legislation Management Committee of the National Assembly has found that 111 laws have been enacted among the estimated 151 laws to implement the constitution.<sup>iii</sup>

##### **7. Recommendations:**

- a) Guarantee equal rights for women to acquire and transfer citizenship without any conditions as equal to their male counterparts.
- b) The government needs to immediately enact 40 laws to effectively implement the constitution, according to the report of the Legislation Management Committee.

##### **C. National Human Rights Institutions (NHRI), Infrastructures and Policy Measures**

8. The National Human Rights Commission (NHRC) is a constitutional body with an independent mandate on human rights implementation. Since 2021, it has made 444 recommendations to the Nepal government, but except for some departmental action, no legal action has been taken

in the past 4 years.<sup>iv</sup> Meanwhile, a commissioner has been appointed at the National Women Commission (NWC) following the recommendation from the UPR 3<sup>rd</sup> cycle and is functional. In addition, there are other constitutional thematic commissions functioning: (i) National Women Commission, (ii) National Dalit Commission, (iii) National Inclusion Commission, (iv) Indigenous Nationalities Commission, (v) Madhesi Commission, (vi) Tharu Commission and (vii) Muslim Commission. But still, after a decade of mandate in the constitution, some of these commissions are not fully equipped, and the commissions are also not appointed. The constitution provides that these commissions will be reviewed and revised after 10 years of the implementation of the constitution.

#### **9. Recommendations:**

- a) Ensure the recommendations of NHRC and other constitutional bodies are fully implemented, and actions are taken by the Nepal government.
- b) Ensure inclusive representation in appointments to all these constitutional, independent commissions.
- c) Revise the existing commissions for their mandate and continuation, and ensure they are fully functional.

### **V. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **A. Women Human Rights Defenders (WHRDs) and shrinking civic space**

- a) 10. The civic space in Nepal is rated as ‘obstructed’ by CIVICUS. The laws are used by the government to extend restrictions on freedoms to express, participate, assemble and associate. New technologies, social media and digital platforms have helped civil society networks to grow, but they’ve also given governments excuses to control civil society movements and media freedoms, often under security pretexts<sup>v</sup>. The challenges WHRDs faced in civic space include failure to recognize them as “Human Rights Defenders”, persisting culture of impunity, restriction on defending human rights, absence of support mechanisms, lack of legal protection for women human rights defenders and persistence of discrimination arising from rigid caste and class systems including discrimination against single women, women working in the entertainment sector, lesbian and bisexual defenders, transsexual or third genders. WHRD’s often face pre-trial and unlawful arrest, detention and torture by Nepal Police. While the investigation of such cases are not taken seriously and the survivors are obstructed from access to justice.

These WHRD's are also facing the torture from the family, society and state party for the work they have done. Journalists have faced regular threats from armed groups and political parties for filing reports about the WHRDs' activities.

11. In 2023, INSEC recorded 45 incidents of human rights violations against Women Human Rights Defenders (WHRDs), by both state and non-state actors. State authorities were responsible for 26 incidents, including arrests, restrictions on assembly, beatings, and inhuman treatment of WHRDs. Likewise, non-state actors caused 19 cases of violence, including beatings, threats, caste-based discrimination, and further restrictions on assembly.<sup>vi</sup> In 2024, WOREC conducted research on violence against Women Human Rights Defenders (WHRDs), where it found that among the 102 respondents, 96 reported facing threats, including physical abuse, mental harassment, and character assassination.
12. The UN Special Rapporteur reported two separate physical attacks on a women's rights organization in mid-2024. Firstly, on 28 May, a landlord violently threw out equipment and abused staff to protest the hiring of Dalit (marginalized caste) personnel. Second, between 23–31 June, unidentified men attempted to forcibly enter the office of WHRDs at night, threatening rape and murder, and vandalizing the premises.<sup>vii</sup> Even after the communication from the Special Rapporteur, the government has not properly investigated those cases.

