



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2007/SR.5
7 May 2007

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 5th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 2 May 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Nepal (continued) (E/C.12/NPL/2; E/C.12/NPL/Q/2 and Add.1; HRI/CORE/1/Add.42)

1. The CHAIRPERSON invited the delegation of Nepal to continue its replies to the questions raised at an earlier meeting.
2. Mr. PAUDEL (Nepal) said that his Government was doing its utmost to improve various aspects of education, in particular the literacy and enrolment rates. The aim was to achieve 100 per cent enrolment in primary education by the end of 2015. Current enrolment rates for girls were approximately 47 per cent in primary education and 45 per cent in secondary education. The enrolment rates for Dalits were 17.9 per cent in primary schools, 8.9 per cent in junior secondary schools, and 5.8 per cent in senior secondary schools. The proportion of female students in higher education stood at around 43 per cent, with more than 32 per cent at university level.
3. Primary education for all children in grades 1 to 5 was free and all textbooks were provided. Dalit children and all girls in the Karnali Zone received scholarships. Education was free for girls up to grade 10, and the Government had plans to provide free education for all children up to secondary level.
4. There were geographical, social and economic reasons for the sizeable proportion (16 per cent) of children who remained outside mainstream education. A number of Government initiatives to tackle the problem had proved successful: the Flexible Schooling Programme allowed older children to complete primary school, while the Welcome to School Campaign targeted at parents and children and conducted during enrolment week had helped to increase enrolment rates. Since the children were largely from underprivileged communities and remote areas, other incentives had been developed. They included the Food for Education Programme and the Girls Incentive Programme, where schoolgirls were provided with basic foodstuffs to encourage their families to send them to school.
5. Various programmes were under way in the formal and informal education sectors to improve literacy rates. There were also plans to extend the basic education programme from grades 1 to 5 through to grade 8.
6. Around 30 per cent of the teachers in primary schools were women; they accounted for 16 per cent and 8.6 per cent of the teaching staff in junior secondary and senior secondary schools respectively. The current policy was to have one female teacher in every primary school, and it was planned to increase the number of female teachers in primary schools by 3,000 by the end of the current fiscal year.

7. Some 38 per cent of students in higher education were female, but it should be noted that the overall enrolment rate for higher education in Nepal was comparatively low. There were 5 universities, around 80 constituent colleges and 393 affiliated colleges.
8. The education system set out to forge a national identity and promote national unity. Human rights were taught at university level only, but the Ministry of Education was trying to include the subject in the curriculum at all levels of education. Human rights education formed part of law degree and postgraduate courses. Gender equality was taught in one university at postgraduate level. Some social science courses also included human rights education.
9. A mother-tongue education programme had been launched in 2004. The Ministry of Education had recently prepared textbooks in 16 different languages, which would be published shortly. It had also prepared information and reference material on different lifestyles and cultures for distribution to schools and communities. A programme was under way to train new teachers in their different mother tongues. The Government planned to introduce mother-tongue education in primary schools up to grade 3 by 2009.
10. Nepal had a rich cultural heritage. Under the Indigenous Nationalities Development National Foundation Act, 2002 different cultures were promoted and protected. Institutions responsible for the preservation and protection of cultural life and the national cultural heritage included the Department of Archaeology, Guthi Sansthan, the Cultural Corporation and the Ministry of Tourism, Culture and Civil Aviation.
11. As a result of recent amendments to legislation, women now had full property rights. However, at the present juncture it was difficult to say to what extent such legislation was implemented in practice. Similarly, it would take some time to collect statistics on the subject.
12. Mr. PAUDYAL (Nepal) said that various measures, particularly in the area of prevention and law enforcement, had been adopted to curb the trafficking of young women from remote areas to cities in India for the purpose of sexual exploitation. Targeted programmes organized by the Government and civil society focused on awareness-raising, income-generating and poverty alleviation activities.
13. Criminal legislation had been amended to impose stiffer penalties on persons responsible for trafficking, who were now liable to 20 years' imprisonment. There was joint surveillance of major transit points by the police and representatives of civil society. Young women who were rescued from traffickers were sent to rehabilitation centres run by NGOs. There were basically two types of rehabilitation: for the young women rescued en route; for the others traced in India. Both forms of rehabilitation included counselling and skill-development training. The young women who had been in India also received medical care. Following their rehabilitation they had the choice of returning to their homes or remaining attached to the rehabilitation centres in gainful employment.
14. Traditionally, only men had been allowed to inherit property, but under recent amendments to legislation women now had equal rights, irrespective of their marital status. Since the introduction of the amendments there had been only a few cases of women filing claims for ancestral property. Under the law they were entitled to make such claims, but they did not necessarily choose to do so.

15. Mr. PAUDEL (Nepal) said that there was no segregation on account of the caste system: people of different castes could live, study and play together. Some isolated cases of segregation might still occur in the more remote areas of the country, but such discriminatory practices would be eliminated over time through appropriate Government campaigns.

