



COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
27 November - 1 December 2006

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the second periodic report of Nepal concerning
the rights covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/C.12/NPL/2)**

I. General framework within which the Covenant is implemented

1. Please provide information on the extent to which economic, social and cultural rights will be reflected in the new Constitution.
2. Please outline the concrete steps taken to implement the National Human Rights Action Plan (para. 4 of the report), as well as the results that have so far been achieved.
3. Please indicate the concrete ways by which the commitments of the State party contained in Annex I of the report are reflected in the Constitution and in other legal instruments.
4. Please provide information on the extent to which economic, social and cultural rights as provided for in the Covenant have been taken into consideration in the Comprehensive Peace Agreement.
5. Please provide examples of case law in which the Covenant is directly invoked, either as a ground for the case or as interpretative guidance for national legal norms.

6. Please provide detailed information on the new code of conduct on the activities of national and international non-governmental organizations issued by the Social Welfare Council (SWC), including on whether it has binding force, whether there are consequences for non-compliance, and if so, what those consequences are.

II. Issues relating to the general provisions of the Covenant (articles 1 – 5)

7. Please provide information on measures taken, legislative or otherwise, to effectively combat discrimination based on caste within Nepali society. Please specify the results of the efforts being made in this area (as presented in paras. 26-36 of the report).

8. Please also provide information on the steps being taken to address practices such as the ill treatment of Dalits by the law enforcement authorities, maintenance of segregated residential areas and separate water taps for Dalits, social exclusion of inter-caste couples, obstacles for opportunities in certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water.

9. What measures are being undertaken to ensure that different categories of asylum seekers are able to enjoy economic, social and cultural rights on the basis of equality among them, including freedom of movement, to enable them to find work and education opportunities? What have been the results of such measures? Please provide information on the state of negotiations with the Bhutanese authorities regarding verification of identity of the asylum seekers in refugee camps in eastern Nepal and the state of the “census” being undertaken with assistance from UNHCR.

10. Please provide information about the conditions in which internally displaced persons (IDPs) live, the availability and access to essential services, such as health care and education, as well as the measures envisaged for promoting return to their homes.

11. Please provide detailed information about the status of women, in law and in fact, and in particular, their participation in decision-making processes at all levels.

12. Please indicate the reasons why the State party has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

III. Issues relating to specific rights (articles 6-15)

Articles 6-8

13. Please explain why the State party has not ratified the following Conventions of the International Labour Organization:

- Convention No. 87: Freedom of Association and Protection of the Right to Organise Convention, 1948
- Convention No. 105: Abolition of Forced Labour Convention, 1959

- Convention No. 169: Indigenous and Tribal Peoples Convention, 1989

14. What efforts, legislative and otherwise, are being taken to dismantle barriers to entry into any occupation based on caste or gender, and what have been their results?

15. In light of reports regarding the fact that 90% of workers are employed in the informal economy, please elaborate on how the factors (para. 19 of the report) are being addressed in order to effectively promote employment opportunities in the State party.

16. Please outline the efforts being made to ensure that Nepali migrants working abroad can enjoy their economic, social and cultural rights. In view of the large number of Nepalis working in India (para. 133 of the report), please explain whether a bilateral agreement has been reached with India, and if so, please summarize the rights of migrant workers recognized therein.

17. Please provide information on the situation, level and trends of employment, unemployment and underemployment in the State party, including disaggregated data on an annual basis since the last report, for particular categories of workers such as women, young persons, older workers, disabled workers, and workers categorized by caste.

Article 9

18. Please provide information on the implementation of the non-contributory, universal social security program introduced in 1995, subsequent developments, and on the extent of its coverage.

Article 10

19. Please provide information on measures taken to recover and rehabilitate children who were forcibly recruited into the service of the Communist Party of Nepal or into military service and to reintegrate them into society. What measures are in place to ensure that such children are not targeted by the law enforcement authorities or subjected to ill treatment for purposes of vengeance or information gathering against members of the opposition.

20. Please provide information on the reported persistence of child brides, in some cases as young as 9 years of age, and on the measures undertaken to combat it.

21. Please provide detailed information about the trafficking of persons for the purpose of economic and sexual exploitation in the State party, in particular women and children, the legislative and other measures taken by the State party taken to combat this problem, and their results.

22. Please provide more detailed information about the concrete measures taken to eliminate child labour, as well as the results of such measures (paras. 128, 192-199 of the report).

Article 11

23. Please provide annual data about the incidence and depth of poverty, disaggregated by gender, caste, ethnicity and region; outline the State party's efforts to create economic opportunities, in particular, for the most marginalized and disadvantaged and its achievements so far.

24. Please provide detailed information on the causes and effects of the heavy migration of people from the rural to the urban areas, particularly on its impact on agriculture and food production. What measures has the State party undertaken to address the situation?

25. Please provide information on the strategy, if any, in place to cope with the difficulties facing the agricultural sector, including poor irrigation, low productivity, and low prices of agricultural products? How does the State party ensure food access, in particular for the most marginalized and disadvantaged groups and persons in remote areas?

Article 12

26. Please provide information, including disaggregated data on an annual basis, on the incidence of tuberculosis among the entire population, as well as on the extent of diarrhea among children.

27. Please provide a detailed update on the reproductive and sexual health programmes that were launched since the Ninth Plan (1997-2002), as well as the programmes for the rehabilitation of mentally disabled persons, as requested by the Committee in its previous concluding observations.

28. Please provide further information on the results achieved since the last report to combat the spread of HIV/AIDS.

Article 13

29. Please provide detailed information on the State party's measures and the progress achieved in implementing the Constitutional provision on the right to education, protecting the continuity and quality of education in the rural areas, addressing the gender disparities among teachers, and ensuring academic freedom and the safety of teachers and schoolchildren outside the Kathmandu Valley.

30. Please explain how the State party promotes education among Dalits, girls, and those living in extreme poverty. Please provide annual data for the period covered in the report, disaggregated by region, caste, and gender, on the enrollment and attendance rates at all school levels. Please also provide such data for asylum seekers and internally displaced persons.

Article 15

31. Please provide information about reports of continuing harassment of indigenous peoples, forced relocation and violations of their right to own, develop, control and use their traditional homelands and resources.

32. Please provide information on the extent to which minorities are allowed to practice their rituals, customs, and traditions.