### **13. Recommendations**

- a) Enact a comprehensive law for recognizing the rights of Human Rights Defenders, promoting the rights of women human rights defenders.
- b) Develop protection mechanisms for the women defenders working on women's rights from violations perpetrated by state and non-state actors by offering effective security measures.
- c) Effective and gender sensitive monitoring of Police custody and detention center by independent Human Right Institutions.
- d) Ensure the constitutionally protected fundamental rights such as the right to form associations, freedom of expression of views and peaceful assembly are not restricted by the government either at online platforms or physically, citing a threat to peace and security.
- e) Create an enabling environment by countering the stigmatization and criminalization of women human rights defenders, including by publicly recognizing the significance and importance of their work; condemning hate speech and defamatory statements directed

against them, including online platforms; and refraining from taking legal action against them for the nature of their work.

- f) Government shall refrain from interference in the flexible, multi-year funding for women human rights defenders-led programs, their security, and organizational sustainability.
- g) Provide robust and effective support for Women Human Rights Defenders, ensuring digital security by enactment of laws against digital harassment and increasing backlash against gender equality.
- h) Establish a National Protection Mechanism (in line with international guidelines) providing risk assessments, protective orders, safe shelters, and legal aid for WHRDs. Provide physical protection, legal aid, and emergency relocation mechanisms to women human rights defenders who are under threat to their physical security
- i) Amend Section 47 of the *Electronic Transaction Act*, 2006 to include precise, narrowly defined provisions to prevent its misuse against human rights defenders, women activists, journalists, and citizens for exercising freedom of expression.
- j) Amend the proposed social media Bill, IT and Cybersecurity Bill, 11th Amendment of Broadcasting Regulation, and National Cybersecurity Bill to remove provisions that unduly restrict freedom of expression and association and make it gender sensitive.
- k) Simplify and digitalize the Social Welfare Council (SWC) procedures for NGOs and civil society organizations to eliminate unnecessary bureaucratic hurdles.
- l) Increase funding for the rights of women in the sector of sexual and reproductive health, gender-based violence and for women-led organizations.

## **B. Violence against women**

14. According to Nepal police, 2507 cases were of rape and 5 cases were murder after rape.<sup>viii</sup> In cases related to sexual violence, 91.9 % of the accused/offenders were acquaintances, and 64.6 % of the victims were girls. The domestic violence cases constitute 78.3% of Gender-based violence cases, while there were 81 cases of murder after domestic violence. Yet, many cases of domestic violence are mediated as the law requires. According to Women's Rehabilitation Center (WOREC) during the fiscal year - July 2023 to June 2024 a total number of 1,393 cases of gender-based violence were recorded, with 65% (911 cases) of domestic violence, followed by 13.2 % (185 cases) cases of rape<sup>ix</sup>. Also, there are increasing cases of cyberbullying in

online platforms.<sup>x</sup> Nepal Police had registered 19730 cases of cybercrime, with 8745 cases reported by women and 382 cases reported by girls.

#### 15. Recommendations

- a) Adopt a comprehensive Gender Based Violence legislation defining and criminalizing all forms of Gender Based violence (GBV) with funding mechanisms to support survivors of violence such as domestic violence, online bullying, harassment, violence, and workplace harassment and ensure their survivors have access to justice and protection services.
- b) Remove the provision of reconciliation in the cases of domestic violence as provided in Sections 8, 10 and 11 of the *Domestic Violence (Crime and Punishment) Act*, 2008.
- c) Enact legislation on regulating the live-in relationship.
- d) Build victim-friendly accessible rooms and ensure accessibility for people with disability in all courts and police stations, and offices of government attorney offices for safe testimony and support for women and their accompanying and dependent children
- e) Establish fully funded one-stop crisis centers in all 77 districts of Nepal, ensuring legal, psychosocial, medical, and shelter support for survivors of violence against women and girls, cases of trafficking, unsafe migration, and providing a conducive environment to women of Dalit, Indigenous, sexual minorities and disabilities.