16. The figure of 59 recognized indigenous nationalities in Nepal given in the report (E/C.12/NPL/2, para. 271) had come from the Academy for Indigenous People, which was responsible for carrying out activities relating to the promotion and protection of the rights of indigenous peoples. Its decisions and activities, unless challenged or declared null and void by court of law, were considered as legal.

17. Mr. SADI pointed out that the Government of Nepal had an obligation, under the World Programme for Human Rights Education, to undertake key actions to integrate human rights education effectively in the primary and secondary school systems. Such actions should include teacher-training, to help spread human rights values among students and subsequently reduce friction and intolerance. The Programme also addressed improving the school environment; in that context, he would welcome information about the physical environment of schools in Nepal and whether they were adequately heated during colder periods, for example.

18. On the issue of trafficking, he requested a specific example of a trafficking case that had resulted in prosecution and punishment of the perpetrator.

19. Ms. BONOAN-DANDAN requested clarification on whether primary education was compulsory and free of charge in Nepal, and on the difference between “primary education” and “basic education”.

20. To help ensure Nepal’s adherence to its human rights obligations until the membership of its National Human Rights Commission could be appointed, she suggested that the Government think about making the best use of the Office of the United Nations High Commissioner for Human Rights (OHCHR) office in Nepal. Local staff could help raise awareness within and outside the office on issues relating to discrimination, indigenous peoples and social inclusion. The office could set up an informal programme for training and awareness-raising on human rights and access to justice, and set up an internship programme which should include Dalits.

21. Ms. BRAS GOMES said she wished to stress that legislation alone was not enough to address the issue of women’s equal access to inheritance. Information campaigns were also needed in order to ensure that women and men alike were fully aware of the legislation and its consequences.

22. She commended the State party on the tables it had provided in its replies to the list of issues (E/C.12/NPL/Q/2/Add.1) showing disaggregated data, for example, on the school enrolment of Dalit children, and suggested that Nepal supply such data for dropout rates in its next report. The establishment of benchmarks would also help the Committee to adequately assess the situation in the country.

23. Mr. MARCHAN ROMERO requested clarification of the legal basis on which the Government of Nepal had recognized only 59 different indigenous nationalities out of the 100 caste and ethnic groups.

24. He was concerned about the delegation's statement that activities for indigenous peoples could be carried out as long as such activities were not challenged. The Government must recognize that indigenous peoples had their own values and cultural identity and thus promote and protect activities on their behalf.

25. Mr. RIEDEL said that it would be useful for the State party to establish benchmarks outlining specific aims and targets for the many areas that needed improvement for each of the Covenant rights and include those in its next periodic report. That would enable the Committee to properly assess the human rights situation in the State party and recommend steps it should take to fulfil its obligations under the Covenant.

26. On the issue of access to health, he requested further information on how access to safe drinking water was being guaranteed for Dalits (Dom community) and how that access was being protected against any attacks by third parties. He would also welcome clarification on the mobile outreach programmes, particularly for rural and remote areas, and whether benchmarks or targets had been set. He further enquired whether mental health patients received the same level of care and assistance as patients with physical health problems. He would also welcome information on access to ambulatory services and indoor patient treatment.

27. Ms. BARAHONA RIERA said that poverty among women was an issue of particular concern to the Committee, which was interlinked with other matters such as the trafficking of persons, domestic violence and access to natural resources. It was crucial for the Government of Nepal to set up programmes and plans of action to tackle that issue, and to strengthen the National Women's Commission. Awareness-raising on women's inheritance rights should be conducted. Furthermore, she wished to know whether women, especially indigenous women, could own property and apply for land deeds, or whether they were left unprotected, for example, if left to raise their children on their own. She would also welcome information on women's access to safe drinking water and other natural resources.

28. Mr. PAUDEL (Nepal) said that the National Human Rights Action Plan had been revised to include human rights courses in secondary school and university level curricula. The Ministry of Law, Justice and Parliamentary Affairs was launching various systematic training programmes throughout the country to raise awareness and sensitize law enforcement officials, including prosecutors, judicial and security officials and other personnel, about human rights standards. The Government had adopted a rights-based approach to that issue, which would continue to be addressed in the action plan for the next three-year period.

29. Replying to a question on the physical environment of schools, he said that Nepal's topography and limited resources hindered its ability to provide school buildings and classrooms matching international standards. Nevertheless, a programme was under way to rebuild and improve school infrastructure. The Government had also designated vacation periods for times when temperatures were too hot or too cold. The international community and civil society had been providing some assistance to make school environments "friendlier". However, more time, resources and technology were still needed in that regard.

30. He explained that “basic education” referred to the basic right of primary education, which covered grades 1 to 5 in Nepal. The Government was currently considering extending primary education through to grade 8.

31. Primary education was free of charge, but not compulsory. Nevertheless, the Government had recognized primary education as a fundamental right and had been encouraging parents, including through visits to their villages, to send their children to school and improve enrolment. It planned to achieve about 90 per cent school enrolment by the end of 2007 and 100 per cent by the end of 2015.