16. **Child marriage:** There are several harmful traditional practices prevail in Nepal, such as caste-based discrimination, menstrual restrictions (*Chhaupadi*), child marriage, dowry, and witchcraft accusations and persecution<sup>xi</sup>. The NPHC 2021 report states that within the age group of 18 to 20, there are 34.4 % of marriages with 35.9% of girls and 32.6% of boys getting married, and 22.3% of the total married population are between 15 to 17 years. In Nepal, child marriage can be arranged or forced. As well as families and communities arranging marriages for children, current evidence points to an increase in a particular type of child marriage, which is self-initiated marriage, or elopement.<sup>xii</sup> Nepal has criminalized child marriage in the *Muluki Criminal Code, 2017* and make it void. Recently, the government has proposed an amendment to the *Muluki Criminal Code, 2017*, with the amendment on Section 173.

#### 17. Recommendations

- a) Take all necessary steps to effectively implement laws against harmful practices, e.g. child marriage, dowry, polygamy, *Chhaupadi* (dignified mensuration) and witch accusation.

- b) Redraft the amendment bill of the *Muluki Criminal Code*, 2017. Amend the *Muluki Criminal Code*, 2017 by defining the “child”, “early” and “child forced” marriage. Also, define the self-initiative marriage by the minors.
- c) Amend the *Muluki Criminal Code*, 2017, so that the minors are not prosecuted in case of child marriage and their cases are taken under Section 29 for diversion according to the *Act relating to children*, 2018.
- d) Amend the *Act relating to children*, 2018, Section 48 to include married adolescents within the group of children who need special protection.
- e) The annulment of child marriage shall consider the aspect of maintenance of girl bride, custody of children, social rehabilitation and reintegration or alternative care protection.

18. **Human trafficking:** The National Human Rights Commission (NHRC) has estimated that about 1.5 million Nepalese were vulnerable to human trafficking. It further underscored the ongoing exploitation of people in the adult entertainment sector, as laborers at brick kilns, and in organ trafficking operations, both domestic and international.<sup>xiii</sup> But, the reporting, investigation and prosecution of the cases of human trafficking is very few. According to Women’s Rehabilitation Centre (WOREC), during the fiscal year, July 2023 to June 2024, 77 cases of human trafficking were reported.<sup>xiv</sup> Numerous studies have highlighted that certain anti-trafficking initiatives can lead to human rights violations.<sup>xv</sup> Nepal is now downgraded to Tier 2 Watch List from Tier 2 by the US government.<sup>xvi</sup> Nepal ratified the Palermo Protocol in 2020, but its domestication is still pending.

19. **Recommendations:**

- a) The Government should amend its existing human trafficking legislation and decouple it from sex work, in order to address labor exploitation more broadly across all forms of labor employment.
- b) Harmonize the *Foreign Employment Act*, 2007 and the *Human Trafficking and Transportation (Control) Act*, 2007, to ensure consistency with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially related to women and children.
- c) The government shall finalize and implement Standard Operating Procedures (SOP) guidelines for victim identification of trafficking.
- d) The Government shall expedite the domestication of laws related to anti-trafficking to align with the Palermo Protocol.



- e) The government should increase the monitoring of anti-trafficking NGOs in Nepal, and create mandatory and periodic social audit of anti-trafficking initiatives.
- f) The Government shall incorporate an anti-trafficking clause in all Bilateral Labor Agreements (BLAs), placing the responsibility for the protection of Nepali migrant workers on destination countries where such workers are at risk of exploitation.<sup>xvii</sup>
- g) The Government should develop a concrete integration plan for all victims of human trafficking within Nepali society by creating a special provision for trafficked victims in its national reintegration plan.

20. **Transitional justice:** In August 2024, the government amended the legislation for a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CIEDP). The Section 2(j1) (1) of the *Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation*, 2014 (TRC Act) – Third amendment now defined rape as "serious violations of human rights" and the perpetrators cannot plea for amnesty. It requires that the victims of Conflict-Related Sexual Violence (CRSV), who have previously not registered their cases with the Commission to register the case within three months.<sup>xviii</sup> It further recognizes the discrimination faced by CRSV victims and prioritizes them for interim relief. It further provided that there must be at least one female Commissioner among the five members of the Commission. However, survivors and victims' representatives have recently rejected a short list of candidates published by a committee to appoint commissioners.

## 21. Recommendations

- a) Remove statutory limitations on reporting the cases of rape and sexual violence and abuses committed during the civil war.
- b) Appoint the members to CIEDP and TRC without any political interference according to the TRC Act, ensuring the process is credible, transparent, and inclusive, and upholds democratic principles and public trust.
- c) The government shall design and implement gender-friendly procedures for investigation, including statement taking, victim and witness protection and other activities of the Commission, including a specific reparation policy to address the unique needs of women victims/survivors of sexual violence during the conflict period

- d) Develop a new National Action Plan (NAP) for the implementation of UN Security Council Resolutions 1325 and 1820 while promoting the meaningful participation of women in all discussions and decisions related to peace and security, particularly in the development and evaluation of national action plans.

### **C. Women and intersectionality:**

22. **Indigenous women:** The Census of Nepal 2021 shows that the total population of Indigenous Peoples is 35.08%, which is 29,164,578. There are 59 communities of Indigenous Peoples formally recognized by the State, while 19 more identified communities in 2021 are yet to be formally recognized and the indigenous people are under represented at the government agencies. The Nepal government has adopted the National Action Plan (NAP) on Business and Human Rights on 27 December 2023, to guide the work of businesses in terms of human rights. Amnesty International and the Community Self-Reliance Centre (CSRC) report (2021) found the state has failed to provide effective remedies to the Indigenous peoples while their human rights are violated by both state and non-state parties. The study highlighted several cases such as “forced evictions, denial of rights to their ancestral lands, unjustified restrictions on access to the forests and natural resources on which they traditionally rely, amounting to a denial of access to food, arbitrary arrests, unlawful killings, detention, and torture or other ill- treatment by the Nepal Army and National Park personnel protecting conservation areas.”<sup>xix</sup> Meanwhile, the government has endorsed and approved the National Action Plan for the implementation of ILO 169, but it is yet to be implemented.

### **23. Recommendations:**

- a) The government shall revise and amend related legislations and plans with the input and perspective of Indigenous Peoples and Indigenous Women, thereby recognizing the vital role that Indigenous Peoples, Indigenous Women, and Girls play and ensuring full compliance with ILO 169, which it has ratified.
- b) The government shall collect disaggregated data of Indigenous Women and apply an intersectional approach to ensure representation and participation in government bodies.
- c) The government shall revise climate change laws, business and human rights plans and policies with input from Indigenous Women, recognizing their role as custodians of local natural resources, ensuring active involvement for overall development.

- d) The government shall recognize indigenous knowledge, skill, culture and promote entrepreneurship of indigenous women and involve them in the planning process and development at the local government.

24. **Sexual and religious minorities:** The Constitution of Nepal 2015 has recognized “gender and sexual minority’ people among the disadvantaged groups. Still, the marriage between diverse LGBTIQ+ groups is not recognized by the government. The community of sexual minorities are subjected to discrimination, hate, social stigma, and harassment in their own families, schools, employment and public services. The community of LGBTIQ+ has reported 767 cases of cybercrime between July 2023- July 2024.<sup>xx</sup>

25. In 2021, 81.19% of Nepal’s population identified as Hindu, slightly down from 81.34% a decade ago. Buddhists have also declined slightly from 9.04% to 8.21%. Christians make up 1.76% (up from 1.41%) while Muslims constitute 5.09% (compared to 4.38% in 2011). The Human Development Index (HDI) of the Muslim community in Nepal is 0.422,<sup>xxi</sup> which is the lowest among the other social groups. Muslims make up less than 1% of the total bureaucracy. Their presence at the gazette level is almost nil and under-represented in the non-gazette level. This disparity has been largely attributed to the low educational level.