32. He informed the Committee that the delay in appointing members of the National Human Rights Commission was due to the change in the appointment system under the new Interim Constitution. The process had become more protracted, since candidates recommended by the Constitutional Council for the position of commissioner were no longer chosen automatically but now had to undergo a parliamentary hearing. The Commission was in existence, and secretarial staff were in place, continuing to monitor the human rights situation and submitting recommendations to the Government. The membership of the Commission would be appointed shortly.

33. The Government had been working to raise awareness on women’s right of inheritance, and there was widespread recognition throughout the country of women’s right to ancestral property, thanks in great part to a major campaign conducted by civil society. The Ministry of Women, Children and Social Welfare had developed a relevant action plan, and a member of the National Planning Commission was responsible for monitoring all activities relating to women’s rights.

34. The situation regarding indigenous groups was highly complex: while 59 indigenous nationalities had been officially recognized, the actual number of indigenous groups was closer to 100. Since the statutory body responsible for indigenous nationalities was currently reviewing the situation in the context of constitutional reform, including the possible transition from a unitary to a federal State, the number of officially recognized nationalities should be regarded as provisional. The contribution of the ethnic communities to national life had been acknowledged, and a variety of educational, economic and other programmes had been developed to cater for their needs.

35. On health-related questions, it was not the case that the Dom community was generally denied access to drinking water. Where discrimination occurred in mainly rural areas, legal action could be taken and fines imposed. Concerning private hospitals, State regulation existed since the Ministry of Health had laid down what such institutions could do and what they could charge for their different services. In the case of mental patients, the Government was committed to ensuring that proper treatment was provided without discrimination at both public and private institutions.

36. He agreed with the observation that women’s poverty was the nation’s poverty. By the same token, when a woman became educated it was the whole family that became educated and not just a person. The Government’s poverty-reduction strategy was especially targeted at women - their role in income-generating activities, including agriculture, being considered more important than that of men. Women also benefited from the Poverty Alleviation Fund, which had

empowered and financed needy communities in all parts of the country to invest in their own development. The Ministry of Women, Children and Social Welfare was the focal point for implementing activities under the National Action Plan geared to combating gender poverty as well as the trafficking in women. He welcomed the suggestion that a separate action plan might be drawn up to combat poverty among women and agreed that the National Women's Commission should be strengthened.

37. On the question of land ownership, it would be wrong to generalize on the basis of isolated cases of people being evicted from property that they legally owned. No one could be deprived of property rights without due process of law. Any acquisition of property by the State for development purposes was appropriately compensated. The Government was tackling the related problems of resettlement and rehabilitation and was studying the need for new legislation in that regard.

38. Mr. PAUDYAL (Nepal), responding to an earlier query concerning the offence of trafficking, said that he was unable to give precise figures on related prosecutions and convictions and undertook to transmit the relevant information to the Committee subsequently.

39. Regarding property rights for women, he agreed on the importance of women being aware of their rights. In the case in point, the legislation giving women the right to inherit parental property had been preceded by a 10-year debate of unprecedented scope in Nepal. In commenting that the passing of the law had not resulted in many legal claims by women, he was simply underlining the abiding importance of education in the promotion of women's rights.

40. He agreed with the observation that poverty among women, with its implications for society as a whole, was linked to the question of ownership. While rights might have existed on the statute book, women had often been unable to realize them in practice. The Government was conscious of the problem and was actively planning to address it.

41. Ms. WILSON expressed concern at the situation of internally displaced persons - amounting to 200,000 during the 10-year conflict - who had been guaranteed a safe return to their homes under the Comprehensive Peace Agreement. There were continuing reports, particularly from OHCHR, of violations of basic rights, victimization, reprisals and even killings of displaced persons returning home. It was of the utmost importance and urgency to ensure the reintegration and rehabilitation of those concerned and the restoration of their property rights.

42. Mr. UPRETI (Nepal) said that the problems of internally displaced persons should be seen as isolated cases. The Government was working hard to ensure compliance with the Comprehensive Peace Agreement. Financial assistance had been provided to those returning home, and the Ministry of Peace and Rehabilitation was updating its records by listing the names of all those qualifying as internally displaced.

43. He wished in conclusion to express his thanks for the opportunity given to his delegation to share with the Committee his country's efforts to realize the rights enshrined in the Covenant and for the interest and goodwill shown by its membership in the ongoing peace

process in Nepal. He was confident that, with the help of the international community, the challenges facing his country would be overcome and that the steady steps towards their common goal would be reflected in the increased well-being of a wider section of the population. His delegation hoped that the constructive interaction with the Committee would yield practical recommendations conducive to his country's improved implementation of the Covenant.

44. The CHAIRPERSON thanked the delegation for responding to the Committee's questions as precisely as possible and noted that details concerning the offence of trafficking would be communicated to the Committee later in the session.

The public part of the meeting rose at 11.45 a.m.