## 26. **Recommendations**

- a) The Government of Nepal must accept the country visit request of the Special Rapporteur on Freedom of Religion or Beliefs to review the human rights situation of the religious minorities in the country.
- b) Government shall ensure that all religious groups have equal access to resources to preserve and protect religious and cultural heritage, and people of religious minorities are protected from online harassment.
- c) Government shall ensure that religious minority populations, especially women, enjoy all fundamental freedoms, are represented and participate in public life without barriers.
- d) Government shall recognize and mainstream the religious education schooling system in Nepal’s education system.
- e) Government shall revise and amend the *Muluki Civil Code, 2017* and *Muluki Criminal Code, 2017* and other discriminatory laws that restrict the rights of the sexual minorities’ community.

- f) Government shall introduce legal provisions that allow transgender or intersex individuals to amend their gender and name in citizenship documents without invasive medical examinations.

27. **Dalit women:** The *constitution of Nepal*, 2015, guarantees the principles of equality and non-discrimination. Additionally, the *Caste-based Discrimination and Untouchability (Offence and Punishment) Act*, 2011 was adopted to provide the Dalits in Nepal the right to equality, to live with human dignity, and prohibit untouchability and discrimination on the grounds of caste. Yet, the women from Dalit communities are suffering from multiple discrimination in Nepal. According to census of 2021, in Nepal, Dalits, comprising more than 13% of the total population, are disproportionately impacted by poverty, illiteracy, child marriage, and social exclusion despite constitutional guarantees of equality and inclusion. There are 36% of Dalits living in extreme poverty. The average literacy rate for Dalits is 67.4%—8.8 % points lower than the national average. The child marriage rate among Dalits stands at 23%, significantly higher than the 13% rate among non-Dalits. The report indicates that 34% of Dalit women were married as children, in contrast, 20% of non-Dalit women who were married before the legal age. A study report has revealed that Dalit women faced various kinds of violence because of inter-caste marriage. According to the report, 71.7% of women have faced threats, and 70.8% of women have faced verbal abuse in public because of inter-caste marriage. Also, child marriage which involve inter-caste marriage are mostly prosecuted.

## 28. Recommendations

- a) Enact the *Dalit Empowerment Act* to address systemic discrimination to Dalit women and ensure Dalits' equal access to justice, social justice, education, employment, and land, in line with constitutional and international human rights standards.
- b) Strictly implement the *Caste-based Discrimination and Untouchability (Offence and Punishment) Act*, 2011, providing training to criminal justice sector actors too take action against discrimination against Dalits and uphold social justice and protect the rights of Dalits, providing them access to justice. Address the Violence against women, especially against Dalit women, when there is inter-caste marriage with non-Dalits.
- c) The Government should establish provisions for community-based training programs (on covering rights awareness, financial literacy, digital education, and entrepreneurial skills)

for Dalit women, delivered through local-level governance structures especially in wards with high Dalit population.

29. **Women with Disabilities:** In Nepal, more than six hundred thousand people, or 2.2% of the population, suffer from at least one type of disability. The distribution of disability is disproportionately skewed across gender, age groups, geographic area, and wealth quintiles.<sup>xxii</sup> Among the male population, 2.5% and the entire female population, 2.0% have some disability. Many people with disabilities, especially women, are hidden from the social arena, and are believed incapable of independence and denied opportunities for income generation and often their sexual and reproductive health rights are ignored.

30. **Recommendations**

- a) Ensure inclusion, representation and meaningful participation of women with disabilities while developing the plans and programs of the Nepal government.
- b) Take all necessary measures to improve assistive devices in technology, increase the CBR/CBID budget, and ensure social protection for persons with disabilities and empower the OPD Organization of Persons with disabilities to work on the CBID approach.
- c) Launch a program at the local level on the awareness about forms of disability and the rights-based approach to view them, and provide an opportunity for income generation.
- d) Ensure effective implementation of the *Safe Motherhood and Reproductive Health Rights Act* 2018 for women and persons with disabilities, allocating sufficient budgets to the health service providers.

**D. Right to work of women:**

31. The Nepal Labor Force Survey (NLFS) 2017/18 shows that labor force participation rate among people of 15 to 64 years is 26.3% for women compared to 53.8% for men. The average monthly wages received by men on average is NRs 20,071 per month by women is NRs 13,235 per month, which is 34% of the wage less than that of men.<sup>xxiii</sup> For employed women, the share of women in the informal sector is larger than 2/3 and, as opposed to men, they are close to equally employed in agriculture and non-agriculture jobs (31.8% and 32.9%, respectively). Although few are employed in private households, the share of women is 1.8% to 0.6% for men.<sup>xxiv</sup>
32. **Women Migrant Workers:** Women made up 19% of the over 2 million migrant workers of Nepal in 2021. In 2020, seven stringent pre-conditions were introduced on Nepali women from

travelling to the Gulf Cooperation Council (GCC) countries to work as domestic workers which has further strengthened the existing migration bans.<sup>xxv</sup> Nepal has implemented the *Reintegration Programme (Operation and Management) Directives* for Returnee Migrant Workers since 2022. However, this policy does not include the Returnee Women Migrant Workers (RWMWs) who went through irregular routes. Upon return to Nepal, compared to male Returnee Migrant Workers (RMWs), women face additional and specific challenges and barriers for reintegration at home, such as poor access to information on reintegration measures.

### 33. Recommendations

- a) The government should immediately lift emigration ban on women migrant domestic workers which increases their vulnerability to exploitation
- b) The government shall expedite its diplomatic mission for signing a legally binding Bilateral Labour Agreement (BLA) with the countries of destination of women migrant workers, including a safe and decent working environment for women domestic workers.
- c) The government shall ensure safe migration of domestic workers by removing any prohibitions or conditions that prevent them from departing from the airports in Nepal. They shall regulate and monitor recruitment agencies and immigration officials for safe and orderly migration.
- d) The government authorities should also ensure that diplomatic missions are adequately resourced and increase their ability to support women domestic workers facing exploitation or abuse, including by providing a hotline, shelter, as well as financial and legal support to those in need in the country of destination.
- e) The Government should unconditionally register all women migrant workers who have migrated through irregular channels at Nepali embassies and consulates
- f) Government shall amend the reintegration guidelines extending support to the women migrant workers who travelled by irregular route and returned.

34. **Domestic worker:** A global research-policy network has estimated that there are 250,000 domestic workers in Nepal. The *Labour Act*, 2017, has recognized domestic work and requires the contract to be made between the employer and the employee. Section 88 of the Act merely states that the government may issue separate regulations for determining the minimum wage of domestic workers, making it discretionary and non-binding. The lack of binding regulations

means domestic workers often work long, unregulated hours without guaranteed rest periods, with no restriction on employing domestic workers' overtime<sup>xxvi</sup>. A survey conducted by WIEGO and GEFONT<sup>xxvii</sup> shows that more than 80% of domestic workers in Nepal do not have a written contract. Most of them are employed in live-out arrangements with multiple employers. While live-in domestic workers are often paid below the minimum wage, or in some cases, not paid at all.

**35. Recommendation:**

- a) The government shall ratify ILO C189, ILO C190 to ensure decent work conditions for domestic workers and protect them from violence and harassment at the workplace.
- b) The government shall implement the social security schemes on domestic workers, agriculture workers, self-employed and other workers in informal sectors through coordination with the local governments.
- c) The registration of domestic workers along with a standard employment contract at the local level shall be made mandatory.
- d) The domestic workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.

**36. Care work:** In Nepal, women bear a significant burden of unpaid care work, including domestic chores, caregiving and community work. As per the ILO's regional report, women in Nepal carried out 85 per cent of daily unpaid care work, spending a total of 29 million hours a day cumulatively, compared to 5 million hours spent by men.<sup>xxviii</sup> This disproportionate amount of unpaid care work exacerbates Nepali women's time poverty, severely limiting their ability to participate in various educational, political, social and economic activities. As per the 2017/18 Labor Force Survey, 39.7% of Nepali women cited "unpaid care work" as a key barrier to entering the labor force, compared to 4.6% of Nepali males who mentioned the same issue.

**37. Recommendations**

- a) Government shall develop national care policy, grounded in the ILO's 5R Framework (Recognize, Reduce, Redistribute, Reward, and Represent care work). Also, domestic work either paid or unpaid shall be defined within a national care policy.

- b) Government shall priorities investments in health and education infrastructure, staffing, incentives and social protection benefits for caregivers, and investment in public childcare services in all local governments.
- c) Government shall establish an inter-ministerial coordination mechanism to mainstream care across all development policies and ensure integrated investment in care services, infrastructure, and workforce.
- d) The Government shall recognize care work in Gross Domestic Product (GDP) calculations and include it in national statistics and policies.

38. **Sex worker:** It is estimated that there are around 60,000 CSWs in Nepal, where there were approximately 25,000 sex workers in Kathmandu Valley.<sup>xxix</sup> According to an integrated biological and behavioral survey carried out by the Nepal Health Research Council in 2023, the median age of female sex workers was 30 years, and they came from diverse ethnic groups, including *Janajatis* in higher numbers, and Dalits. Regarding their educational status, 35.7% had secondary-level education. The majority, 77. % were married at least once.<sup>xxx</sup> Under the *Human Trafficking and Transportation (Control) Act*, 2007, the law has defined sex work as prostitution, referring to it as human trafficking.<sup>xxxi</sup> While the act has not criminalized sex work, there is a practice of prosecuting them on the grounds of violation of the public morality clause.<sup>xxxii</sup> People have negative perceptions and attitudes towards sex work and workers. They face many unpleasant experiences such as social insults, bitter criticism from the religious community, violence related to sexual work, arrest by the police force, etc.<sup>xxxiii</sup> Due to the restrictive policies, practices, protectionist approach and stigma around sex work, these workers navigate their lives clandestine manner and live without protection.<sup>xxxiv</sup>

### 39. **Recommendations**

- a) The Government should recognize sex work as work and ensure that Nepali citizens engaged in sex work are protected under the Constitution of Nepal, which guarantees every citizen the right to live with dignity under Article 16, the right to work under Article 34, and the right to basic health services under Article 35.
- b) The government should repeal all laws which criminalize consenting sex workers and adults, and make sure that migrant sex workers are not criminalized and can access legal protection.



- c) Government shall amend the *Human Trafficking and Transportation (Control) Act, 2007* to remove the inclusion of voluntary sex work as human trafficking. The derogatory words such as “*Besyagaman*” and “*Besyabritti*” in the *Human Trafficking and Transportation (Control) Act, 2064* shall be removed.
  - d) The sex workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.
  - e) The government should launch anti-stigma campaign to address historical stigma associated to sex workers.
  - f) Government shall develop policies to protect sex workers and also provide exit plans that allow for transition into an alternate livelihood without stigmatizing their current work.
40. **Work in the Entertainment and hospitality sector:** Entertainment work is not fully recognized as work by the state, labor authorities or police. Many women are employed without employment contracts, leaving them without access to minimum wage, social security, or legal protections. Often, there are police raids and surveillance at their workplace. Yet, poor regulation of recruitment practices, involvement of agents and organized traffickers in internal human trafficking has led to cases of child trafficking and child labor in the entertainment and hospitality sector. The Supreme Court of Nepal gave a directive order in 2008 to the Government to develop legal measures, rules and regulations to address sexual harassment of women workers entertainment sector.

41. **Recommendations**

- a) Government shall formally recognize the entertainment and hospitality sector under the *Labor Act, 2017*, ensuring the minimum wage, occupational health and safety, and contractual obligation to the recruiters. The government shall enforce the guidelines of the Supreme Court (2008), accompanied by regular monitoring, inspections, and penalties for violations of labor rights in the entertainment and hospitality sector.
- b) Government shall implement anti-trafficking measures against internal human trafficking, including the monitoring of recruitment brokers in the entertainment sectors, and child labor in the entertainment industry. Train police and labor inspectors, mandating gender-responsive enforcement and victim-sensitive practices.
- c) The government shall launch social awareness initiatives to destigmatize entertainment workers and protect their housing and community rights.

- d) The workers shall be supported to join trade unions or associations, offering legal advice, emergency assistance, and collective advocacy.

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## Annex 1

### Members of Coalition

#### Women Rehabilitation Centre (WOREC)-Secretariat of National Women's Coalition for UPR

- 1 3 Angels Nepal
- 2 Akhil Nepal Women's Association (ANWA)
- 3 Alliance Against Trafficking In Woman And Children In Nepal (AATWIN)
- 4 Aaprabasi MahitaKamdar Samuha (AMKAS)
- 5 Beyond Beijing Committee (BBC)
- 6 Biswas Nepal
- 7 Change Action Nepal (CAN)
- 8 Community Action Center (CAC Nepal)
- 9 Centre for Women's Awareness and Development (CWAD)
- 10 CSGS (Centre for Studies on Gender, Society and Development Study)
- 11 CARE Nepal
- 12 Dalit NGO Federation (DNF)
- 13 Dristi Nepal
- 14 Fedration of Sexual and Gender Minoriities Nepal, (FSGMN)
- 15 Feminist Dalit Organisation (FEDO)
- 16 Forum for Women Law and Development (FWLD)
- 17 Gyanbodh Research and Development Services
- 18 Him Rights
- 19 Indigenous Women League–LWL Nepal
- 20 Institute of Human Rights Communication Nepal (IHRICON)
- 21 Jagriti Mahila MahaSangh, Nepal's Federation of Female Sex Workers (JMMS)
- 22 Loom Nepal
- 23 Lutheran World Federation (LWF) Nepal

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- 24 Lutheran Community Welfare Society (LCWS)
  - 25 Luzza Nepal
  - 26 Mitini-Nepal
  - 27 NagarikAawaz
  - 28 National Alliance for Women Human Rights Defenders (NAWHRD)
  - 29 Nepal Disabled Women Association (NDWA)
  - 30 Nepal Mahila Ekata Samaj (NMES)
  - 31 Nepal Muslim Welfare Society (NMWWS)
  - 32 POURAKHI-Nepal
  - 33 Public Health Concern Trust (Phect) Nepal
  - 34 Resource Center for Primary Health Care (RECPHEC)
  - 35 Rastriya Mukta Haliya Samaj Federation Nepal (RMHSF)
  - 36 SAATHI Women Shelter
  - 37 Sex Workers and Allies (SWASA Nepal)
  - 38 Shakti Samuha
  - 39 Society For Women Awareness Nepal (SWAN)
  - 40 SOLID Nepal
  - 41 Women for Human Rights Single Women Group(WHR)
  - 42 Women Act
  - 43 Women Forum for Women in Nepal (WOFOWON)
  - 44 Women Human Rights Defenders Network Kathmandu
  - 45 Women Human Rights Defenders Network Lalitpur
  - 46 Women Security Pressure Group (WSPG)
  - 47 Women's Reproductive Rights Program-Center for Agro-Ecology and Development (WRRP)
  - 48 Youth Action Nepal
  - 49 Yuwalaya